

NATIONAL HOUSING BANK EMPLOYEES' (DISCIPLINE AND APPEALS) REGULATIONS, 1994

—33004/95 REGD. NO. D.L.—33004/95 Che Gazette of *dia EXTRAORDINARY PART 11—Section (H) PUBLISHED BY AUTHORITY 3, 14, 191 6 No. 68] NEW DELHI, FRIDAY, FEBRUARY 3, 1995/MAGHA u, 1916 1 994 Yr, 3 1995 q;r.3âT. 77(3T) 1987 (1987 53) tfra1T, 1994 M'IV3TT t (1) 247 GI/95 6) "\$fifiTQR" fazrq, 1987 53) t; qft, THE GAZETTE OF INDIA EXTRAORDINARY qfi/ \$ {Tfää-; tri t, fhtrifää I (1) (2) (3) STEQET-II O, fih*f ft*qit frtr [PART 3(ii)] friar frITZTfiTX RTfiTFTT I Efi qv:rr t, Nar, q*fqfiT zrr (2 11--«ur 3(ii)] 10. iaqr, f%qr- 11. fTtt 1947 C'q-,ö-r" qit "+i\$ra•" t I (2) +frër Q-ä "q#TR" t, 12. it Orr • f\$fa•qq ocrqrr 3 GQ-fr ötitrr, 13. Wii, 'Rifä f«qrg, faf« 0, iTi.t qr «vrr trr iTtt 14. fä7r, 4 THE GAZETTE -Off : OF INDIA : EXTRAORDINARY [PART 11--SEC. 3(ii)] (2) (771) (3) füft CFÅ -ag-Ä (2) Itr 15. —(1) fir tFIT : — ffer qlfqEzr, : q•frrfiT arvr fäürr 16. 17. fä--a•r Fra qr I ff4T *TTRTT I 18. 3(ii)] td'Bi 19. (1) it 3iF ft*ft Kit (2) frBT(, fq zrf« 500/- ät CRT, 2001- (4) KFT, q-q O orf*FT 12 (5) fGir fGiT qir ft?T srfäfi14 '4fufazwv, 196 1 frRr qr qit crrf«, fri, qror frffi*i 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11--SEC. 3(ii)] fifi uV_ qiT 21. a-ryarr ffiqT qi (3) *OTT ; fqf;rq;; E; qfRfi i; < Ill T 22. frTJiT .30 31 12 fun-rr, T'-iRT, Frtt 25. 3(ii)] f?ftfizqt (•EXT* QTT fä*-q, W) srrq qfGTR 10,0001- rrrqror (5) 7 8Tf« Off, Qtr 26. 28. frrg örr, srrq 8 THE GAZETTE OF INDIA, : EXTRAORDINARY (fig, frit\$FÄfü ill, 30. [PART — fafä I aft (ii) ZIT (i) (ii) it, (q) (r.) 2•æ7Xt, 31. QT fiqz:r 78t 11--«c wffrvf) 1 994 (1) •gqfäfä AT it Efi 2 9 51 NATIONAL HOUSING BANK EMPLOYEES' (CONDUCT) REGULATIONS. 1994 NOTIFICATION New Delhi. the 3rd February, 1 995 S.O. 77(E) .—In exercise of the powers conferr'd by Section 55 of the National Housing Bank Act, 1987 (53 of 1987), the Board, with the previous approval of the Reserve Bank of India and in consul- tation with the Central Government, hereby makes the following regulations, namely CHAPTER 1 PRELIMINARY 1. Shrot title, commencement and application (1) These regulations may be called the National Housing Bank Employees' (Conduct) Regulations, 1994. (2) They shall come into force on the date of their publication in the Official Gazette. (3) They shall apply to every whole-time employee of the National Housing Bank unless otherwise nrm•i- ded by the terms of any contract, agreement or letter of appointmerit but shall not apply to; (a) the and the Managing Direc+or, and 247 01/95--3 9 2. (b) staff employed temporarily. Definitions.—In these regulations, unless there 0; anything repugnant in the subject or conteV (a) "Act" means the National Housing Bank Act, 1987 (53 of 1987) ; (b) "Competem Authority" means the Autho- rjty appointed hv the Board for the purpose of these regulaiions. (c) "family" means— (i) (ii) (iii) in lthe case of male employee his wife, whether residing with him or not, but does not include a legally separated wife and in the Case of a woman employee her husband, whether residing with her or not, but does not include a legally separated husband. children or step children of the employee, whether residing with the employee or not, and wholly dependent on such em- ployce but does not include children or step-chilcfren of whose custodv lthe employce has been deprived of by or under any law ; and any other person related to, by blood or marring, to the employee or to his spouse and wholly dependent upon such employee ; (d) (e) "Government" means the Central Govern- ment ; Words and expressions used heYein and not defined but defined in the Act shall have the meanings respectively assigned to *hem in that Act 3. Power to interpret and implement Regulations.— (1) The power to interpret these regula Lions vests in the Chairman who is also hereby emoowered to i,vue such administrative instructions as may be ncccqgarv to give effect tm and c'arry out the. of. the provisions of these Regulations or otherwise to secure effective control of the staff employed in the National Houging Bank. (2) The powers exercisable by an authority undet these remmlations shall be exercisable by any autho- rity superior to the auth&ity first mentioned. CHAPTER rr CONDUCT 4. Scope of an emolovee's service.—Unless in any case it be otherwise distinctly provided, the Whole time of an employee shall be at the di8Dosa1 of the National Housing Bank and he shall gerve the National Housing Bank in its buginess in aoch cnmc;tv and at Filch olace as he may, from time time. bc directed

5. Liability to abide by the Regulat;ons and ordors —Fvcry employee of the National Honsinu pnkn at all t;mes maintain absolute integrity and devotion to duty and discharge hig duties THE GAZETTE OF INDIA : [EXTRAORDINARY [PART 11--SEC 30)) honestly and with diligenece, shall conform to and abide by these regulations and shall observe, comp)y with and obey all orders and directions which may,

from time to time, be given to him in the course of his official duties by any person or persons under superintendence or control whose jurisdiction, may, for the time being, be placed

6. Employees to promote National Housing Bank's interest.—Every employee shall serve the National Housing Bank honestly and faithfully and shall use his utmost endeavours to promote the interest of the National Housing Bank and shall show courtesy and attention in all transactions

7. Obligation to maintain Secrecy.—Every employee shall, while in service or after his retirement, resignation or discharge, maintain the secrecy regarding the National Housing Bank's affairs and the affairs of its constituents and shall not divulge, directly or indirectly, any information of confidential nature either to a member of the or to any outside agency or to any other employee of the National Housing Bank not entitled to such information unless— (i) divulging of such information is in accordance with the law or in accordance with the practices and customery amongst banks (ii) he is compelled to divulge such by judicial or other authority: (iii) instructed to do so by a superior officer in the discharge of his duties

8. Giving of Evidence provided in sub-regulation no employee shall.—With the previous sanction of the competent authority in connection with any inquiry conducted by any person, committee or authority. (9) no sanction shall be accorded under no employee giving such evidence contravene the policy or any action of the National Housing Bank or of the Government, or of a State Government. (3) Nothing in this regulation shall apply to evidence given (i) at an inquiry before an authority appointed by the State Legislature or National Housing Bank; or (ii) in any judicial inquiry; or (iii) in any departmental inquiry ordered by the competent authority

9. Demonstrations.—No employee shall engage himself or in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to any offence. 10. Joining of associations prejudicial to interests of the country.—No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality. 11. Prohibition against joining certain Associations and strikes, No employee, who is not a 'workman' within the meaning of the Industrial Disputes (i) (ii) Act, 1947, shall— become or continue to be a member or office-bearer of, or be otherwise directly or indirectly associated with, any trade union of employees of the National Housing Bank who are 'workmen' within the meaning of that Act, or a federation of such trade unions resort to, or in any way abet, any form of strike or participate in any violent, seamy or indecent demonstration in connection with any matter pertaining to his conditions of service or the conditions of service of any other employee of the National Housing Bank. (2) In relation to an employee who occupies in a higher grade or post which is not a grade or post or a 'workman' as aforesaid, this regulation shall apply for so long as such employee occupies in such higher grade or post

12. Prohibition against participation in politics and standing for elections.—No employee shall take part in politics or in any political demonstration, or stand for election as member of a Municipal Council, District Board or any other Local Body or Legislative Body: Provided that an employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time in force; Explanation: The disposal by an employee of a personal vehicle or residence of any electoral symbol amount to using his influence in connection with an election within the meaning of this regulation— 13. Contribution to Newspapers, Radio- etc. No employee shall, except with the previous sanction of the competent authority, own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication. 14. No employee shall, except with the previous sanction of the competent authority or except in the bona fide discharge of his duties, participate in radio broadcast or television telecast or contribute any article or write any letter either anonymously in his own name or in the name of any other person, or any newspaper or periodical, or make public, or publish or cause to be published or pass on to other person any document, paper or information which may come into his possession in his official capacity 301] (3) No employee shall, except with the previous sanction of the competent authority publish or cause to be published any book or any similar printed matter of which he is the author or not or deliver talk or lecture in public meetings or otherwise: Provided that no such sanction shall be required if such broadcast or contribution or publication is of a purely literary, artistic, scientific, professional, cultural,

educational, religious or social character. Provided, further that this regulation will not apply to any statement to the press made by office-bearers of a registered Trade Union of the employees in any matter which is of the nature of trade dispute and does not contravene the provisions of Regulation 6, 14. Public demonstrations in honour of National Housing Bank employees.—(1) No employee except with the previous sanction of the competent authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting of entertainment held in his honour, or in the honour of any other employee of the National Housing Bank : Provided that nothing in this regulation shall apply to (i) a farewell entertainment of a substantially private and informal character held in honour of the employee of the National Housing Bank on the occasion of his retirement, or transfer, or any person who has recently quitted the service of the National Housing Bank ; and (ii) the acceptance of simple and inexpensive entertainment arranged by the association of employees of the National Housing Bank. (2) No employee shall either directly or indirectly exercise pressure or influence on any employee, the National Housing Bank to induce compel him to subscribe towards any farewell entertainment 15. Employment after No employee of the National Housing Bank, who has retired from service shall, within a period of years from the date when he finally ceases to be in the National Housing Bank's Service, accept or undertake a commercial employment except with the previous sanction in writing of the competent authority. Provided that an employee who was permitted by the National Housing Bank to take up a part-time form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement. (2) For the purpose of this Regulation " commercial employment" means : (i) an employment in any capacity including that of an agent, under a Company, Co-operative Society, firm or individual engaged in trade, commercial, industrial, financial or professional business and also includes a directorship of such a company and partnership in a firm but excludes employment under a body wholly or substantially held or by ; (ii) setting up practice, either independently or as a partner in a firm, as consultant—In matters in respect of the retired officer— (a) (b) has no professional qualifications and he interferes in respect of which the practice is to be set up or is called on are to his official knowledge or experience ; or has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position ; or (iii) undertaking work involving liaison or contact with the offices or officers of National Housing Bank and/or Government, Explanation ; For the purposes of this clause "Employment under a co-operative society" includes the holding of any office, whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society, 16. Employees not to seek outside employment—No employee shall accept, solicit, or seek any outside employment or office whether stipendiary or honorary without the previous sanction of the Competent Authority

17. Part-time work for outside bodies.—No employee shall undertake part-time work for a private, or public body or a private person, or accept free therefor, without the sanction of the competent authority which shall grant the sanction only in exceptional cases when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The competent authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or in part, to the National Housing Bank

18. Private No employee or class of employee shall, except with the approval of the National Housing Bank, engage directly or in any trade or business.(2) No employee shall, except with the previous sanction of the National Housing Bank, take part in the registration, promotion or management of any bank or other company registered under the Companies Act or any other law for the time being in force : Provided that an employee may take part in the registration, promotion or management of Societies under the Co-operative Societies Act or any other law for the time being in force, which have been formed mainly by the employees of the National Housing Bank and for their benefit. 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PART. 11—SUC

19. Acceptance of gifts etc'.—(1) Save as otherwise provided in these regulations, no employee shall accept, or permit any member of his family or any person acting on his behalf to accept any Explanation : The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage provided by any person other than a near relative or a person having no official dealings with the employee but shall not include a casual meal, lift or other social hospitality. (2) On occasions, such as

marriages, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept from his near relatives but shall make a report to the competent authority if the value of the gifts exceeds Rs. 500. (3) On such occasions as specified in sub-regulation (2) an employee may also accept gifts from his personal friends having no official dealings with him but shall make a report to the competent authority if the value of such gifts exceeds Rs. 2001-., (4) In any other case, the employee shall not accept any gifts without the sanction of the competent authority if the value of the gifts exceeds Rs. 751- : Provided that when more than one gift has been received from the same person or concern within a period of 12 months the matter shall be reported to the competent authority if the aggregate value thereof exceeds + Rs. (5) No employee shall solicit or accept or permit any member of his family or person acting on his behalf to solicit or accept any gift from any person or institution having official dealings with the employee. (6) No employee shall— (i) give or take or abet the giving or taking of dowry; or (ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry. Explanation : For the purpose of this regulation, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)

20. Speculations in stocks and shares and investments.—No employee shall speculate in any stock, share, or securities or commodities or valuables of any descriptions or shall make or permit any member of his family to make any investments which are likely to embarrass or influence him in the discharge of his official duties. No employee shall make investments in the acquisition of shares, debentures etc., in his name or in the names of spouse, mother, step-children, etc., wholly dependent on the employee out of quota reserved for friends and associates of directors of the company. If an employee desires to acquire shares, debentures etc. out of the promoters' quota of a company under some exceptional circumstances (e.g. when a close relative of the applicant is the chief promoter/director of the issuer company) he shall seek prior permission of the National Housing Bank for such acquisition. No employee shall apply for or accept allotment of shares or securities out of the employee's quota of any company. Provided that nothing in this regulation shall be deemed to prohibit an employee from making a bona fide investment of his own funds in such manner as he may wish. Explanation I : Frequent purchase or sale or both of shares or securities or other investments shall be deemed to be speculation for the purpose of this regulation. Explanation II : Acquisition or acceptance of shares or any other security by any employee or by any member of his family from out of the Promoters' Quota of any company or organisation having official dealings with the National Housing Bank shall be deemed to be investment which is likely to embarrass or influence the employee in the discharge of his official duties. 21. Restrictions on borrowings and lendings.—No employee shall in his individual capacity (i) or permit any member of his family to borrow or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money lender or a subordinate employee of the National Housing Bank or any person, association of persons, firm, company or institution, whether or not, having dealings with the National Housing Bank; (ii) buy or sell stocks, shares or securities of any (iii) description without funds to meet the full cost in the case of a purchase of scrips or delivery in the case of a sale; incur debts at a race meeting; lend money in private capacity to a constituent of the National Housing Bank or have personal dealings with such constituent in the purchase or sale of bills of exchange, Government paper or any other securities; and guarantee in his private capacity the pecuniary obligations of another person or agree to indemnify in such capacity another person from losses except with the previous permission of the competent authority. Provided that an employee may give to or accept from a relative or personal friend a purely temporary loan of a small amount free of interest or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee : Provided further that nothing in this regulation shall apply to a loan which an employee may obtain from a co-operative credit society of which he is a member or stand as a surety in respect of a loan taken by another member from a co-operative credit society of which he is a member. 22. Employees in debt.—An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who is in debt shall furnish to the competent authority a signed statement of his position half-yearly on the 30th June and 31st December, and shall indicate in the statement the steps he is taking to rectify his position. Any employee who makes a false statement under this regulation or who fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency court shall be liable to disciplinary action. Explanation I : For the purposes of this regulation an employee shall be deemed to be

in debt if his total liabilities exclusive of those which are fully secured or those taken from the Employees' Co-operative Credit Society exceed his substantive pay for 12 months. Explanation 1: An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears, having regard to his personal resources and unavoidable current expenses, that he will not cease to be in debt within a period of three years

23. Advance drawl of salary.—No employee shall draw his salary in advance without the previous sanction of the competent authority

24. Subscriptions.—No employee shall, except with the previous sanction of the competent authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any objective whatsoever

25. Movable, Immovable and valuable property.(1) Every employee, on his first appointment, shall submit a return of his assets and liabilities giving full particulars regarding— (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his name or in the name of any member of his family or in the name of any other persons; (b) share or debentures and cash including bank deposits inherited by him or similarly owned or acquired or held by him; (c) other movable property inherited by him or similarly owned, or acquired or held by him; and (d) debts and other liabilities incurred by him directly or indirectly. Provided that in the cases of an employee who is already in service of the National Housing Bank on the date those regulations come into force, shall submit a return in terms of this regulation within three months of coming into force of these regulations the return being with reference to the assets and liabilities as enumerated above of the employee on the date the regulations come into force. (2) Every employee shall, every year on a date to be specified by the National Housing Bank submit a return of his immovable property to the National Housing Bank. (3) No employee shall except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family. Provided that the previous sanction of the competent authority shall be obtained by the employee if any such transaction is— (a) with a person having official dealings with the employee; or (b) otherwise than through a regular or reputed dealer. (4) Every employee shall report to the competent authority every transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family if the value of such a property exceeds Rs. 10,000. Provided that the previous sanction of the competent authority shall be obtained if any such transaction is (a) with a person having official dealings with the employee; or (b) otherwise than through a regular or dealer. (5) The National Housing Bank may at any time, by general or special order, require an employee to furnish, within a period to be specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such a statement shall, if so required by the National Housing Bank, include the details of the means by which, or the sources from which, such property was acquired

26. Seeking to influence.—No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest; in respect to matters pertaining to his service under the National Housing Bank

27. Employees not to be Absent from Duty or be Late in An employee shall not absent himself from his duties without having first obtained the permission of the competent authority, shall he be himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority. Provided that in case of unavoidable circumstances where availing of prior permission is not possible or difficult, such permission may be obtained later subject to the satisfaction of the competent authority that such a permission could not have been obtained. Provided further that in case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the competent authority, be dispensed with. 14 GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3 (ii)] (2) An employee who absents himself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances during such absence or overstay, and shall further be liable to such disciplinary measures as the competent authority may impose. Provided, however, that the competent authority may, at its absolute discretion, treat such period of absence or overstay, if not followed by

discharge, dismissal or termination of services of the employee, as period spent on privilege, sick, special or extraordinary leave. but the employee shall not be entitled as of right to such treatment. (3) An employee who is habitually late in attendance shall, in addition to such other penalty as the competent authority may deem fit to have one day of casual leave forfeited for every three days he is late in a month. Where such an employee has no casual leave due to him, the period of leave to be so forfeited may be treated as privilege or extraordinary leave as the competent authority may determine. Explanation : The competent authority may, at its absolute discretion, condone late attendance by any employee up to two days in a month, provided the circumstances under which the employee had to attend late were beyond his control and in that case such late attendance will not be taken into consideration for debiting the casual leave account in accordance with sub-regulation (3)

28. Absence from station.—No employee shall absent himself from his duty or leave the station, except on duty, without the prior permission of the competent authority

29. Restrictions regarding marriage.(i) No employee shall enter into, or contract a marriage with a person having a spouse living; and (ii) No employee, having a spouse living, shall enter into, or contract marriage, with any person provided that the National Housing Bank may permit an Employee to enter into, or contract, any such marriage as is referred to in clause (i) or clause (ii) if it is satisfied that : (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and (b) there are other grounds for so doing. (2) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the National Housing Bank

30. Consumption of intoxicating drinks and drugs.—An employee shall— (a) strictly abide by any IBW relating to drinking drinks or drugs in force in any area in which he may happen to be for the time being; (b) not be under the influence of any intoxicating (c) (e) drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time not affected in any way by the influence of such drink or drug ; refrain from consuming any intoxicating drink or drug in a public place; not appear in a public place in a state of Intoxication ; not use any intoxicating drink or drug to excess. Explanation : For the purpose of this regulation the term 'public place' would include clubs (even exclusively meant for members where it is permissible for the members to invite non-members as guests) bars and restaurants, public conveyances and all other places or premises to which the public have or are permitted to have access, whether on payment or otherwise." 31. Vindication of acts and of an employee.—No employee shall, except with the previous sanction of the National Housing Bank, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character . Provided that nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to his immediate superior regarding such action

32. Acts of misconduct—A breach of any of the provisions of the contained in this Chapter shall be deemed to constitute a misconduct punishable under the National Housing Bank Employees' (Discipline and Appeals) Regulations, 1994 33. Repeal and Saving.—(1) Every rule, regulation, bye-laws or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the employees is hereby repealed. (2) Notwithstanding such repeal any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations, [File No. By order of the Board P. K. HANDA., General Manager National Housing Bank (ii)] 1994 3 1995 1987 (1987 53) a-trq 1994 (ft;) qffir, 1987 (1987 Tr 53) t; (77) *TfirfiTü" 4RT (q) RTETTRT" it fifi- 1 913 (2) (3) (4) (5) (6) (1) (2) (3) (4) (R) 13 (1913 7) 1948 (1948 51 15) 3 qir,T & : 4fi, 1964 (1964 18) 3 aorqr f*trtr 1956 (1956 31) 9-7, 1963 (1963 52) ft-a-r (an#t 'ÄfufR7Tq, 1970 (1970 5) 3 (3T%1ii Tr 1980 (1980 40) az Qfficrq, 1955 (1955 23) q-r«rq 1959 (1959 3B) (1860 45) 21 RTfETTiü" it 16 THE GAZETTE OF INDIA: EXTRAORDINARY [PART II—s.c., 3(ii)] (3) (6) (7) (8) (9) q p.IT ; (2) fäfiq*i a-rT fig qx qfrJ- qfxff<T; (q) *Fffa *iât qqr— Yi'T 17 -avTT I ä IRT (8) (21) BTTQ*T äPT (15 247 GI/95—3 (i) (ii) (iii) (iv) Eft (vi) (6) (6) q-fi q--ai 7Tt:frq qfr:frqfirii 18 THE GAZETTE OF INDIA EXTRAORDINARY I PART 11—SF.O. (8) qi•q 30 QN'Qff -uT fig, (10) (5) 9xrtü (i) * qt•q «QNT; (ii) (iii) srfiq--t, (iv) 91fä*Ä+r (ii) frifäe R,tT (ii) (11) Äft-t, (12) (ii) GTiÄ fiFit

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3. THE GAZETTE OF INDIA : EXTRAORDINARY *7-11 eirc III V 11 [PART II —SEC. 3(ii)]
NATIONAL HOUSING BANK EMPLOYEES' REGULATIONS, 1994 NOTIFICATION (Discipline and Appeals) New Delhi, the 3rd February, 1995 S.O. 77A(E).—In exercise of the powers conferred by section 55 of the National Housing Bank Act, 1987 (53 of 1987), the Board, with the previous approval of the Reserve Bank of India and in consultation with the Central Government, hereby IJIRJces the following regulations, namely CHAPTER J PRELIMINARY 1. Short title, commencement and (1) These regulations may be called the National Housing Bank Employees* (Discipline and Appeals) Regulations, 1994. (2) They shall come into force on the date of their publication in the Official Gazette. (3) They shall apply to every whole-time employee of the National Housing Bank unless otherwise provided by the terms of any contract, agreement or letter of appointment but shall not apply to: (a) the Chairman and the Managing Director and (b) staff employed temporarily

2. Definitions.—In these regulations, unless there is anything repugnant in the subject or context: (a) (b) (c) (d) (e) (f) "Act" means the National Housing Bank Act, 1987 (53 of 1987): "Appellate Authority" means the authority specified in the Schedule to dispose of appeals; "Competent Authority" means the authority appointed by the Board for the purposes of these regulations: "Disciplinary Authority" means the authority specified in the Schedule which is competent to impose on an Employee any of the penalties specified in regulation 4: "Government" means Central Government: "public financial institution" means— (i) (ii) the Industrial Credit and Investment Corporation of India Limited, a Company formed and registered under the Indian Companies Act, 1913 (7 of the Industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948); (iii) the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964); (iv) the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956); (v) the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963); (vi) any other financial institution which is declared by the Central Government by notification to be a public financial institution; (g) "Public Sector Bank" means— (i) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980); (ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955); (iii) a subsidiary bank constituted under the India (Subsidiary State Bank and Banks) Act, 1959 (38 of 1959); (iv) any other bank which the Central Government may determine to be a public sector bank for the purposes of these regulations having regard to its manner of incorporation: (h) "public servant" means a person as defined as public servant in section 21 of the Indian Penal Code (45 of 1860): (i) "Reviewing Authority" means the authority specified in the Schedule; (j) "Schedule" means the Schedule appended to these regulations. (k) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in that Act

3. Power to interpret and implement Regulations—(1) The power to interpret these regulations vests in the Chairman who is also hereby empowered to issue such administrative instructions as may be necessary to give effect to, and carry out the purposes of, the provisions of these Regulations or otherwise to secure effective control of the staff employed in the National Housing Bank. (2) The powers exercisable by an authority under these regulations shall also be exercisable by any authority superior to the authority first mentioned

CHAPTER 11 DISCIPLINE 4. Penalties.—The following are the penalties which may be imposed on an employee, for acts of misconduct or for any other grounds and sufficient reasons. Minor-penalties (a) (b) Censure: Withholding of increments of pay with or without cumulative effect; Withholding of promotion; recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the National Housing Bank by negligence or breach of orders. Major penalties (c) (f) reduction to a lower grade or post, or to a lower stage in a time scale; Compulsory retirement; removal from service which shall not be a disqualification for employment; dismissal which shall ordinarily be a disqualification for future employment. Explanation : The following shall not amount to a penalty within the meaning of this regulation namely (i) (ii) (iii) withholding of one or more increments of an employee on account of his failure to pass a prescribed departmental test or examination in accordance with the terms of appointment to the post which he holds; stoppage of pay of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar: non-promotion, whether in an official capacity or otherwise, of an employee to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case: 26 THE GAZETTE OF INDIA : EXTRAORDINARY Part I—SEC. 3(ii) (iv) reversion to a lower grade or post, an employee (H) in a the ground that considered, to higher grade unsuitable for such an administrative grounds or connected with his conduct; 14 reversion to his previous grade or post, of an employee appointed on probation or another grade or post. to the end of the period of probation, in accordance with the terms of orders or rules or in such probation: reversion of an employee in his parent organisation in case he had come on (le) termination of the service:- (a) of an employee appointed on probation in accordance with the terms of his appointment or the rules or orders governing probation: (1-4) of an employee appointed in a temporary capacity otherwise than under a contract or agreement. on the expiration of the period for appointment, in accordance with the terms of his appointment: (c) of an employee appointed under contract or appointment. in accordance with the terms of such contract or agreement: and (d) of an employee on abolition of post; (viii) retirement of an employee on his attainment of the age of superannuation in accordance with the rules and orders governing such superannuation: (ix) termination of employment of a permanent employee giving 3 months' notice or on payment of 3 months' pay and allowances lieu of notice: (x) termination of employment of an employee on medical grounds, declared unfit to continue in National Housing Bank's service by the National Housing Bank's medical officer

5. Authority to institute disciplinary proceedings.—(1) The Chairman may or other authority empowered by him in general or special order institute or direct (the Authority to institute disciplinary proceedings) an employee of the National Housing Bank. (2) The Disciplinary Authority may himself institute disciplinary proceedings. (3) The Disciplinary Authority or any authority higher than it may impose any of the penalties specified in regulation 4 on any employee

6. Procedure for minor penalties.—(1) No order imposing any of the minor penalties specified in clause (e), (d), (g) and (f) of regulation 4 shall be made except after an inquiry is held in accordance with this regulation. (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any allegation of misconduct or ill-behaviour against an employee it may itself enquire into, or appoint any other public servant (hereinafter referred to as "the investigating authority") to inquire into the truth thereof. Explanation : When Disciplinary Authority itself holds [the inquiry and reference in sub-regulation (8) to sub-regulation (2.1) to the inquiring authority shall be construed as a reference to Disciplinary Authority. (3) Where it is proposed to hold an inquiry, the Authority shall distinctly charge on the basis of the allegations against the employee and the articles of charge, together with a statement of the allegations, on which they are based, shall be communicated in writing to the employee who shall be required to submit within such time as be specified by the Disciplinary Authority (not exceeding 15 days). Within such extended as may be granted by the said Authority in writing in the event of his failure. (h) On receipt of the written statement of the employee or if no statement received within the time specified, an inquiry held by the Disciplinary Authority if it considers it to do so notwithstanding (3) an inquiring authority, for the Director, Provisional if not to in respect of the in clause 11 notwithstanding to render findings on each such charge. (5) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority: (i) a copy of the articles or charges and statement of the allegations of misconduct or misbehaviour, a copy of the written statement (if any, submitted by the employee: 3(ii) (iii) a list of by which and

list witnesses by the articles of charge are proposed to be substituted. (iv) a copy of statements of the witnesses; (v) evidence provided by the employee of articles of charge under sub-regulation (3) (vi) a copy of the order appointing the Presenting Officer under sub-regulation (6). (7) Where the Disciplinary Authority is satisfied that the employee is or appoints an inquiry officer for holding an inquiry, it may, by an order, appoint the National Housing Bank employee as the "Presenting Officer" to present the case in support of the articles of charge. (8) The employee may take the assistance of any other employee but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority, having regard to the circumstances of the case, so permits. Explanation: The Employee shall not take the assistance of any other employee who has pending disciplinary cases on hand in which he has to give assistance. (9) (a) The inquiring authority shall by notice in writing specify the day on which the employee shall appear in person before the inquiring authority. (b) On the date fixed by the inquiring authority, the employee shall appear before the inquiring authority at the time, place and date specified in the notice. (c) The inquiring authority shall ask the employee whether he pleads guilty or has any defence to and if he pleads guilty to any of the articles of charge, the authority shall record plea, sign the order and obtain the signature of the employee concerned thereon. (d) The inquiry officer shall return a finding of guilt in respect of those articles of charge to which the employee, concerned pleads guilty. (9) If the employee does not plead guilty, the inquiring authority shall in the case do later date not exceeding (30 days) or within (15 days) of the employee a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be proved. all other things being equal, the employee may allow the documents to be submitted within such period as may be specified in the notice. (10) The employee shall submit a list of documents, and if he wishes, he may also supply copies of the documents, if any, recorded earlier and the inquiry officer shall furnish such copies not later than five days before the expiry of the period of the witnesses by the inquiring authority; give a notice within ten days of order or within such period as may be specified in the notice. (11) The inquiring authority shall, if the employee does not admit all the articles of charge, furnish a statement to such effect. Explanation: The relevancy of the documents and the examination of the witnesses to be given by the employee concerned. (12) The inquiry officer shall, the notice for the discovery or production of the documents, forward the same to the authority in whose custody the documents are kept with a requisition for the production of the documents on such date as is specified. (13) On the receipt of the requisition under sub-regulation (12), the authority having possession of the requisitioned documents to produce them before the authority on the date, place and time fixed by the requisition: that the authority may, if it is satisfied that the production of such documents is in the interest of justice, refuse to produce them. In that event, it of the National Housing Bank shall inform the inquiring authority accordingly. (14) On the date fixed for the production of evidence by the employee, the evidence proposed to be proved shall be produced by or on behalf of the employee. The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer. THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)] and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine his witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiring authority. The inquiring authority may ask such questions of the witnesses as it thinks fit. (15) Before the close of the case, in support of the charges, the inquiring authority may, in its discretion allow the Presenting Officer to produce evidence not included in the charge-sheet or may call for new evidence or recall or re-examine any witness. In such case, the employee shall be given opportunity to inspect the documentary evidence before it is taken on record or to cross-examine a witness, who has been so summoned. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice. (16) When the case in support of the charges is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of statement of defence shall be given to the Presenting Officer, if any, appointed. (17) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the employee shall then be examined by the

employee and may be cross-examined by the Presenting Officer. The employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the inquiry authority. (17) The inquiring authority may, after the employee closes his evidence, and shall, if the employee has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him. (18) The inquiring authority may, after completion of the production of evidence, hear the Presenting Officer, if any appointed, and the employee, or permit them to file written briefs in their respective cases within 15 days of the date of completion of the production of evidence, if they so desire. (19) If the employee does not submit the written statement of defence referred to in sub-regulation (3) on or before the date specified for the purpose or does not appear in person, or through the assisting employee or otherwise fails or refuses to comply with any of the provisions of these regulations, the inquiring authority may inquire ex-parte. (20) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises the jurisdiction so such jurisdiction, succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself: Provided that if the succeeding inquiring authority is of the opinion that further examination of any of witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross examine and re-examine any such witnesses as herein before provided. (21) (i) On the conclusion of the inquiry, the inquiring authority shall prepare a report which shall contain the following: (b) (c) (d) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour; a gist of the defence of the employee in respect of each article of charge; an assessment of the evidence in respect of each article of charge; the findings on each article of charge and the reasons therefor. Explanation.—It, in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original article of charge, it may record its findings on such article of charge. Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge. (ii) The inquiring authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include — (a) (b) (c) the report of the inquiry prepared by it under clause (i); the written statement of defence, if any, submitted by the employee referred to in sub-regulation (15); the oral and documentary evidence produced in the course of the inquiry; (d) written briefs referred to in sub-regulation (18), if any; and (e) the orders, if any, made by the Disciplinary Authority and the inquiring authority in regard to the inquiry. (2) The Disciplinary Authority, if it is not itself the inquiring authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation 6 as far as may be. (3) The Disciplinary Authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose. (4) The Disciplinary Authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in regulation 4 should be imposed on the employee it shall, notwithstanding anything contained in regulation 8, make an order imposing such penalty. (5) The Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the officer or employee concerned.

8. Procedure for imposing minor penalties—(1) Where it is proposed to impose any of the minor penalties specified in clause (a) to (d) of regulation 4, the employee concerned shall be informed in writing of the imputations of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority and the defence statement, if any, submitted by the Employee shall be taken into consideration by the Disciplinary Authority before passing orders. (2) Where, however, the Disciplinary Authority is satisfied that an enquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation 6. (3) The record of the proceedings in such cases shall

include— (i) a copy of the statement of imputations of lapses furnished to the employee; (ii) the defence statement, if any, of the employee. and 29 (iii) the orders of the disciplinary authority together with the reasons therefor. 9. (-•ommunication of Orders.—Orders made by ille Disciplinary Authority under regulation 7 or ,vegulation 8 shall be communicated to the employee concerned, who shall also lu supplied with a copy the report of inquiry, if any. IO. Common Proceedings.—Where two or more employees are concerned in a case, the authority competent to 'mpose a major penalty on all such nuty make an order directing that disci- plinary proceedings against all of them may be taken a common proceedings. certain 11. Special procedure cases.— Notwithstanding anything contained in regulation 6 or regulation 7 or regulaion 8 the Disciplinary _Au(harity Inay ilnpose any of the penalties specifi- ed in regulation 4 if the employee has been con- victed on a criminal charge, or on the strength of facts or conclusions arrived at by a court or where the elnplo.yee has abandoned his post. Explanation.—For the purpose of this regulation. an eunployce shall be deemed to have abandoned his pos,t it he absents himself from duty without lltave or overstays his leave for a continuous period 01' ullnety days without any intimation therefor in wting. (1) An employee may be 12. Suspension. placed under suspension by the competent authority, (a) where a disciplinary proceeding against him is contemplated or is pending; or (b) where a against him in respect of any criminal offence is under investiga- t,on, inquiry or trial. (2) An employcc shall be deemed to have been placed under suspension by an order of the com- pctent authority,— (a) with effect from the date of his detention if he is detained in custody. whether on a crinlinal charge or otherwise, for a period exceeding forty-eight hours; with effect fronl the date of conviction, if in the event of a conviction for an offence, he is sentenced to a term Of limprisonment exceeding forty-eight hours and is not forthwith dismissed or remov- ed or compulsorily retired consequent to such conviction. Explanation.—The period of forty-eight hours rcfcrred to in clause (b) of this sub-regulation shall be conlputed from the commencement of the im- prisonment after the conviction and for this pur- pose, intermittent periods of imprisonment, if any, shall be taken into account. 30 THE GAZETTE OF INDIA : X [RAORDINARY [PART 11--SEC.] LC1noval (3) Where a penalty of disnussal, service imposed coin pulsory retirelllcut is set-aside in upon an under appeal or on review under these regul'LILions andl the case is ronitled for further Inquiry or action the of his suspension or wi th any directions, shall be deened to have continued in force on and) l'ders of d is ITI issal, from the date of the omginal removal or compulsory retirenn:n:l and shall re,ludin in lorce until further orders. (4) Where a penalty of dibllj:ssal, relilioval or coin pulsoty reti fronl ill) posed upon is set aside or an enployce under suspens•on declared or rendered void tn consequence of or by a decision of a court 01' law, andl the Disciplinary Authority, on considcratlon 01 circun)sl-ances Of the case, decides to hold further agai nsf hill:- 011 the allegations 011 which pen•alty of disnli'-,- reliverlllent u:as origi- sal, relnoval conn pulsory nally invoscd, the etnployce lye d emcG to have been placed under suspension by the com- petent authority froin the date of the original order of clismissall removai or c:-nnpulsory reticejment and shall con(inuc to rennun under suppensium un til further orders. (5) (a) An order OF suspension Inade ov dceru• ed to have been unci cr this regula- tiD11 shall continuc in force it is modified OL' revoked by the un til authority competent to do so. (b) An order ot suspension made or ed to have been nradc• under this regula- tion at. any be modified or revoked by the aulh{ 'lilv which Inade or is dee,njed to have Tiladc the order

13. Leave duril)" suspension.-- No laeve shall suspension. be granted to an elliployce under 14. Suhs?stence allcnvance during suspension. — (1) All ernployee who is placed urnler suspension dulling the period of such suspen•Jkon subejct to sub-regulation (2) to (4) be entitled to receive paynR1 lt from the National [lousing Bank by way of subsistence allowance on following scale, nanrly (a) Basic Pay . (i) For the first three llionths of suspen- Sion 1 i 3 of the basic pay which the elnployec was leceivino on the (latt prior to suspension irrespctive of the nature of enquiry. (ii) for the 'ILLbscquent months the dale of suspension . (a) where the enquiry is depart- nwntally hy the I Touts ing Bank, 1i2 of the basic pay the cm- plovee was drawing on the (late prior to the date of fli,spension; and (b) where the enquiry is held by an 113 of the basic outside agenc_y, pay for the next 3 months and 112 of the basic pay for lhc reluaining period of suspension. (b) Allowances . the entire period of suspension dear- ness allowance and other allowances excepting conveyance allowance, en- tertainment allowance and special ailowance will be calculated on the reduced pay as specified tin itel-ns (i) a-nd (il) Di' clause (a) and at the pre- vailing rates applicable to similar catc- gory of employees. (2) During period of suspension an eIn- shall not be ertitled to occupation of a rent, B rce or iree LLI-je 01" the National Housing car or receipt of conveyance or

entertain- ot or special allowance. (3) No employee of the National Housing Bank be entitled to receive payment of subsistence allowance unless he furnishes a certificate not engaged in any other employment, profession or vocation. 4) during the period of suspension an employee by reason of his attaining the age of annuities, no subsistence allowance shall put to him from the date of his retirement. 15. and termination of service on termination of suspension. (1) Where the competent authority holds that the employee has been punished or that the suspension was unjustified, the employee concerned shall be granted, the full pay to which he would have been entitled had he not been suspended, together with any allowance of which he is in receipt immediately before his suspension, or may have been sanctioned subsequently and made applicable to all employees. (2) In all cases other than those referred to in regulation 14 (1) the employee shall be granted such proportion of pay and allowance as the Competent Authority may direct; Provided that the payment of allowance under sub-regulation shall be subject to all other conditions to which such allowance are admissible; Provided further that the pay and allowances granted under this sub-regulation shall not be less than the subsistence and other allowances admissible under regulation 14. (a) In a case falling under sub-regulation (1) the period of absence shall for all purposes be treated as a period spent on duty; 3(ii)] (b) In a case falling under sub-regulation (2), the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs, for reasons to be recorded in writing, that it shall be so treated for any specific purpose.

16. Employees on deputation.—(1) Where an order of suspension is made or disciplinary proceedings are taken against an employee, who is on deputation to the National Housing Bank from the Central Government or the State Government or Reserve Bank of India or another public sector bank or banking company or a public financial institution or an institution wholly or substantially owned by the Reserve Bank of India or a public financial institution or public undertaking or local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be. (2) In the light of the findings in the disciplinary proceedings taken against the employee— (a) if the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority. Provided that in the event of a difference of opinion between the Disciplinary Authority and the Lending Authority, the service of the employee shall be placed at the disposal of the Lending Authority. (b) if the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary. (3) If the employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2), it will be disposed of after consultation with the Lending Authority. Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary. 31 CHAPTER 111 APPEALS AND REVIEW 17. Appeal. (1) An employee may appeal against an order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in regulation 12. The appeal shall lie to the Appellate Authority. (2) An appeal shall be preferred within 45 days from the date of receipt of the order appealed against. The appeal shall be addressed to the Appellate Authority and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the Appellate Authority. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case. Provided that (i) if the enhanced penalty (ii) which the Appellate Authority proposed to impose is a major penalty specified in clauses (D), (g), and (h) of regulation 4 and an enquiry as provided in regulation 6 has not already been held in the case, the Appellate Authority shall direct that a further enquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the enquiry and pass such orders as it may deem proper: if the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Appellate Authority shall give a show cause notice to the employee.

where the enhanced penalty shall be imposed on him and shall finally order after taking into account the provisions of sub-section 18. Notwithstanding anything contained in these regulations the Reviewing Authority may call for the record of the case within six months of the date of the final order or orders as it may deem fit (i) if the enhanced penalty provided that which the Reviewing Authority pronounced to impose is a major penalty (e), (f), (g) and (h) of specified in clause 32 THE GAZETTE OF INDIA regulation 4 and an inquiry as provided in regulation 6 has not already been held in the case, the Reviewing Authority shall direct that such an inquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper; (ii) if the Reviewing Authority decides to enhance the punishment but an inquiry has already been held as provided in regulation 6, the Reviewing Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any submitted by the employee.

CHAPTER IV MISCELLANEOUS

19. Consultation with Central Vigilance Commission.—The National Housing Bank shall consult the Central Vigilance Commission where necessary in respect of all disciplinary cases having a vigilance angle

20. Service of orders, notices, etc.—Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered post at his last known address

21. Power to relax time-limit and to condone delays.—Save as otherwise expressly provided in these regulations, the authority competent under these regulations to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay

22. Repeal and Every rule, regulation, bye-law or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the employees is hereby repealed.(2) Notwithstanding such repeal— (a) any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations; (b) (c) construed as depriving any person of any right of appeal when these regulations apply of any right of appeal which had accrued to him under any of the provisions so repealed; an appeal pending at the commencement of these regulations against an order made before the commencement of these regulations shall be considered and orders thereon shall be made, in accordance with these regulations; any proceedings which have already been initiated but not yet been completed at the commencement of these regulations shall be continued and disposed of as far as may be, in accordance with the provisions of these regulations, as if such proceedings were proceedings under these regulations.

THF, SCHFDI-II Disciplinary Appeal]ale No. Nnmc/ Category of the Post 1. (i) Junior Management Grade scale I Middle Management Grade scale 11 (ii) Clerical Staff (iii) Subordinate 2. Senior Management Grade Authority Dy. Gen. Manager General Manager 3

4. Top Management Executive Grade scale VI Director Top Management Chairman Chief General Manager & Executive Director Authority General Manager Executive Director Chairman Committee of Board Reviewing Authority Executive Director Chairman Committee or Board Full Board Printed by the Manager, Govt. of India Press, and Published by the Controller of Ring Road, Publications, By order of the Board P.K. HANDA, General Manager Mynra Puri, New Delhi-110064 Delhi-110054. 1995