

SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (STAFF) AMENDMENT REGULATIONS, 2011

TT7a0-0004/99 REGD. NO. D. L.-33004/99 Che Gazette of •tidia 12] No. 121 EXIRAORDINARY q-rrt III—au-g 4 PART III—section PUBLISHED BY AUTHORITY 27, 20120TIV 7, 1933 NEW DELHI, FRIDAY, JANUARY 27, 2012/MAGHA 7, 1933 24 2012 2011 æi. 1989 (1989 39) 52 (1) (ertF) 2001 l. fafH7FTÄër, 2011 2. 3 4. 5. 265 GI/2012 3 (3) yrf•tr fifi-NE 3 z-q-f&q-q (y) 2 THE GAm-rE INMA : EXNAOUAARY (PART III—SEc. 41 (i) 36 t, 47 IV 3ta-âa q&rt tl (ii) t IV 6. 3 (3) (z) 3 (3)aa "3(') tg (1860 45) 21 3(tm t." 8. 3 Bemra (d) 3 sq-f&zgr (a) (QI) 9. 5 fifazra 21, 46 48" 20 21• 10. 7 3iaia I - a, 3ta;F.fia ag \$. ag 3RIQT 11. 20 (1) mraa 12. 20 (2) aq akl 3Q) aal ag tat 13 20 3q-mmra (2) fâi 3n2Q1 On. ag 4s arâ 3ram taa fan t yam ara aq \$1 tar qftta aâ tznfiqfa sa 14. faRaru 21 (2) 3iif fâlâa aa aaa 41 qq 45 i t qT8 mRa • 15. 21 (9) ' 21 9 2 • 45 46 sg- 21 9 3iaâa 5 46 • 47 • 16. 23 gRF0fia 23 - awh, ag (2) 3NQT \$1 art. awi. t. Qarma (6) atsav '7. 31 31 (1) marz 1947 t. ag IF-UR-T 3Rtar 3 4 THE GAZEITE •OF INDIA ÉXTRAORDINARY 31&ztrrzr a-Jill [PARr III—SEC. 41 18. 36 N-fâfrua4 (2) Qraz 19. Rta-a-g 36 3q-fâfÄZTJ{ (3) qrfOgiE0 orz 20. 44 45 3R - uta qam ztta (B) dtz 3n-Ën-or' 21. 45 mta•zrær 46 (1) 3-q frjfÄ•-u-H qn-p.llfâa fifi-or 46- (Q) {if&F 3--72171) (iii (Qi) i, u.' 3rat,) a-. zrfæ qfrülTJ.æa«r 312rzrr ygar8ræT 3liaofü-cfi a, 3i-aat•a JIT* asrtalé 312Tzrr mrr t, ymr arta arta 312raT 3Tqrver 3R 31T&â, fâaâi Qil 2TT, a-iu t, m-äüa 5 22. (\$) Äfä-zrh 3iffâa 31r-&Q1 era 3qQIT{TfÄq; yiffi•a fäöbra aft 47 (Jit) 46 (2) auT (3) 3TWTTI 23. 46 47 3Trv-rn 3q•fÄfäzrH (1). (2) a24T (3) 3-q (31). (3TT), (9. (9. (3) (5) 31VJlr 31. gr8 tar, 312TQT Ji7T (u) fâ7r (Q) ufi (S) âQi J-{TfâiF \$1 3ru711 (q) (Fl) fÄv 31TJY \$1 3rqfâ 3Tafü (3) tar 3Tzrr. (31) Ofll (i) a-Fra, 31NT(crt (li) qi, tfâZTa 3-raJ2(1 ur. fôQ q17 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—sæ. 41 (iii)3ürax ag qtre-Tüt 3tua•t (ivi ag crt 31214! qqztT2-n is (T) qfttH1 fi 342101 qfÜTH1 OT 3q-«rr \$1 (u) æifÄZT ærarft 20 3q«rr. (71) fi, (v i) 3fiqfâ7T Q (vii) fûfä-u-ær 20 3fr(21 fi ag ag 31T. 31fQfûa l. 3ß.QT Vii ag âZF 3rqQrr8BT t yqærrufâ(fi 31Q-raT m•iirrtr ag I azrTfû t, 3ifQR-a qfhT 2. 3. 47 Fl). (3) O) tg afi Flisa \$r ai \$r t, 3qzrar (Gi aTWIT) 311 8 21 au; 3f?afüa a-Ü Äbra 3nir-1 a t. 37 fâa d fi qfâzri fi t, ÆIT2r III—ws 41 7 4. 5. (15 ZFQFT qq qTfQQiT?r am-TOT, F.ai 3RAT i. 3{TttT 3ttt 3-72tzrr qa, ii.T#QTtT iii.37 t. iv.ænmzff qn. v. 3 3iæia CTJTTÜT, 6 3T@zntr 6. qfiZFTtr 7. 8. 3-æ*T :sqvnfûa 3TT&QT 3fiZFTtT III IV Ill 3tt(IV tl aq a-qi afi V&JTT, a-a fûfi 3-1UQT Wtr Ill/tv &TT, zi Afia &-a--â f?lma Fra q&rtT (T) qTÄMTtr q&rr 3Trtq Ttar t, (FT) qr@ZFTtr 3trâq 37 t. 8 (ii) (iii) 11. 12. n. 14. 15. 16

9. THE GAZETTE OF INDIA : EXTRAORDINARY aâ artru 30 t.[PART III—SEC. 41 10. 47 9 3iaata a-ziff JfrZQr artu 5 âærr sq- crqa 3q@F (ii) 3Fölfü•a üTt@) (ii) 3töfûa mifâTTa•r 3-rual 3-ær\$ 3fr(âærr 376 11 3iaata æfrrrcr uTÄiFltr ürrv 3<frJT âib qrfiFfiTtr 3-aüi ü-a•rqa artru a 31fâaqr ænfämzâ 3t:rærqa 3ft zn f2%3â qæ 3fra cru qvâ, t aâ zu 3m 9-tr g-aTâ zw tl EF*, qn-qu fôï au ur f3n-T 3-7qvrr qfau-rz UfâUIZJT yrfiÄfÄftük7 qft tr arql\$ GTW71Tt 30E--h 31ftqrtl qfâ-q% ail q-t &TT, qfâ-cr*A a-ch sæF\$1 9 17. 18. 19. 20. 21. 3--rrn afr gmâ a) fûölTtF aft#21fazfi qfhT (AZ g) iFr Tülilfäv sat 30. 3TZZbT Tbn, 31k 3f2tar (q) 311-0q Ziiig-r HrziQT fi Jna-q at 31mq a-ft frF vrufâa FT 311trq a-iF 31traT fâ-vrå JIZ 3iöTâa Eig 15 3frqfûa qqa (El) 73ig 18 Ä, 1. Aft qTfQ-QiTü at 3--lk fâ-g Sri-a a-ecrq•ra 47 Z. FFT7âzr1@T at 3@QlTHfâ-tf ftqi-& QAi ufiâ-a arrear 265 G,r112-2 IO 2. 3. 24

25. THE GAZETTE OF INDIA : EXTRAORDINARY [PART.I frqY artro 10 yrzrar 3R-a vrcr 4. ai tæ?r 3-rrütt qt æFFFrr t. a-â S zrfr qrfiÄTtT t, tFT 3r?T 47 31 (ZF) (S) aq 3trâ•qUT tr 30t crR-a1Z EFT fitEFr 3Tfi 15 3q-aa agr TtJTtI ii. lil. qTfiÄTtr grfiÄ1tT t, 47 47 3 3rat frß-zrzâ ag âm Era-zir ai ag zrv fâ-qaT7 46 3q (4) 47 311 GITQJfi æerr qrqâ 47â\$ at) art ttFTfÄffra (v) (O) 47 3 g•cr, 47 4, 3itæ 3 3a-âa \$1 31ToTt S31T 47 5, \$ 3 47 3-1 11 26 27. 28. 29. 30. 31. 32. 34. 35. 36, 37. 9-TT(7 ft-uT GTTar 46 sq (5) 47 at-rra m' yra-ira 7211 ft-qT 46 (6) 47 y-q tfirzu (Jit) 011 3it(46 (6) (ii)â Ätfrzr 46 6 at 46 (6) ug (iv) qRv-QIT@a aqr sq OTT' I 47 48 48 ffrzvr 49 tr 3fr(49 GTVJTr- 49- 3ftrét74 3%az 49 Qre,ul so 3hq Su (a) ifi d; 60 fbf öllefl 50 51 31mr•fi \$ 5) qifhQil1l 51 sq (Y) j) 40 Jr&-â• •3112QT ufo 60 gfr7TV 5? fifÄQJl 53 30 53 fâ;ur "53 - Qhuar 3rtfT#tq \$1 5' 7 aril k\$Ä U21TQHü qqa q-,blll" 12 38. 39. 41 42 43, 44. 45. 46. 47

48. THE GAZEITE OF INDIA EXTRAORDINARY [PART III—sec. 4) 56 54, 55. 56 57 tr 58 aga 3ffâQr qrfta \$1 ag 47 Su (GT), (\$1) (31) tatath.? fatâQHi fi fia 3-lmr mfra 31ttr#rzzr qtü Glia 3iRær 57,5859.60.61.62.63.64 65 71 tr 66 faiam 72 tr 66 7 3-rax crTßREFTt' qfâV11ft1d 67, 68. 69, 70, 71. 72.

73, 74, 75, 76 77 \$1 73. 74, 75, 76, 77, 78, 73. 80, 81, 82 83 78 dTVJT11 79. 80, 81. 82 83 84. 85. 86, 87 88 84 fäfä2uJ 89 (l) 'ÄÜtr-1 85, 86 87 88. 89. 90, 91, 92, 93, 94, 9b, 96, 97, 98, 99, 100. 101, 102, 103

104. IOS 106, 107, 108 109 fÄfÄZTJi 90.91, 92. 93. 94. 95, 96, 97, 98. 93, 100. 112, 113 114 101 102, 103. 104. 105. 106, 107, 108. 109, 110, 111, 3ßtTérzr III/IVFFJfr1tT nraa 13 crav q-äQT æig-a 31-fä---asr-a---a -\$T æizif-r [-4 111/4/139-WI 09 2011 (#QftfrFT) 201 1 14 THE GAZETTE OF INDIA EXTRAORDINARY SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA NOTIFICATION Lucknow, the 24th January. 2012 I PAR I- III —SIC. 4i F. No. HRDD No. 37161Staff General exercise of the powers conferred by sub-section (1) 01 Section 52 of the Small tndustnes Developmenl Bank of India Act. 1989 (39 of 1989). Ihe Boatd of Directors of Ihe Small Industries Developmenl Bank of India hereby makes the following amendmenls tn thc Smatt Industr.cs I)evetopmenl Bank 01 India (Staff) Regillauons 2001 namely 2. 3. 4- 5. 6 7. 8

9. These Regulations shall be called the Small Industries Development Bank of India (Staff) IAmendrment\ Regulations.201 t and *hatl come into force from the date 01 publication 01 this notification The existing sub-regulation (i) Of Regulation 3 shall be renumbered as sub-regulation (a) of Regulation 3 The ex.stjng sub-regulations (a). (b). (d) and (c) of Regulation 3 shall bc renumbered as sub.regulations td), (e) and (f) of Regulation 3, The existing sub-regulation (f) ot Regulation 3 shall be substituted with the following "3(g) 'Competent Authority" means the delegated authority approved by the Board for tho pcnposos 01 these Regulations. other than that specified as Oscplinary and Appellate AuthortLy tn the Sc.hedu/c annexed hereto In Regulation 3 after sub-regulation (g). the following sub-regulation (h) Shall bc mserted: 03(h) Authority" means the authonty specified to the Schedule which is competent to impose on an employee any of the penalties specified in Regulation 47 and IS 'he delegated authorify for the purposes specified under Chapter 'V of these Regulations 'Appellate Authority' means the authority spociljed tn the Schodt*ic and the do/cgated authorjty (or purposcs specified under Chapter iV of these Reguiatjor:s The existing sub-regulations (g). (h). (i). (j) and (k) 01 Regutatlun 3 shall be renumbered as sub regulations (l) and (m) ot Regulation 3, The f01towing sub-regulations (n) and (o) shall be inserted after subregutation renumbered as on) of Regu)atton 3 3(n) Public Servant• means a person defined as public servan/ in Soc'con 21 tho /nä'an Penal Code (.15 ot 1860b 3(0) "Schedule" means the schedule appended to these Regu/a'ion:s The existing sub-regulations (m) and (n) 01 Regulation 3 shalt bC renumbered as sub regulations (p) and (q) of Rcqulation 3 The words "Regulations 20, 21. 46 and 48" appeanng under Regulation 5 Shall be substituted with the words 'Regulations 20 and 21". 10, The following shall be Inserted after the words 'Class I officers" appearing under sub-regulation (1) of Regulation 7; (Private Secretary/Executive Secrefary. Assistaol Manager in Grado 'A. Manager in Grado •B. Assistant General Manager in Grade C'. Deputy Generat Manager in Grade General Manager in Grade E' Chief Genera/ Manager tn Grade 'F' & Executive Director. or such other name&signation as may be decided by fhe Chairman and Managing Dtrec:or from tme to time) 11. The words "Chairman tn Ihe case of an officer and IO the Chief General Manager In other cases" and Ihe words "Chairman or the Chief Genera/ Managed' appearing In sub-regulation (1) of Regulahon 20 shall be substituted wilth the word "Competent Authority • 12, The following proviso shall be added at the beginning 01 Ihe sub-regullallon (2) of Regulation 20 "Where the Small Industnes Bank is satisfied that the performance of an employee is unsaoslactory 'naoeqtJ3je cr there is a bonafide suspicion about his integnty or that Ins retention in the service would be preflJdicial to of the Small Industries Bank, and where it IS not possible or expedient to proceed agaynsl him as per me (fiscwtnory cgocedure

13. The following proviso shall be added at the end of sub-regulation (2) ot Regulation 20.[qrq III—voz 4] : 3-TqTtTITüt 15 "Further provided that the affected employee shaft be entitled to appeal agoinst any ortjcr passed undo Ilus Regulation by preferring an appeat within 45 days to Ihe Board of Directors of the Small Industne.s hank tf the appeal IS allowed. the order under this Regulation shalt stand cancelled Further provided that where an employee Whose servtceS have been terminated and who has been paid an amount of three months substantive pay in lieu ot notice pend and on appeal his termination is cancelled. the amount paid to htm lieu of notice period shalt be adiusted against the salat') that he would have earned had his service not been termnaled and he shall continue the service of the Small Industries Bank on same terms and conditions as if the order of termination had not been passed at all An employee whose services ate terminated under this Regulation Shall be paid Gratuity Providenl Fund includrng employers contribution and at/ other terminal benefits Ihat may be admissible to tum 14. The following proviso shall

be added at the end of sub-regulation (2) of Regulation 21, "Provided further that before retiring an employee, prior to the date of superannuation, at least 3 months notice in writing or an equivalent to 3 months' pay shall be given to such employee. Provided further that an employee aggrieved by the order as provided above may, within 45 days of passing of the order, give in writing a representation to the Board of Directors against the decision and on receipt of such representation from the concerned officer, the Board of Directors shall consider the representation and take a decision. Within a period of 3 months. Where the Board of Directors decide that the order passed by the concerned officer should be reinstated as though the order was not passed. 15. The word 'Chairman' appearing in sub-regulation (9) of Regulation 21 shall be substituted with the word 'Disciplinary Authority'. The words 'under Regulation 45 or sub-regulation (5) of Regulation 46 appearing in line 2 of Explanation under sub-regulation 9 of Regulation 21 shall be deleted. Further, the words 'Regulation 46 appearing in line 5 of Explanation under sub-regulation 9 of Regulation 21 shall be substituted with the words 'Regulation 47 16. The Regulation 23 shall be substituted with the following, "23 - Seniority (I) From time to time, the Small Industries Bank shall prepare a list of Officers in its service showing their names in the order of their seniority on an all India basis and containing such other particulars as the Small Industries Bank may determine. (2) Seniority of an Officer in a grade or scale shall be reckoned with reference to the date of his confirmation in that grade or scale. Where there are two or more such Officers of the same length of service in that grade or scale and not confirmed in that grade or scale, their later seniority shall be reckoned with reference to their seniority in the immediately preceding grade or scale or the previous cadre to which they belonged in the Small Industries Bank or service, as the case may be. (3) The inter-se seniority of employees directly recruited in a batch in any grade or scale shall be reckoned with reference to the rank allotted to them at the time of such recruitment. (4) If rank has not been allotted to the employees recruited in a batch, then seniority shall be reckoned considering the date of their joining. In case of same date of joining, seniority would be considered based on seniority of age. In case of similarity on both the above counts, the Competent Authority would decide the seniority based on educational qualification or such other factors as deemed fit. (5) In the case of an employee whose probation has been extended his seniority shall be reckoned just below the confirmed employee in the same grade or scale. (6) It shall be the responsibility of the employee to draw attention immediately to any mistake, which he may make in the service record. (7) Notwithstanding anything contained in these Regulations the seniority of an officer trainee / probationer, on his absorption in the regular service of the Small Industries Bank, shall be determined / fixed as per the terms of his appointment as office framee / trainee.

17. The Regulation 31 shall be substituted with the following. "31 - Prohibition against joining certain association and strikes etc. No employee, who is not a Workman' within the meaning of the Industrial Disputes Act, 1947 shall become or (1) continue to be a member or office-bearer of or be otherwise directly or indirectly associated with any trade union of employees of the Small Industries Bank who are 'workmen' the meaning of 'workman' Act, or a federation of such trade unions, in relation to an employee who is officiating in a higher grade or post which is not a grade or post of a 'workman' as (2) aforesaid, this Regulation shall also apply for so long as such employee is officiating in such higher grade or post. 16 THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—SEC. 4] 19. 20. 21. (3) NO employee shall resort to, or in any way abet, any form of illegal strike or participation in any violent, unseemly or indecent demonstration in connection with any matter pertaining to the conditions of service of the employee or the conditions of service of any other employee of the Small Industries Bank. The word 'competent authority' appearing in sub-regulation (2) of Regulation 36 shall be substituted with the word 'Disciplinary Authority'. The word 'competent authority' appearing in the sentence "such other penalty as they may deem fit to impose" in sub-regulation (3) of Regulation 36 shall be substituted with the word 'Disciplinary Authority'. After Regulation 44, the following Regulation 45 shall be inserted. "45 - Prohibition of sexual harassment at workplace. No employee shall indulge in any act of sexual harassment at work place. Every employee who is in charge of a work place shall take appropriate steps to prevent sexual harassment at work place. Explanation. For the purpose of this Rule, "sexual harassment" includes such unwelcome sexually determined behaviour (whether directly or otherwise) as — (a) (c) (d) (e) Physical contact and advances. A demand or request for sexual favours, Sexually coloured remarks showing pornography or any other unwelcome physical verbal or non-verbal conduct of a sexual nature." The existing Regulation 45 shall be re-numbered as Regulation 46 and shall be renamed as "Suspension". Further, sub-regulation (1) thereof

Shall be substituted with the following sub-regulation "46 - Suspension (1) (1) An employee may be placed under suspension by the Disciplinary Authority (a) where a disciplinary proceeding against him contemplated or is pending. or (b) where a case against him in respect of any criminal offence under investigation, inquiry or trial. (ii) An employee shall be deemed to have been placed under suspension by an order of the Disciplinary Authority (a) With effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty eight hours. (b) With effect from the date of conviction, if the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty-eight hours and not dismissed or removed or compulsorily retired consequent to such conviction. Explanation The period of forty-eight hours referred to in clause of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment if any, shall be taken into account, (iii) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension set aside in appeal under these Regulations and (the case is remitted for further inquiry or action or with any directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal removal or compulsory retirement and shall remain in force until further orders. (iv) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside or declared or rendered void in consequence of or by a decision of court of law, and the authority on consideration of the circumstances of the case decided to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Disciplinary Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. (a) An order of suspension made or deemed to have been made under this Regulation shall continue to remain in force until it is modified or revoked by the Disciplinary Authority (b) An order of suspension made or deemed to have been made under this Regulation may at any time be modified or revoked by the authority which made or deemed to have made the order 17 22 23 In respect of such period, the employee shall be allowed the payment admissible to an employee under suspension under sub-regulation (J) of Regulation 4. The word 'Competent Authority appearing in the existing sub-regulations (2) and (3) of the renumbered Regulation 46 shall be substituted by the word 'Disciplinary Authority'. The existing Regulation 46 shall also be re-numbered as Regulation 47 and sub-regulations (1), (2) and (3) thereof shall be substituted with the following sub-regulations (A), (B), (C), (D), (E) and (F) "47 - penalties A. Without prejudice to the provisions of other Regulations, an employee who commits a breach of the Regulations of the Small Industries Bank, or who displays negligence, inefficiency or indolence, or who knowingly does anything detrimental to the interests of the Small Industries Bank or in conflict with its instructions, or who commits a breach of discipline or is guilty of any other act of misconduct, shall be liable to the following penalties: Minor Penalties (a) censure (b) withholding of increments of pay with or without cumulative effect. (c) Withholding of promotion (d) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years without cumulative effect and not adversely affecting the employee's pension (e) recovery from pay of the whole or part of any pecuniary loss caused to the Small Industries Bank by the employee Major Penalties (i) save as provided for in clause (d) above, reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on expiry of such period the reduction will or not have the effect of postponing the future increments of his pay. (g) reduction to a lower grade or post (h) compulsory retirement, (1) removal from service, which shall not be a disqualification for future employment in the Small Industries Bank (2) dismissal, which shall ordinarily be a disqualification for future employment. Explanation — The following shall not amount to penalty within the meaning of this Regulation (i) (V) Stoppage of pay of an employee at the efficiency bar in a time scale, on the ground of his unsuitability to cross the bar Non promotion, whether in an officiating capacity or otherwise, of an employee 3 grade or post for which he may be eligible for consideration but for which he is found unsuitable or on termination of his case Reversion to a lower grade or post of an employee officiating in a higher grade on the ground that he is considered, after being found unsuitable for such higher grade or on administrative grounds unconnected with his conduct Reversion to his previous grade or post, Of an employee appointed on probation to another grade or post, during or at the end of the period of

probation, accordance With the terms of appointment or rules or orders governing such probation
Termination of service 18 THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—SEC. 4) (a) or
employee probation during or at the end of the period of in accordance with the terms of his appointment or
orders governing such probation; (b) Of an employee appointed in a temporary capacity otherwise than
under a contract agreement on the expiration of the period for which he was appointed, or earlier in
accordance with the terms of his appointment, (c) of an employee under contract or agreement, in
accordance with the terms of such contract or agreement; and (d) Of an employee appointed to post,
Retirement or an employee on his attaining the age of and or for governing such superannuation:
superannuation in with the rules (vii) (viii) Termination of employment of a permanent employee under
Regulations 20 and 21, Termination of employment of an employee on medical grounds. if he is declared
unfit to continue in Small Industries Bank's service by the Medical Officer of Small Industries Bank. C
Authority to institute Disciplinary Proceeding and Impose Penalties 2 3. The Chairman and Managing
Director may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an
employee of the Small Industries Bank The Disciplinary Authority may himself institute disciplinary
proceedings The Disciplinary Authority or any authority higher than it, may impose any of the penalties
specified in these Regulations on any employee. In such case where the higher authority is the Authority,
he should not act as the Disciplinary Authority Procedure for imposing major penalties 2 3. 4. 5 No
imposition of the major penalties in clauses (g), (h), (i) and (j) of sub-regulation A of Regulation 47
shall be made except after an inquiry is held in accordance with this sub-regulation. Whenever the
Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation
of misconduct or misbehavior against an employee it may itself enquire into or appoint any other person
who is, or has been, a public servant (hereinafter referred to as the investigating authority) to inquire into the
truth thereof. Explanation (Y), When the Disciplinary Authority holds the inquiry, any reference in clause 8 to
clause 21 of this sub-regulation to the Inquiring Authority shall be construed as a reference to Disciplinary
Authority, where the context in these regulations requires it is to hold inquiry, the Disciplinary Authority shall
frame definite and distinct charges the basis or the allegations against the employee and the articles of
charge, together with statement of the allegations on which they are based, list of documents relied on along
with copy of such documents and list of Witnesses which they are based, shall be communicated in
writing to the employee, who shall be required to submit, within such time as may be specified by the
Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said
Authority, written statement of his defence, Provided that wherever it is not possible to furnish the copies
of documents, Disciplinary Authority shall allow the employee inspection of such documents within a
time specified in this behalf. On receipt of the written statement of the employee, or if such statement is
received within the time specified, an Inquiry may be held by the Disciplinary Authority itself, or if it
considers it necessary to do so, appoint under clause 2 of this sub-regulation Inquiring Authority for the
purpose Provided that it may not be necessary to hold an Inquiry respect of the articles of charge admitted
by the employee in his written statement but shall be necessary to record its findings on each such charge
The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring
Authority, iii. a copy of the articles of charges and statements of imputations of misconduct or
misbehavior: a copy of the written statement of defence, if any, submitted by the employee, a list of
documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;
11 12 13 14 copy of statements of the witnesses evidence moving the defence of the employee
of charge under clause 3 of sub-regulation A of Regulation 47. 3 of sub-regulation A of Regulation 47
Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority to hold an inquiry, it
may by an order, appoint a public servant to be known as the Presenting Officer (to be known as the Presenting Officer) on its behalf
the case in support of the articles of charge. The officer employee may take the assistance of any officer
and an Assistant Class IV may take assistance of any other Class IV & V employee as a Defense Assistant (or
defending his case) He shall, however, not engage a legal practitioner for the said purpose unless the
Presenting Officer; Or the Disciplinary Authority a legal practitioner or the investigating authority, having
regard to circumstances of the case so permits NOTE. The officer employee or Class IV/V employee shall
not take the assistance of any officer other than employee or Class IV/V employee who has two pending
disciplinary cases on hand In writing he shall inform the Assistant (p) The inquiring Authority shall by notice in writing
specify the day on which the employee shall appear personally 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 Inquiring Authority shall record the plea and obtain the signature of the employee concerned thereon (d) The Inquiring Authority shall return a finding of guilt or acquittal in respect of 'those articles of charge to which the employee concerned pleads guilty if the employee does not plead guilty. the Inquiring Authority shall adjourn the case to a later date. not exceeding 30 days or with such extended time as may be granted by the Inquiring Authority. While adjourning the case as under Clause 9 of sub-regulation C of Section 47. Shall also record an order that the employee may, for the purpose of preparing defence (j) complete inspection of the documents as in the list furnished in the summons immediately and in any case not exceeding 5 days from the date of such order if he had not done so earlier as provided for the proviso to clause 5 of this sub-regulation submit a list of documents and witnesses. that he wants for the inquiry, give notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow for the discovery or production of the documents referred to in item (ii) hereinabove. NOTE. The relevance of the documents and the examination of the witnesses recorded in item (ii) shall be given by the employee concerned. The Inquiring Authority shall, on receipt of the notice for the discovery or production of the documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents. on such date as may be specified. On receipt of the requisition under Clause 11 of this sub-regulation. the authority having the custody or possession of the requisitioned documents. shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition Provided that the authority having the custody or possession of requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Small Industries Bank in that case to inform the Inquiring Authority accordingly On the date fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced before or on behalf of the Disciplinary Authority. The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer 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 also put such questions to the witnesses as it thinks fit. 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 itself 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. necessary in the interests of justice When the case in support of the charges closed the employee may be required to state his defence, orally or in writing. as he may prefer. If the defence made orally shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer. if any. appointed The evidence on behalf of the employee shall then be produced The employee may examine them 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 Inquiring Authority The Inquiring Authority may. after the employee closes his evidence. 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. The Inquiring Authority may, after the completion of the production of evidence. hear the Presenting Officer if any appointed, and the employee or permit them to file written briefs on the matters respectively cases within 15 days of the date of completion of the production of evidence, if they so desire If the employee does not submit the written statement of defence referred to in clause 3 of these sub-regulation on or before the date specified for the purpose or does not appear in person or through the Defense Assistant or Otherwise or refuses to comply With any of the provisions Of these Regulations. the

Inquiring Authority may hold the inquiry ex-parte. 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, such jurisdiction, (he inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor, and partly recorded by itself. (i) On the conclusion of the inquiry the Inquiring Authority shall prepare a report (which shall contain the following: (a) a gist of the articles of charge and the statement of imputations of misconduct or misbehaviour. (b) gist of the defence of the employee respect of each article of charge. (c) an assessment of the evidence in respect of each article of charge. (d) the findings on each article of charge and the reasons therefor. Explanation. If, 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) (d) the report of the inquiry prepared by it under item (i) above; the written statement of defence, if any, submitted by the employee referred to in clause 5 of this sub-regulation; the oral and documentary evidence produced in the course of the inquiry written briefs referred to in clause 18 of this sub-regulation, if any. The orders, if any, made by the Disciplinary Authority and the Inquiring Authority regard to the inquiry and action on the inquiry report. 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 in accordance with the provisions of Regulation 47. In case the disciplinary proceedings have been held for a particular penalty, the Disciplinary Authority shall arrange to forward a copy of the inquiry report to the concerned employee and seek his representation, if any, thereon within 10 days of the date of receipt or such extended time as the Disciplinary Authority may deem fit. While recording its findings on the inquiry report, the Disciplinary Authority will also take into consideration the representation, if any, received from the concerned employee. The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any articles 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. If 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 employee concerned. E. F. Procedure for imposing minor penalty Where it is proposed to impose any of the minor penalties specified in clauses (i) to (e) of sub-regulation A of Regulation 47, 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 35 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. The record of the proceedings in such cases shall include 2 3. i. A copy of the statement of imputation of lapses furnished to the employee. The defence statement, if any, of the employee, and the orders of the Disciplinary Authority together with the reasons therefor. Where, however, the Disciplinary Authority is satisfied that an inquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in Regulation 47, Common notwithstanding anything contained in sub-regulations C, D and E of Regulations 47 above or in any other Regulations, If two or more employees of the Small Industries Bank are involved in an incident, the Disciplinary Authority competent to impose a particular penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken as a common inquiry. 24. 25. 26

27. The sub-regulation (4) of existing Regulation 46 shall be re-numbered as sub-regulation (G) of Regulation 47 and carry the heading of 'Delegating holding of Inquiry' and the word 'competent Authority' appearing thereat shall be substituted with the word 'Disciplinary Authority'. After sub-regulation (G) of re-numbered Regulation 47, the following sub-regulations (H) and (I) shall be inserted "H. Communication of Orders. Subject to the provisions of sub-regulations O & E of Regulation 47, orders made by the Disciplinary Authority under sub-regulations C, D and E of Regulation 47 shall be communicated to the employee concerned along with copy of the report of inquiry. Special Procedure in

certain cases Notwithstanding anything contained In sub-regulation C. D and E o/ Regulation 47. the Disophnaty Authority may impose any of the penalties specified in sub-regulation A Of Regulation 47, if the employee has been convicted on a cnmina/ charge, or on the strength of facts or cooclusions amved ag by a judtcial trial. Provided that in such cases, the employee may be gtven an opportunity of making representation on the penalty proposed to be Imposed before any order is made The sub-regulation {5} of existing Regulation 46 shall be ro•numbered as sub-regulation (J) of Roqulation 47 and carry the headtng of 'Subsistence Allowance dunng suspension• and the words •offtr.er empowered to pass the final order under this Regulation• and •officer who passes the final oraed appearing thereat shall be substituted with the word 'Dtsaphnary Authonty? The sub-regulation (6) of existing Regulation 46 Shall be renumbered as sub-regulation (K) 01 Regulation 47 and carry tne headtng of 'Other matters' and the wocds Chairman' and 'Competent Authonty• appearing lhercat shall be substiluted with the word 'Disciplinary Authority'. 2 THE GAZETTE OF INDIA : EXTRAORDINARY IPART III—SFC 41 28. The words •as may be dectdeā by lbe Chairman tn this behalf appeanng tn clause (ii) ot exisltng sub-regulation (6) Of existing Regulation 46 shall be substiluted With the words •as may be deemed {It' 29. The word •Enquiry Officer appearing in Clause (iv) 01 existing sub. regulation (6) of existing Regulation 46 Shall be substituted with the word 'Inquirtng Authonty• 30. The words 'Centrat Vigitance Commissjon' appeanng In clause (iv) of existing sub-regulation (6) of existing Regulation 46 shall be substituted with the words 'Centrat Vigilance Cornrmsston/other authonty• and the words 'though if may not be binding on ir shali be inserted at the end of the existing sub-regulation

31. The existing Regulation 47 Shall be re-numbered as Regulation 48 32. The existing Regulation 48 shall be re-numbered as Regulation 49 and shall be substituted With the following Regulation 49 . "49 - Appellate Aumorities An appeal shaff lte to the Appellate Authority. as specified tn the Schedule annexed hereto 33. The existing Regulation 49 shall be re-numbered as Regulation 50 and the tollowing sub-regulation (f) Shall be added there 10 "50 - Conditions which an appeal should satisfy (f) it shall be made to the Appellate Authority within 50 days from the data 01 semceUjspath of the order against which the appeal IS made 34. The existing Regulation 50 Sha" be re-numbered as Regulation 51 and the word •competent authonty• appearing jn the re- numbered Regulation 51 Shan be substituted with the word 'Appeltate Authonty• 35. The words •six months 01 the date ot order appeanng in sub-regulation» (e) of the re-numbered Regulation 51 shall be substituted with the words '60 days from the date of semce /Øspath of the order

36. The existing Regulation 51 Shall be re-numberéd as Regulation 52 and the word •competent authonty• appearing therem shall be substituted with the word 'Appetjate Authonty

37. The existing Regulation 52 shall be re-numbered as Regulation 53 and shall be substituted With the following Regulation 53 "53 —Appeal must be forwarded to appetate authorities with due despatch An appeal whiCh is not withheld under Regulation 51 shall be forwarded to the Disciplinary Authority who shall submit the same to the Appellate Authoātý wdh his comments as soon as possible, 38. The excstng Regulat•ons 53, 54, 55 and 56 shall be re-numbered as Regulations 54, 55. 56 and 57 respectwety 39. The following Regulation 58 Shall be inserted in Chapter IV of the existing Regulations . 58— Appenate Authority's action on me appeal The Appenate Authonty shall consider whether the findings are justified or whether the penalty is excessive or Inadequate and pass appropnate orders The Appeffate Authonty may pass an order confirmtng. ennancntng. reducmg or setting as,'de the penalty or remitting the case to ltie authority which imposed the penalty or to any other authority with such direction as it may deem tit the circumstances or fhe case Provided that: (a) If the enhanced penalty whicfi the Appeffate Authonty proposes to impose IS a major penalty specified in clauses (f). (g), (h). (i) and (J) or sub-regulation A or Reguta&on 47 and an inquiry has not atrcady been held 'n the case. the Appellate Authonty Shall direct that such an inquiry be held in accordance mth these Regulations and thereafter consicÉR the record or the Inquiry and pass such orders as it may deem proper. (b) If the Appellate Aulhonty decides to enhance the punishment but an inqutry has already been held as provided In these Regulations. the Appellate Authontly shalt give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon turn and shaff pass final order. after taking into account the representation. it any. submifted by the emp'oyee. 40 The following Secuon 3 comprising Regulations 59. 60. 61 and 62 shalt be added in Chapter IV of the existing Regulations 41 42. 43. 44. 45. 46. 47. "Section 9 59 Cmsultation with Central Vigilance Commission The Small Industries Bank shall consult the Central

Vigilance Commission wherever necessary, in respect of all disciplinary cases having a vigilance angle 60 - 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 61 - Power to relax time limit and to condone delay 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 any thing required to be done under these Regulations or condone any delay. Regulation 62 - Saving Notwithstanding the modifications made by Small Industries Development Bank of India (Staff Amendment Regulations, 2011), (a) any order made or action taken under the provisions so modified shall be deemed to have been made or taken under the corresponding provisions of these modified Regulations and any such modification or amendment shall be without prejudice to the validity of anything done previously under these Regulations; (D) Nothing In these modified Regulations shall be construed as depriving any person to whom these modified Regulations apply, of any right of appeal which had accrued to him under any of the provisions so modified: (c) An appeal pending at the commencement of these modified Regulations against an order made before the commencement of these modified Regulations shall be considered and orders thereon shall be in accordance With these Regulations: (d) Any proceedings which have already been initiated but not yet been completed at the commencement Of these modified Regulations shall be continued and disposed as far as may be, in accordance with the provisions of these modified Regulations, as if such proceedings were under these modified Regulations: The existing Regulations 57.58, 59, 60, 61, 62, 63, 64, 65 shall be as Regulations 63, 64, 65, 66, 67, 68, 69, 70 and 71 respectively. Regulation 66 shall be re-numbered as Regulation 72 and the words 'Chairman In the case of officers and by the Deputy General Manager in other cases' under sub-regulation 7 of the existing Regulation 66 shall be substituted with the words 'Competent Authority The existing Regulations 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77 shall be re-numbered as Regulations 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 83 respectively. The existing Regulation 78 shall be deleted. The existing Regulations 79, 80, 81, 82, and 83 shall be re-numbered as Regulations 84, 85, 86, 87 and 88 respectively. The existing Regulation 84 shall be re-numbered as Regulation 89 and the existing sub-regulation (1) thereat shall be substituted with the following In the case of all the employees in Class I, applications for ordinary leave shall ordinarily be submitted at least one clear calendar month before the date from which leave is required In the case of employees other than employees in Class I, applications for ordinary leave shall ordinarily be submitted at least one month before the date from which leave is required. The existing Regulations 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109 shall be re-numbered as Regulations 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113 and 114 respectively. 24 THE GAZETTE OF INDIA : EXTRAORDINARY 48. The following Schedule shall be added after Regulation 114; [PART 41 Name / Category of posts Class III/IV employees and Officers in Grades A (Assistant Manager) & B (Manager) Officers in Grades C (Assistant General Manager) & D (Deputy General Manager) Officers in Grade E (General Manager) Officers in Grade F (Chief General Manager) Executive Directors Schedule Disciplinary Authority General Manager, Human Resource Development Department (HRDD) General Manager, HRDD ED looking after HRDD DMD looking after HRDD CMD / DMD exercising the powers of CMD A General Manager Executive Director (ED) looking after HRDD Deputy Managing Director (DMD) looking after HRDD Chairman and Managing Director (CMD) / DMO exercising powers of CMD Committee of Directors / Board of Directors Committee of Directors / Board of Directors Notes forming part of Schedule Any authority higher than the one specified as Disciplinary / Appellate Authority above is empowered to exercise the powers Of the Disciplinary / Appellate Authority. However, in such of the cases where the higher authority is the Appellate Authority, he should not act as the Disciplinary Authority. The Disciplinary Authority competent to impose the punishment shall also be the Competent Authority to grant sanction for prosecution under the Prevention of Corruption Act and shall be the Competent Authority for all such disciplinary actions pertaining to that grade of employee. DEBASHIS GHOSH, Chief General Manager [ADVT. Certified that the Board of Directors of Small Industries Bank, in its meeting held on November 09, 2011 at Lucknow, had approved and adopted the Small Industries Development Bank of India (Staff) [Amendment] Regulations, 2011 Printed by the Manager, Government

of India Press, Ring Roads Mayapuri. New Delhi-110064 and published by the Controller of Publications. Delhi-1 10054.

