

SPICES BOARD SERVICE (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS, 1992

No. 111 REGDe •NO. D.L..33094192 Che Gazette ot awdia EXTRAORDINARY PART "I—SecOon 4 PUBLISHED my AUTHORITY 21, NEW DELHI, TUESDAY, APRIL 21', 1992/VAISAKHA 1, 1914 Separøte P.ging glyca to this Pan fn order that K may be med a separate compD8tIon 10 1992 q. 1312/88 1988 (1988. M '0) art 34 39 (Off«r, 1992 1009 (31/92 (ii) a, (q) "N" (1938 10) (1) 2 THE GAZETTE OF : EXTRAORDINARY [PARI Ill—SBC. 41 (n) iti t, (O if Rtfm qrq- 11 4,0001- af'i 2,9001- 4,0001- 2,9001- t, qr *Ifimft, qüvr eri m (u) f'TX Fiqvr, m.ftq t * fFt--ii (2) Ittlf;rq- fqfä7 48 (e) fefi 48 qfiorg:r Rarr t, t) 48 nfu a. 4. irä yrr mm gfkfiqv, 1986 fq•qfiäqi 4 3 ret fq n, qi qlfm ir srä<Tfi firatr Fq f\$ "Ttvr k, gm qrf-e.«t (iii) qk*ii iht 'h ili (vi) iri (m•uz) m, (vii) (viii) (ix) (viii) (ix) fifi* RTfö "fq-- (ii) qr (iii) tr. q: rrrqt, gfnm«, (viii) (F) i, q'ri 4 GAZETTE OF : EXTRAORDINARY [PART Ill—SEC. 4] rrfmt— (M) fax (2) (l) or iv) f*üz qfa•üfq Q-TR 0 1 10. : f«rt qrOq «ar trqr*rigr qrar *Tmer•.— (ii) erg qf*aara •q Htt (e) rft t, tr rrfä%r-t'r (z) fug f*tr qr (ii) Q: t, xfd, (iii) (3) (ii) Ill--ü 4] (7) ni sriq tftTT, ;iftq qrqt<i anrvfr ft, qr Rtfm* fäg f«R1 (q) fä•g rr•r oar t, qrQq t, maq Q; eqr (10) rqa (11) qrü qtT Mr, (i) Fras (q) (ii) (3) i fFTl%z 'fiRtfi• (iii) 10 •aq fuq rrfiM1tr nr ur (3) it f*qr *rqr t I (12) n, Rffimü, 13. (12) *friTfr FNr TIC, Tqr 14 fqq 'T fur I t qq«af Qtr "f X1fi.Tlfr QQ t, 15. dirt, *fff, n, 6 THE GAZErrE OF NDIA : EXTRAORDINARY JIT—SEC. 4] fq«r eyr gfä*lü, O, 17. qtf« qt« I NfnV 19, f" rrf«fr 20. Qi xf"äT fiq-- f«a q. ettq qtq 21. (M) «_t (i) (iv) it f*är (v) (ix) Oir 22. ;mq.ftiii ftq 23(i) (T) qRr"i RfQr (41) ii iri mar iri t: faEa (ii) fmi •rq•r (q) miq *Tat u•fßTü ii 11, : (l) Nrfa*7Tü frati At•Rmrtr vr fk«« Qi (i) (iv) fm•q I fü"-7 (V) (IX) it •Sri qfeffqq 12. : (i) (iv) Qrrfrä Q: it qrSt qo.qr, ffl Nar MM, fqf7QK 10 (y) (23) fuff« (q) (q) iti Ot O, rrm, fq•ar qfäat (f, ft.•qt "fa Q; f«tr, q, (23) 7 i; xff, (ii) q-Qfirä Aft, (iii) (iv) (vi) 13. gra•vr 0, fzqu un-r q. fiq Q; O rrg RfrRfia a, -q•cr rfu#a t, ff 37 q•fk i, ffi qttvr xrftwrft* FT?t mgrrr (ii) fig Orr, (iii) i': rr 12 10 — ftg d, (ii) aft erf (iii) üt, raft «t G, THE GAZETTE OF INDIA : EXTRAORDINARY ill—SW. 16, t) art ft-g vriavt I eu•r« (i) (iv) srtrR fir; ftfid (ii) qft MT (ix) ffitez urtft«ut t qfiq, qrf« mtrrr, 17. iri srr*rr (ii) (v) (ix) ff stfä<Tt qtWi if (ii) fiqzrt (iii) -10 qlf« - 18 (i) üfruq-a (ii) qfä*ä (iii) (iv) : zrr Gtt 0, Ill-- M* 4] urfar iT zrÉ (71) it k:eyr B) mfd (ii) or •fan, qr O qqfa 5q•f" (ii) 20. (1) f7«ä iri t. firfrTFcz t, a<t7 q- p-r mfh J. MT frfäqq.7 1009 9 q;yr (2) sr.tr iri art f«tr fW•a t, Gr qrq * 22. (1) .qfö qn (3) friar gr fim, Htq 23. 2. vrrmti q.ü-,r f« afg. qq•qr 3ft7 qreq (n) [PART Ill—SEC. 4] IO THE GAZETTE OF INDIA : EXTRAORDINARY qtf« f*7it-- (i) vnfi7 G, Rlfm•ft fqg f*QT (V) (ii) mf •rrf« (ix) (iii) mfr *ifam RdT7 3, 19 ftf*fiz fqa 24. qlfö , f7f«qT 25. t, qr fafrqq 29 f,cq gftz t, utriffe fier qf.rtrrqa ritfaa fr qtt« fur f*fäqg 7 (v) (ix) urrtant qft'f,faa FT. f«qr ft crt f«fäfiet I 26. aqä qlfm fäfä4R (iv) fØ Kita g: •q«fu fqfäqq 27. f xrft f*QT 28. fff* ftq t, qfi qq•ie.ä 29. 197 t fsrr. 11 qlfr (q fwn fs (TfKQt I 2. fSär f'faqq wp_cwr 2 4,00Dl- f" * fqø 30. qft Mi k, qlR I qfäQf« f*! qfö. 3. 4. 3 (i) awh."q" MINISTRY OF COMMERCE (SPICES BOARD) NOTIFICATION Cochin, the I)th March, 1992 6 lbe authority empowered to mnke appoint- ments to the post which the Board's employee for the time being holds, or the authority which appointed the Board's employee to thc post which he for the time being holds ; F. No. 1 312188-Vig.—In exercisc of the powers conferred bv Section 39 read with Section 34 of the Spices Boaki Act, 1986 (10 of 1986), the Spices Board. with thc previous approval of the Central Government. hereby makes the following regulations, namely : PART—I PRELIMINARY title and l) These regulations may be called the Spices Board Service (Cltussification, Control und Appeal) Regulations, 1992. (2) They shall come into force on the date of their publication in the OffciRl Gazette- 2. Definitions.—In these regulations, unless the context otherwisc requires,— ' 'Appointing Authority" in relation to a Board's employee means, (c) (e) (f) "Board" means the Spices Board constitu- under the Spices Board Act, 1986 (10 of 1986); "Board's employee" means any person employed under the Board and includes a servant of the Central Government or State Government so employed ; • 'hairmun" means the 'Thairman Df the Board : "Dsciplinary Authority" •means the nutho- rity competent under these regulations to impose on a Board's employee any of the penalties specified in •these regulations; "Pay" has the meaning asG1gned to it in F.R•. of the Rules applicable to the Central Govern- ment employees. 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PARt Ill—SECs 4] (g) ' 'Schedule' • means the Schedule to these rcgu'ation> ; (h) "Secretary" means the Secretary of the Board ; (i) "Service" means the gewice under the Board ; (j) "The pay" or "Scale of pay" of a means the pay or scale Of pay attached to that post. shall 3. 1) These regulations apply to all the Board's

employees, but shall not apply to— (a) any person in casual employment ; (b) any person on daily wages ; (c) any person subject to discharge from service on less than one month's notice ; and (d) any person not brought to the regular establishment. (2) Notwithstanding anything contained in sub-regulation (1), the Board may, with the previous approval of the Central Government, by order, exclude from the operation of all or any of these regulations, any employee or groups of employees of the Board. (3) If any doubt arises whether these regulations or any of them apply to any persons, the matter shall be referred to the Central Government for decision. PART—11 CLASSIFICATION 4, Classification of posts.—All posts under the service of the Board shall be classified as follows . APPOINTING AUTHORITIES 5. Appointment to the posts mentioned in sub-section (1) of section 4 of the Spices Board Act, 1986 shall be made by the authorities specified in this behalf in the Schedule. SUSPENSION 6. (1) The Appointing Authority or any authority which it is subordinate to or the Disciplinary Authority or any other authority empowered in that behalf by the Chairman by general or special order, may place a Board's employee under suspension : (a) Where a disciplinary proceeding against him is contemplated or is pending; or (b) Where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interests of the security of State; or (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Provided that, where the order to suspension is made by an authority lower than the Appointing Authority or without the specific authority from the Chairman, such authority shall forthwith report the Chairman or the concerned authority the circumstances in which the order was made and seek the approval of the Chairman. (2) A Board's employee shall be deemed to have been placed under suspension on an order of the Appointing Authority. 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, or with effect from the date of his conviction, if, in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction. Sl. Description of NO. 1. A Board's post carrying a pay or scale of Rs. 4,000 and 2. A Board's post carrying a pay or a scale of pay of Rs. 2,900 or above but less than Rs. 4,000

3. A Board's post carrying a pay or a scale of pay of over Rs. 2,900

4. A Board's posts carrying a pay or a scale of pay of Rs. 1,500 or less Classification of P08 (Group 'A' Group 'B' Group 'C' Group 'D' Explanation period of forty eight hours referred to in clause (b) or 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

3. Where penalty of dismissal, removal or compulsory retirement from service imposed upon a Board's employee is set aside on appeal or on review under these regulations and the employee is remitted for further inquiry or action or with any other 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. (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon Board's employee is set aside or declared or rendered void in consequence of or by a decision of the Court of Law and the Disciplinary Authority, on a consideration of the circumstances, or the case decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Board's employee shall be deemed to have been placed under suspension by the authority competent so to do from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. Provided that on such further inquiry shall be or is intended to be a situation where the Court has passed an order purely on technical grounds without going into the merits of the case. (5) (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 authority competent so to do. (b) Where a Board's employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the Board's employee shall continue to be under suspension until the termination of all or any of such proceedings. (c) 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 is deemed to have made the order or by any authority to which that authority is subordinate

PART V PENALTIES AND DISCIPLINARY AUTHORITIES

7. Penalties.—The following penalties may, for good and sufficient reason, and as hereinafter provided, be imposed on a Board's employee, namely:—

(i) Minor penalties (i) On suspension, (ii) withholding of his promotion; (iii) from his pay, of the whole or part, of any pecuniary loss caused by him to the Board by negligence or breach of orders; (iv) withholding of increments of pay; (v) reduction to a lower Stage in the time-scale of pay for a specified period, with further direction as to whether or not the Board's employee will earn increments if pay during the period of such reduction, whether on the expiry of such the reduction will or will not have the effect of postponing the future increments of his pay; (vi) reduction to a lower time-scale of pay, grade or post which shall ordinarily be a bar to the promotion of the Board's employee to the time-scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the Board's employee was reduced and his seniority and pay on such restoration to that grade or post; (vii) compulsory retirement; (viii) removal from service which shall not be a disqualification for future employment under the Board; (ix) dismissal from service which shall be a disqualification for future employment under the Board.

Provided that in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or for bearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed. Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation.—The following shall not amount to a penalty within the meaning of this regulation, namely:—

(i) withholding of increments of pay of a Board's employee for his failure to pass any departmental examination in accordance with the rules or orders governing the service or post which he holds or the terms of his appointment; (ii) stoppage of Board's employee at the efficiency in the time-scale of pay on the ground of his unfitness to cross the bar; (iii) non-promotion of a Board's employee whether in a substantial or official capacity, after consideration of his case, to a grade or post for promotion to which he is eligible; reversion of a Board's employee occupying a higher grade or post in the service to a lower grade or post on the ground that he is considered to be unsuitable for such higher grade or post or on any administrative ground unconnected with his conversion of a Board's employee appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation; replacement of the services of a Board's employee whose services have been borrowed from a State Government or the Union Territory Government or the Government of India or the Government of any other authority under the control of a State Government or the Central Government, at the disposal of the authority which had lent his services; compulsory retirement of a Board's employee in accordance with the provisions relating to his superannuation or retirement; termination of the services—

4.1 (a) of a Board's employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or **(b)** of a temporary Board's employee in accordance with the terms of his appointment; or **(c)** of a Board's employee, employed under an agreement, in accordance with the terms of such agreement.

8. Disciplinary Authorities.

(1) The Chairman may impose any of the penalties specified in regulation 7 upon any Board's employee.

(2) Without prejudice to the provisions of sub-regulation (1), any of the penalties specified in regulation 7 may be imposed on any Board's employee by the Appointing Authority or by any other authority not lower than the power in this behalf by a general or a special order of the Board.

9. Authority to institute proceedings.—The Chairman or any other authority empowered by a general or special order under regulation 8 may—

(a) institute disciplinary proceedings against any Board's employee; (b) direct a Disciplinary Authority subordinate to him or it to institute disciplinary proceedings against any Board's employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in regulation 7.

(2) A Disciplinary Authority competent under these regulations to impose any of the penalties specified in clauses (i) to (iv) of regulation 7 may institute disciplinary proceedings against any Board's employee for the imposition of any of the penalties specified in clauses (v) to (ix) of regulation 7, notwithstanding that such Disciplinary Authority is not competent under these regulations to impose any of the latter penalties.

PART VI PROCEDURE FOR IMPOSING PENALTIES 1 Procedure for imposing major penalties—(1) No Board imposing any of the penalties specified in clauses (v) to (ix) of regulation 7 shall be made except after an inquiry held as far as may be, in the manner provided in this regulation and regulation 11. (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Board's employee, it may itself inquire into, or appoint under this regulation an authority to inquire into the truth thereof. Explanation.—Where the Disciplinary Authority itself holds the inquiry, any reference in other sub-regulations of this regulation, to the inquiring authority shall be construed as a reference to the Disciplinary Authority. (3) Where it is proposed to hold an inquiry against a Board's employee under this regulation and regulation 11, the Disciplinary Authority shall draw up or cause to be drawn up— (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge; (ii) a statement of imputations of misconduct or misbehaviour in support of each article of charge, which shall contain— (a) a statement of all relevant facts, including any admission or confession made by the Board's employee; (b) a list of documents by which, and a list of witnesses by whom, articles of charge are proposed to be sustained. (4) The Disciplinary Authority shall deliver or cause to be delivered to the Board's employee, a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Board's employee to submit within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person. (5) (e) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint under sub-regulation (2) an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Board's employee his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit, and shall act in the manner laid down in regulation 12. Provided that where the proceeding is instituted in pursuance of any order under regulation 7, the authority which instituted (c) the proceeding shall, if it is not the Disciplinary Authority, submit the records to the Disciplinary Authority concerned for disposal of the case; (5) no written statement of defence is submitted by the Board's employee, the Disciplinary Authority may itself inquire into articles of charge, or may, if it considers it necessary so to do, appoint under sub-regulation (2) an inquiring authority for the purpose. Where the Disciplinary Authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Board's employee or legal practitioner to be known as the "Presenting Officer", to present on its behalf the case in support of the articles of charge. Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority— (iii) (iv) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour, a copy of the written statement of defence, if any, submitted by the Board's employee; a copy of the statements of witnesses, if any, referred to in sub-clause (b) of clause (i) of sub-regulation (3); evidence proving the delivery of the documents referred to in sub-regulation (3) to the Board's employee, and a copy of the order appointing the "Presenting Officer". (7) The Board's employee shall appear in person before the inquiring authority on such day and at such time as the inquiring authority may, by a notice in writing, specify, in this behalf, or within such further time, not exceeding ten days as the inquiring authority may allow. (8) (u) The Board's employee may take the assistance of any other employee of the Board, to present the case on his behalf, 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: Provided that the Board's employee shall not take the assistance of any other employee of the Board if he has two pending disciplinary cases on hand in his capacity as an employee, which he. (b) The Board's employee may also take the assistance of a retired employee of the Board to present the case on his behalf, subject to such conditions as may be specified by the Chairman. (9) If the Board's employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make. If he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Board's employee thereon. (10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Board's

employee pleads guilty. (1 i) The inquiring authority shall, if the Board's employee fails to appear within the specified time refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days after recording an order that the Board's employee may, for the purpose of preparing his defence—

(i) inspect, within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-clause (b) of Clause (ii) of sub-regulation (3). (ii) submit a list of witnesses to be examined on his behalf. Note : If the Board's employee applies in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-regulation (3), the inquiring authority shall furnish him with such copies as are available, as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority; (iii) give a 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, any documents which are in the possession of the Board, but not mentioned in the list referred to in sub-regulation (3). Note : The Board's employee shall indicate in his application the relevance of the documents sought by him to be discovered or produced by the Board. The inquiring authority shall, on receipt of the notice for the discovery or production of 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 by such date as may be specified in such requisition. Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to issue requisition for the production of documents as are not relevant to the case. (13) On receipt of the requisition referred to in sub-regulation (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority. Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly. On being so informed, the inquiring authority shall, if satisfied, communicate the information to the Board's employee and withdraw the requisition made by it for the production or discovery of such documents. (14) 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 by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Board's employee. The Presenting Officer shall be entitled to re-examine 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 also put such questions to the witnesses as it may deem fit. (15) If it shall be necessary before the close of the case on behalf of the Disciplinary Authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Board's employee or may itself call for new evidence or recall and re-examine any witness and in such case the Board's employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Board's employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Board's employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice. Note : —New evidence shall not be permitted nor called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally. (16) When the case for the Disciplinary Authority is closed, the Board's employee shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be preferred, recorded and the Board's employee shall be required in either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed. (17) No evidence on behalf of the Board's employee shall then be produced. The Board's employee may examine himself in his own behalf if he so prefers. The witnesses produced by the Board's employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the Disciplinary Authority. (18) The inquiring

authority may, after the Board's employee close! his case, and shall, if the Board's employee has not examined himself, generally question him on the circumstances appearing against him in the evidence. for the purpose of enabling the Board's employee to explain any circumstances appearing in the evidence against him. (19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Board's employee, or permit them to file written briefs of their respective cases, if they so desire. (20) If the Board's employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry ex-parte. (21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (iv) of regulation 7. has itself inquired into or, caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of regulation 7 should be imposed on the Board's employee, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties. the Disciplinary Authority to which the records are so forwarded may act on the evidence on record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the Board's employee such penalty as it may deem fit in accordance with these regulations, (22) Whenever any inquiring authority, after having heard and 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, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by itself Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided. (23)(i) After the conclusion of the inquiry, a report shall be prepared and it shall contain— (a) articles of charge and the statement or the imputations or misconduct or misbehaviour; (b) the defence of the Board's employee in respect of each article of charge; (c) an assessment of the evidence in respect of article of (d) the findings on each article of charge 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 articles of the charge, the inquiring authority may substitute an article or charge. Provided that the findings on such article of charge shall not be recorded unless the Board's 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) the report prepared by it under clause (i); (b) the written statement of defence, if any, submitted by the Board's employee; (c) the oral and documentary evidence produced in the course of the inquiry; (d) written briefs, if any, filed by the Presenting Officer or the Board's employee or both during the course of the inquiry; and (e) the orders, if any, by the Disciplinary Authority and the inquiring authority in regard to the inquiry

11. Action on the inquiry report —: (1) 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 further inquiry and report. and the inquiring authority shall thereupon proceed to hold the further inquiry, as far as may be, according to the provisions of regulation 10. (2) 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. (3) If the Disciplinary Authority having to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 7 should be imposed on the Board's employee, it shall, notwithstanding anything contained in regulation 12, make an order imposing such penalty. (4) If the Disciplinary Authority having recorded its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 7 should be imposed on the Board's employee, it shall make an order imposing such penalty and it shall not be necessary to the Board's

employee any opportunity of making representation on the penalty proposed to be imposed on him. (b) Subject to the provisions of sub-regulation (3) of regulation 10, no order imposing on a Board's employee any punishment specified in clauses (i) to (iv) of regulation 7 shall be made except after—
 (a) informing the Board's employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal; (b) holding an inquiry in the manner laid down in sub-regulations (3) to (23) of regulation 10, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary; (c) taking the representation, if any, submitted by the Board's employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; recording a finding on each imputation of misconduct or misbehaviour, (2) Notwithstanding anything contained in clause (b) of sub-regulation (1) if in a case it is proposed after considering the representation, if any made by the Board's employee under clause (a) of that sub-regulation, to withhold increments of pay and such withholding of increments is likely to effect adversely the amount of pension payable to the Board's employee or to withhold increments of pay for period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-regulations (3) to (23) of regulation 10, before making any order imposing on the Board's employee any such penalty. (3) record of proceedings in such cases shall include — (i) a copy of the intimation to the Board's employee of the proposal to take action against him; (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him; (iii) his representation, if any; (iv) the evidence produced during the inquiry; (v) the findings on each imputation of misconduct or misbehaviour; and (vi) the orders on the case together with the reasons therefor

13. Communication of order.—Orders made by the Disciplinary Authority shall be communicated to the Board's employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the Disciplinary Authority and a copy of its findings on each article of charge, or where the Disciplinary Authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the Disciplinary Authority with brief reasons for its disagreement, if any, with the findings of the inquiring authority Unless they have already been supplied to him

14. Common proceedings Where two or more Board's employees are concerned are (The Chairman or any other authority competent to impose the penalty of dismissal from service on all such Board's employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding. the authorities competent to impose the penalty of dismissal on such Board's employees are different, an order for taking disciplinary action in a common proceeding be made by the highest of such authorities with the consent of the others. (2) Any such order shall specify — (i) the authority which may function as Disciplinary Authority for the purpose of such common proceeding; (ii) the penalties specified in regulation 7 which such Disciplinary Authority may be competent to impose; (iii) whether the procedure laid down in regulation 10 and regulation 11 or regulation 12 shall be followed in the proceeding

15. Special procedure in certain cases.—Notwithstanding anything contained in regulation 10 (i) where any penalty is imposed on a Board's employee on the ground of conduct which has led to his conviction on a criminal charge, or (ii) Where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or (iii) where the Board, in consultation with the Central Government, is satisfied that in the interest of the security of State, it is not expedient to hold any inquiry in the manner provided in these regulations, the Disciplinary Authority may consider circumstances of the case and make such orders thereon as it deems fit

16. Provisions regarding officers lent to Government, etc.—(a) Where the services of a Board's employee are lent to Government or an authority subordinate thereto or to a local or other authority (hereafter in this regulation referred to as "the borrowing authority"), the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing such employee under suspension and of the Disciplinary Authority for the purpose of conducting a disciplinary proceeding against him Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Board's

employee (hereinafter in this regulation referred to as "the lending authority") of the circumstances leading to the order of suspension of such Board's employee or the commencement of the disciplinary proceeding, as the case may be. (2) In the light of the findings in the disciplinary proceeding conducted against the Board's employee,— (i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 7 should be imposed on the Board's employee, it may, after consultation with the lending authority, make such orders on the case as it deems necessary. Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Board's employee shall be replaced at the disposal of the lending authority; if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 7 should be imposed on the Board's employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the Disciplinary Authority, pass such orders thereon as it may deem necessary. Or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it may deem necessary. Disciplinary Authority may make an order under this sub-regulation on the basis of the record of the proceedings transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary as far as may be, in accordance with regulation 10

17. Provisions regarding officers borrowed from Government, etc —(1) Where an order of suspension or disciplinary proceeding is made or a employee whose services have been deducted against an employee borrowed from a Government or an authority subordinate thereto or a local or other authority, (hereafter in this regulation referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of suspension or of the commencement of the disciplinary proceeding, as the case may be. (2) In the light of the findings in the disciplinary proceeding conducted against the Board's employee, if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 7 should be imposed on him, may, subject to the provisions of sub-regulation 10 of regulation and after consultation with the lending authority, pass such orders on the case as it may deem necessary. Provided that (i) in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority; (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 7 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action it may deem necessary.

PART-VU APPEALS

18. Orders against which no appeal lies.—Notwithstanding anything contained in this Part, no appeal shall lie against— (i) any order made by the Central Government; (ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final dismissal of a disciplinary proceeding, other than an order of suspension; (iii) any order passed by an inquiring authority in the course of an inquiry under regulation 10

19. Orders against which appeal lies.—Subject to the provisions of regulation 18, a Board's employee may prefer an appeal against all or any of the following orders, namely (i) an order of suspension made or deemed to have been made under regulation 6; (ii) an order imposing any of the penalties specified in regulation 7, whether made by the Disciplinary Authority or by any reviewing authority; (iii) an order enhancing any penalty, imposed under regulation 7, (iv) an order which— (a) denies or varies to his disadvantage, his pay, allowances, pension or other conditions of service as regulated by regulations or by agreement; or (b) interprets to his disadvantage the provisions of any such regulation or agreement; (v) an order— (a) stopping him at the efficiency bar in the time-scale of pay on the ground of his unfitness to pass the bar, (b) reverting him while in a higher (c) (e) service, grade or post to a lower service, grade or post, otherwise than as a penalty; reducing or withholding the pension or denying the maximum pension admissible to him under the rules; determining the substance and other allowances to be paid to him for the period of or for the period during which he is deemed to be under suspension or for any portion thereof; determining his pay and allowances— (i) for the period of suspension, or (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay, to the date of his reinstatement or restoration to his service, or post; or determining whether not the period from the date of his or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement

or restoration to his service. grade of post shall be treated as a period spent on duty for any purpose. this regulation— (i) the "Board's employee" includes a person who has ceased to be in the Board's service, (ii) the expression "pension" includes additional pension, gratuity and any other retirement benefit

20. Appellate) A Board's employee, including a person who has ceased to be in Board's service. may prefer an appeal against all or any of the orders specified in regulation 9. to the authority specified in (his behalf in the Schedule. (2) Notwithstanding anything contained in regulation () — (i) (ii) an appeal against an order in a common proceeding held under regulation 14 shall to the authority which the authority functioning as the Disciplinary Authority for the order that proceeding is immediately subordinate; where [the person who made the order appealed against becomes, by virtue of his 20 THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—Sec. 4] subsequent appointment or otherwise. the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate. (3) A Board's employee may prefer an appeal against an order imposing any of the penalties specified in regulation 7 to the Central Government, where no such appeal lies to that authority under sub-regulation (1) or sub-regulation (2), if such penalty is imposed, by the authority of the Board on such Board's employee in respect of his activities connected with his work as an office-bearer of an association, federation or union recognised by the Board as a service organisation. 21 Prior to limitation for appeals.—No appeal preferred under part shall be entertained unless such appeal is preferred within a period of five weeks which a copy of the order appealed against is delivered to the appellant : Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time

22. Finality of orders; of Every finding: an appeal shall do so and in his own name. (b) (c) subject to the violation of any provisions of the Constitution of India or in the failure of justice; whether the findings of the Disciplinary Authority are warranted by the evidence on record; and whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders— (2) the authority may order (3) The authority may order (i) (ii) Provided (iii) award the same with its comments thereon together any avoidable delay, and without waiting for any from the person of the person an appeal against an order of suspension, the appellate authority shall consider whether in the light of the facts and circumstances 6 and having regard to the case. The order of suspension is confirmed or not and confirm or revoke the order accordingly against an order penalties specified in regulation 7 any penalty imposed under the said regulation authority shall consider— laid down in these • a) whenever regulations has been complied with and if not, such non-compliance has re-confirming, enhancing, reducing, or setting aside the penalty; or remitting the case to the authority which imposed or enhanced the penalty or to any other authority or the Board with such direction as it may deem fit in the circumstances of the case : that— such enhanced penalty appellate authority proposes • to impose one of the penalties specified in clause (v) of regulation 7 and an inquiry under regulation has not already taken place in respect of the provisions of such inquiry or direction in accordance with the order of inquiry make such orders if necessary; the appellate authority to the penalties specified in clause; (v) of 7 and an inquiry under regulation has not already taken place in respect of the provisions of such inquiry or direction in accordance with the order of inquiry make such orders if necessary; and no order imposing an enhanced penalty shall be made in any other case appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of regulation 12, of making a representation against such enhanced penalty. (3) In an appeal against any order specified in regulation 19, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable

24. Implementation of orders in appeal.—The authority which made the order against shall give effect to the orders passed by the appellate authority. PART VIII REVISION AND REVIEW 25. Central Government's power to revise.— (1) Notwithstanding anything contained in these regulations. the Central Government may, at any time, either on its own motion or otherwise, call for the records of the case, revise any order made under these regulations or under the rules repealed by regulation 29 from which an appeal is allowed. but from which no appeal has been preferred or from which no appeal is allowed, and may— (a) confirm, modify or set aside the order; or (b) confirm, reduce, enhance or set aside the penalty imposed by the order. or impose any penalty no penalty has been imposed: or (c) remit the case to the authority which made the order or any other authority, directing such authority to make such further inquiry as it may consider proper in the circumstances of the case or (d) pass such other order as it may deem fit : Provided that no order imposing or enhancing any penalty shall be made by the Board's employee been

'unity of making a representation on the penalty 2.-ror,asec1 [0 impose o? the p.n;- iti,: f 7 or by the order {o re•e'i' Ed in nn snch after an in Cher down Provided 'hat the itrs Qi rev:sic.n may also be exercised in res•vcct o? orders :.vcciiid in clause (iv) Df regulation 26. Chairnan's power Chairman may OQ his own motion or otherwise call for records of the case in a disciplinary proceeding taken under these regulations by any euthori y subordinate to him; review any order passed in such a case and' pass such orders ns he deems fit, as if the Board'q ernn'nvee had preferred an appeal to him against such order : Provided that the powers of rev.•v., under this regula•ion may also be exercised in respect of orders. spa:ified in c'ause (iv) of regulation 19; Provided further no action regula- tion shall be initiated more than six mon'hs at ee the date Qf the order to be reviewed, PART MISCELLANEOUS 27. Service of orders, notices, etc.—Every order, notice and o.ãher process made or issued under these regulations shall be served in person on the Boards employee concerned or con•umunicated to him by re- gistered post

28. Power to •relax time-limic 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, ex•end the time specified in regulations for anything required to be done under (hes,: regulations or condone any delay. mo. Regeal and) The Cardamom Board yez•vice (Con and Appeal) Rules, 1971 ace hereby . Provided Lhai— (a) z•uch repeal not affect the prev;ous operation QF the said rules, or any notifica- (ion or order made, or onyihinz done any action taken, therct,roder; (b) any proceedin5 under the said rules, pending v-fi [h.,, of these regul:tLions ff.ha}! conti•nw.-d and disposed of as far as bc in Che. provisions as such were . be construed r,crson to "horn the-se regulations ch had 10 rules, notjiieuGons or orders iR l:ese regulations. An pending the commencement of amtinst en order made before such commencement shall be consilierecl and orders therean Shall be made, in accordũnce with fhese regulations, us if such orders were made and the appeal were referred under lhesc regulations. (4) As from the commencement of these re\ula- tions any appeal or upplication for review or revrsion against any orders made before such commencement shall be preferred or made under 'hese regulations as if such orders were made under these regulations. 30, Removal of doubts.—If any doubt a&es as to (he interpretation of any of the provisions of these regulations, the matter shall be referred to the Central Government for deciSon. T. NANDAKUMAR, (LAS.), Chairmau 22 THE GAZETTE OF INDIA : EXTRAORDINARY SCHEDULE. [PART SEC. 41 Description of p,,qeand or class [Postũ careyinga pay or a scale of pay of) R' 4,000 and above lie. ali Group A u All Group n poses Group C posts D posts Authori:y 3 Cha irman Chairman Secretary Secreta o All[horily competen(to impos,c penalty and 'he penally which rmay impoge (with retércnce lu iLcm (i) io (ix) in regulation Authority 4 Chairman Chairman Secretary Secretary Penalty A 11 All Appellate Aulhellil)' Ceni vai Governmentl Ce Governmeni Ch\irman Chairman Printed by the Manager, Govt. of India Press. Ring Road, New Delhi-110064 Publishbd Gy the Controller of Publications, Delhi-110054, 1992