

RCF EMPLOYEES' (CONDUCT, DISCIPLINE & APPEAL) RULES

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RCF EMPLOYEES' (CONDUCT, DISCIPLINE & APPEAL) RULES 2005

In exercise of the powers conferred on the Board of Directors under Article 85 (16) of the Articles of Association of the Rashtriya Chemicals & Fertilizers Limited, the Board of Directors hereby make the following rules namely : "The Rashtriya Chemicals & Fertilizers Limited Employees' (Conduct, Discipline and Appeal) Rules 2005.

PART I – GENERAL

1. Short Title, Commencement and Applicability

- (a) These Rules may be called Rashtriya Chemicals & Fertilizers Limited Employees' (Conduct, Discipline & Appeal) Rules 2005.
- (b) The Amended Rules have come into force from the date of approval of the Board. (21.01.2005)
- (c) These Rules shall apply to all employees in 'officer' category (Regular/Probationer) and not to the following:
 - i) Those in casual employment.
 - ii) Those in respect of whom the Board / Govt. may have issued or may issue separate orders / Rules regarding conduct, discipline and appeal.
 - iii) Those in respect of whom the Board may have directed or may direct by general or special order that these Rules shall not apply.
- (d) In these Rules, 'Masculine' shall include 'Feminine' and 'Singular' shall include 'Plural' or vice versa.
- (e) These Rules shall supersede the RCF Employees' (Conduct, Discipline & Appeal) Rules, 1993.

2. Definitions

In these Rules, unless the context otherwise requires:

- (a) 'Appointing Authority' in relation to an employee means the authority empowered by the Articles of Association of the Company/Board/CMD or any other authority delegated the powers to make appointment to the grade in which the employee is for the time being included or the post which the employee for the time being holds.

- (b) 'Appellate Authority' means the authority specified in the Schedule-I appended to these Rules.
- (c) 'Board' means Board of Directors of the Rashtriya Chemicals & Fertilizers Limited and in relation to any powers exercised by it also includes any Committee of the Board / Management or any officer of the Company to whom the Board delegates any of its powers.
- (d) 'Company' means the Rashtriya Chemicals & Fertilizers Limited..
- (e) 'Competent Authority' means the Authority empowered by Articles of Association/Board/CMD by any general or special rule or order, to discharge the functions or use the powers specified in the Rule or order.
- (f) 'Disciplinary Authority' means the authority specified in the schedule appended to these Rules and competent to impose any of the penalties specified in Rule 36.
- (g) 'Employee' means a person (Both Male & Female) in the employment of the Company, both regular and on contract basis as well as probationer in officer category other than the casual, work-charged or contingent staff or workman as defined in the Industrial Disputes Act 1947, but includes a person on deputation to the Company and on deputation from the Company.
- (h) 'Government' means the Central Government.
- (i) 'Management' means the Board, the Chairman & Managing Director, or any other person delegated with the powers to act on his behalf and / or to whom any of this powers are delegated.
- (j) 'Members of the family' in relation to an employee include: -
 - (i) The wife or husband as the case may be, of the employee, whether residing, with him/her or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent Court.
 - (ii) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
 - (iii) Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee, provided that such intimation has been made to the Company by the employee.
- (k) 'Public Servant' shall mean and include a person as defined in Sec. 21 of the Indian Penal Code and Section 2(c) of the Prevention of Corruption Act 1988, as amended from time to time.

- (1) For the purpose of these rules, “sexual harassment” includes such unwelcome sexually determined behaviour (whether directly or by implication) as:
- i) Physical contact and advances;
 - ii) Demand or request for sexual favours;
 - iii) Sexually coloured remarks;
 - iv) Showing any pornography and
 - v) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

3. Code of Conduct & Ethics for Employees

The principles stated below underline and supplement the rules and laws regulating the public and private conduct of the employees.

- (a) Objectives
- i) The role of the employee is to assist the Company to achieve its objectives as spelt out in the charter constituting the setting up of the Company.
 - ii) It is the obligation of every employee of the Company to uphold the Rule of Law and respect for human rights solely in the public interest. He must maintain the highest standards of probity and integrity.
 - iii) In relation to the general public, the employees of the Company should conduct themselves in such a manner that the public feels that the decisions taken on the recommendations made by them (employees) are objective and transparent, and are not calculated to promote improper gains for the political party in power or for themselves or for anyone else.
 - iv) Employees of the Company should not seek to frustrate or undermine the policies, decisions and actions taken in the public interest by the management by declining or abstaining from action which flows from the management decision. Where following the instructions of the superior authority would appear to conflict with the exercise of impartial professional judgement or affect the efficient working of the Company, he should set out points of disagreement clearly in writing to the superior authority or seek explicit written instructions.
 - v) Where an employee of the Company has reasonable grounds to believe that he is being required by the superior authority to act in a manner which is illegal or against the prescribed rules and regulations, or if any legal infringement comes to his notice, he should decline to implement the instruction, and would also have a right to bring the facts to the notice of the Chairman & Managing Director of the Company or the Secretary of the administrative ministry concerned. It shall be incumbent to examine the issue carefully and take action appropriately.

- vi) The religion, region, caste, language of the employee will have no influence on the working of his official capacity.

(b) Conflict of interest and peer pressure

- i) Employee of the Company should refrain from decisions in respect of which they have reason to believe that they are calculated to benefit any particular person or party at the expense of the public interest.
- ii) Every employee of the Company shall disclose any clash of interest when there is conflict between public interest, or he is likely to benefit from any act of omission or commission while discharging his functions.
- iii) The employees of the Company should be alert to any actual or potential conflict of interest, financial or otherwise, and should disclose this to their superiors, whether the conflict covers them or their family members.
- iv) The employees of the Company should maintain their independence, dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefit. They should exercise peer pressure to dissuade those who do so within the organization and make efforts to set in motion disciplinary proceedings against such persons.

(c) Accountability and responsiveness to the public

- i) Consistent with accountability to the superior officers in accordance with provisions governing the Company, the employees of the Company should also practise accountability to the people in terms of quality of service, timeliness, courtesy and people orientation [*and readiness to encourage participation of, and form partnership with citizen groups for responsive management*].
- ii) Employees of the Company should be consistent, equitable and honest in their treatment of the members of the public, with particular care for the weaker sections of society and should not even be or appear to be unfair or discriminatory. Decision in pursuit of discretionary powers should be justifiable on the basis of non-arbitrary and objective criteria.
- iii) Employees of the Company should accept the obligation to recognize and enforce customer's right for speedy redressal of grievances and commit themselves to provide services for declared quality and standard to customers.

- iv) Employees of the Company should respect the right of public to information on all activities and transactions of the organizations except where they are debarred in the public interest from releasing information by provisions of law or by valid instructions.

(d) **Concern for value of public asset and funds**

The employees of the Company should avoid wastage and extravagance and ensure effective and efficient use of the public money within their control. In cases of disputes or grievances, efforts must be made to resolve them quickly. No unlawful stoppage or disruption of work or damage to the assets of the Company should be resorted to.

(e) **Non abuse of official position**

The employees of the Company have a responsibility to make decisions on merits. They are in a position of trust. They must not use their official position to influence any person to enter into financial or other arrangements with them or with any one else. They must not abuse their official position to obtain a benefit for themselves or for someone else, in financial or some other forms.

(f) **Continuous improvement through professionalism and teamwork**

It shall be the duty of every employee of the Company to continuously upgrade his skills and knowledge, strive for creativity and innovation and nurture the values of team working and harmony. He should promote and exhibit public and private conduct in keeping with the appropriate behaviour and standards of excellence and integrity. He should support the juniors in the latter's efforts to resist wrong or illegal directives and in abiding by the Code of Ethics. At the same time, they should reward good work and punish any dereliction of duty and obligations, based on objective and transparent criteria.

PART II - CONDUCT

4. Scope of an employees' service

- (a) Unless it is otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Company and he shall serve the Company in its business in such capacity and at such places as he may, from time to time, be directed.
- (b) Notwithstanding anything contained in the appointment order or any other document, the Management may transfer an employee from one discipline / department to any other discipline / department and / or from one location to another location, for administrative reasons.

5. Liability to abide by the Rules

- (a) Every employee of the Company shall at all time :
 - i) maintain absolute integrity;
 - ii) maintain devotion to duty;
 - iii) shall conform to and abide by these and other Rules of the Company and shall observe, comply with and obey all lawful orders and directions which may, from time to time be given to him in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he is placed;
 - iv) do nothing which is unbecoming of a public servant;
 - v) refrain from indulging in any act of sexual harassment of any woman at any of the work places of the Company
- (b) Every employee who is incharge of the work place shall take appropriate steps to deter and prevent sexual harassment of any woman at such work place. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, appropriate action shall be initiated in accordance with law by making a complaint with the appropriate authority.
- (c) Every employee of the Company holding supervisory post shall take all possible steps to ensure the integrity, proper conduct and devotion to duty of all employees for the time being under his control and authority.
- (d) Every employee shall at all times conduct himself soberly and temperately while on official premises and also in public, show proper respect and civility to all concerned and shall use his utmost endeavor to promote the interest of Company and to maintain and promote the good reputation thereof.

- (e) No employee shall, in the performance of his official duties or, in the exercise of powers conferred on him act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

6. Forwarding Applications

- (a) No Employee shall forward his application to any Govt. (Central/State) or Semi-Govt. Department or Public Undertaking in India or abroad, except through the Company and in accordance with the Rules framed by the Company.
- (b) No Employee shall send application for an award or a fellowship, scholarship, or for any other qualification etc. directly to any authority unless the application is forwarded by the Company and he is permitted to take up such a fellowship, scholarship or qualification.
- (c) No Employee shall send application for obtaining / renewal of Passport without getting specific 'No Objection Certificate' from the Company. A copy of the Passport shall be submitted to the Company after receipt of the same to Personnel Department.

7. Age

- (a) Each person entering service of the Company shall, in proof of the date of birth, submit matriculation/School Final Examination Certificate or equivalent examination or School Leaving Certificate or University Certificate wherein the Date of Birth is recorded.
- (b) In case the employee is unable to produce document as in (i) above, the attested extracts from Register of Birth & Death containing his date of birth and duly authenticated by appropriate authority will be accepted as evidence of age.
- (c) In case an employee produces more than one documentary evidence in support of his date of birth / age, the certificate indicating highest age shall be accepted and recorded by the Company.
- (d) Once the date of birth is accepted and recorded at the time of joining, it shall become final and binding. However, the Company reserves the right to ask the employee at any time to produce documentary evidence of his date of birth on the basis of additional information / evidence, which may subsequently come to the notice of Management and if any discrepancy is noticed, Management may change the date earlier recorded after giving due notice to the employee. This is without prejudice to Management's right to take other disciplinary action as per rules, if it is found that any false information was given by the employee.
- (e) Once the date of Birth is recorded as above, no alteration on the request of the employee would be allowed.

8. Resignation

- (a) Any employee who desires to leave the service of the Company shall submit a letter of resignation to the Appointing Authority through proper channel. A copy of the resignation shall also be handed over to the Personnel Department simultaneously and acknowledgement obtained. A resignation shall take effect only after it has been accepted by the Management / Competent Authority and after fulfilling the obligations imposed by the conditions of appointment or contract. Should an employee leave the service without fulfilling the obligations, he will be liable to be sued by the Management for damages. Resignation shall be governed as follows:
- i) A Permanent Employee may leave the services of the Company after giving 3 months notice or as per the terms and conditions of his appointment.
 - ii) A Probationer/Contract Employee may leave the service as per terms and conditions of his appointment or contract as the case may be.
 - iii) The Company reserves the right either to accept pay and allowance / adjustment of leave towards notice period or demand for actual service during the notice period.
 - iv) The Company reserves the right not to accept the resignation if any disciplinary proceedings / criminal proceedings are pending, initiated or contemplated against an employee.

9. Superannuation

- (a) Every employee shall retire from the services of the Company on his completing the age of 58 years. The age set forth in the service record of the employee shall be the basis for arriving at the date of retirement and the employee shall retire on the last day of the calendar month in which he attains 58 years.
- (b) On retirement, the employee will be entitled to superannuation benefits as per rules of the Company existing at the time of superannuation.

10. Premature Retirement

- (a) An employee who has attained the age of 50 years and is considered to be medically unfit, inefficient or of doubtful integrity may be prematurely retired in Public Interest by the Competent authority who will satisfy itself with the instances necessitating the premature retirement.
- (b) A detailed procedure, providing for periodical review of individual cases by a Committee which will submit its recommendations to the Competent Authority, is separately laid down by the Company.
- (c) The premature retirement under these rules is independent of and without prejudice to Management's Right to dispense with the services of an employee on three months' / one month's notice (applicable as per terms of appointment) or Compulsory Retirement prescribed in Rule 36 (viii).

(d) The criteria for judging inefficiency, doubtful integrity or medical unfitness of an employee proposed to be prematurely retired are as follows:

i) **Inefficiency**

Inefficiency would be evaluated on the basis of the Annual Performance Appraisal Reports (PAS-3). An employee who has secured average / adverse reports for three times in previous five years may be deemed as a fit case for premature retirement.

ii) **Doubtful integrity**

An employee who gets an adverse entry in his Annual Performance Appraisal Reports on his integrity three times in previous five years would be recommended for premature retirement.

The CRs of those employees whose integrity has been considered doubtful or which contain adverse reports will be put up to CMD along with the recommendation of the committee, if such reports have not otherwise been put up to him as Reviewing Officer or as Accepting Authority.

iii) **Medical Unfitness**

A) If an employee has been continuously on leave on medical grounds for a period of 12 weeks (including Sundays and holidays) or he has been on leave for reasons of sickness for a total period of 120 days or more (including Sundays and holidays) during a continuous period of six months or if a person is attending duties but is found to be mentally or physically unfit, the Company may refer him to a Medical Board to be constituted by the Competent Authority. The Board will consist of the Head of the Medical Department of RCF, an additional Medical Officer of RCF and an outside Specialist, preferably the Certifying Surgeon of the State Govt., for thorough medical checkup and report the following:

- The conditions the employee is suffering from
- Whether it is curable or incurable, occupational or otherwise
- Whether the disease is infectious/contagious
- In case of curable disease whether the person is likely to be fit to resume his normal duties within a period of 12 months.

B) If the employee is not fit to resume his duties within a period of 12 months or suffering from incurable and infectious/contagious disease or suffering from lunacy or mental derangement and whose usual services cannot be utilised by the Company or whose attendance is likely to pose health hazard to other as certified by the Medical Board, premature retirement will be considered, by the Competent Authority, on recommendations of the Medical Board.

(e) **Premature Retirement Dues**

An Employee who is prematurely retired will be entitled to the following dues:

- i) Pay for the notice period of 3 months or as applicable under his terms and conditions of service / contract, plus leave salary for unavailed earned / medical leave. The quantum of leave salary will not exceed the maximum limit to which earned / medical leave can be accumulated / encashed under the Leave Rules applicable to the employee.
- ii) Full Provident Fund contribution of the employer with accretions thereto in the account of the employee subject to the provisions of the Provident Fund Rules applicable to the employee.
- iii) Gratuity for each completed year of service or part thereof as admissible under the Payment of Gratuity Act, 1972.
- iv) Transfer benefits for self and family for proceeding to home town or to the place where he intends to settle in India as admissible under TA Rules, limited to Hometown (Expenses limited to Home town).

11. Termination of Employment

- (a) The services of an employee may be terminated in accordance with the terms of appointment and in accordance with these rules.

12. Obligation to maintain secrecy

- (a) No employee shall, except in accordance with any general or special order of the Company or in the performance in good faith, of the duties assigned to him, communicate directly or indirectly, information contained in any official documents or any other part thereof or information to any other person to whom he is not authorized to communicate such documents or information.

13. Evidence before Committee or any other Authority

- (a) Save as provided in sub-rule (c) below, no employee shall except with the previous sanction of the competent authority, give evidence in connection with any Enquiry / Inquiry conducted by any person, committee or authority.
- (b) Where any sanction has been accorded under sub-rule (a) no employee giving such evidence shall criticize the policy or any action of the Company.
- (c) Nothing in this Rule shall apply to :-
 - i) Evidence given at any enquiry before an authority appointed by the Govt., by Parliament or by State Legislature or the Company; or

- ii) Evidence given in any judicial enquiry; or
 - iii) Evidence given at any Departmental Inquiry ordered by the Company or by any authority subordinate to it or by the Govt.
- (d) Non-appearance before an Inquiring Authority appointed by the Company, in any Disciplinary Proceedings, when called for, shall be considered as a misconduct.

14. Participation in Politics and Elections

- (a) Except so far as may be authorized by any law, no employee shall be a member or otherwise be associated with any political party or any organization, which takes part in politics or assists any political movement or activity. No employee shall contest any election without the permission of the Company, to be a member of any State or Central Legislature or local authority.

In case permission is granted, the employee shall submit his resignation from the Company, on getting elected. In such case, there will not be any lien on the post from which he resigns.

15. Participation in Demonstrations

- (a) No employee of the Company shall engage himself or participate in any demonstration / signature campaign which is prejudicial to the interests of the Company, or which involves incitement to an offence or criticizes the policies of the Company/government.

16. Connection with Press, Radio or Television

- (a) No employee shall except with the previous written sanction of the Competent Authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication or any other form of news media.
- (b) No employee shall except with the previous written sanction of the Competent Authority or in the bonafide discharge of his duties, participate in a radio broadcast, TV telecast or contribute any article or write any letter either anonymously, pseudonymously or in his own name, to any newspaper, periodical or otherwise.

However, no such sanction shall be required if such broadcast, telecast or such contribution is of a purely literary, artistic, educational or scientific nature.

17. Private Trade or Employment

- (a) No employee shall except with the previous written sanction of the Competent Authority, engage directly or indirectly in any trade or business or undertake any other employment.

Provided that an employee, may without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, educational or scientific character, subject to the condition that he shall inform to the Company about the same and his official duties do not thereby suffer and he shall discontinue such work, if so directed by the Competent Authority.

- (b) Every employee shall report to the Competent Authority in writing, if any member of his family whether such a person is dependent on the employee or not, is engaged in a trade or business or owns or manages an insurance agency or commission agency, whether or not the same is on a large scale.
- (c) No employee shall without the previous written sanction of the Competent Authority, except in the discharge of his official duties, take part in the registration, promotion or management of any society, bank or a Company which is required to be registered under the Companies Act, 1956 or the Maharashtra State Cooperative Societies Act, 1960.
- (d) An employee may take part in the registration, promotion or management of a Consumer or House Building Co-operative Society, substantially for the benefit of employees of the Company, registered under the Co-operative Societies Act, 1912 or any other law for the time being in force or a society of a literary, scientific or charitable nature registered under the Societies Registration Act 1860 or any corresponding law in force. However, intimation of the same shall be given to the Company.
- (e) No employee shall accept any fee, honorarium or any pecuniary advantage for any work done by him for any public body or any private person without the written sanction of the Competent Authority. The Company may grant permission if it is considered that the work performed is of occasional or intermittent nature and so laborious or of such special merit as to justify a special reward and that the work has been done without detriment to his official duties. No permission shall be granted if the work has been done without prior consent of the Company.

18. Employment of near relatives of the employee in any Company or Firm enjoying patronage of the Company

- (a) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife / husband whether such a person is dependent on the employee or not.
- (b) No employee shall, except with the previous written sanction of the Competent Authority, permit his son, daughter or any member of the family to accept employment with any Company or Firm with which he has official dealings, or with any Company or Firm having official dealings with the Company.

Provided that where the acceptance of the employment cannot await the prior permission of the competent Authority, the employment may be accepted provisionally subject to the permission of the Competent Authority to whom the matter shall be reported forthwith.

- (c) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to Company or Firm or any other person if any member of his family is employed in that Company or Firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

19. Adoption of small family norms by the employees

- (a) Every employee shall try to ensure that the number of his children does not exceed three.

Provided that an employee will follow the Govt. guideline for adoption of small family norms from time to time.

Provided further that nothing in this rule shall apply to an employee who has more than three children on 31st day of Dec. 1993, but he shall ensure that the number of children does not exceed the number on that day.

20. Absence from duty without permission, absence from station or late attendance

- (a) No employee shall absent himself from his duties without having obtained prior permission of the Competent Authority.
- (b) No employee shall leave the station, where he is posted, without obtaining prior permission of the Competent Authority unless otherwise so authorised by such authority.
- (c) No employee shall leave India, for any purpose whatsoever, without obtaining prior administrative approval from the Company.
- (d) Every employee will observe strict punctuality. Any employee who comes late for 3 consecutive days in a month shall have one day deducted from Casual Leave/Earned Leave. An employee who is habitually late will render himself liable for such disciplinary action as the Competent Authority may deem fit.

21. Consumption of intoxicating drinks and drugs

An employee of the Company shall :-

- (a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being.
- (b) Not be under the influence of any intoxicating drinks or drugs during the course of his duty.

- (c) Refrain from consuming any intoxicating drinks or drugs in a 'public place'.
- (d) Not appear in a 'public place' in a state of intoxication.
- (e) Not use any intoxicating drink or drug to excess, although it may not be in a 'public place'.

Explanation

- (i) For the purpose of this Rule 'public place' means any place or premises (including a conveyance) to which the public have or are permitted to have access, whether on payment, or otherwise.
- (ii) 'Public Place' shall also include Clubs, exclusively meant for members where non-member guests are permitted.
- (iii) Drinking in any lodging room of the Hotel will not attract the provisions but drinking in the restaurant of the Hotel where the public is permitted would attract the provisions of the aforesaid rule.

22. Canvassing by non-officials or other influence

- (a) No employee shall bring or attempt to bring any influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Company.

23. Gifts

- (a) Save as otherwise provided in these Rules, no employee shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift.
- (b) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift received at one occasion from one single individual (relative) exceeds Rs.5000/-.
- (c) On such occasions as are specified in sub-rule (b), an employee may accept gifts from his personal friends having no official dealings with him, but he shall make report to the competent authority if the value of any such gift received from one single individual (friend) at one occasion exceeds Rs.3000/.
- (d) In any other case an employee of the Company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gift without the sanction of the Competent Authority if the value thereof exceeds Rs.1000/-. When such permission could not be taken, he will make report to the Competent Authority immediately on receipt, if the value of such gift exceeds Rs.1000/-.
- (e) An employee shall avoid acceptance of lavish or frequent hospitality from any individual or Firm having official dealings with the Company.

Explanation

The expression 'gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend [having no official dealings with the employee].

24. Dowry

- (a) No employee of the Company shall give or take or abet the giving or taking of dowry.
- (b) No employee shall demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation

For the purpose of this rule 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961.

25. Bigamous marriages

- (a) No employee shall enter into, or contract a marriage with a person having a spouse living, and
- (b) No employee, having a spouse living, shall enter into, or contract a marriage with any person

Provided that the Competent Authority may permit an employee to enter into or contract, any such marriage as is referred to in clause 25 (a) and 25 (b) if he is satisfied that;

- (i) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage.

and

- (ii) There are other grounds for so doing.

26. Marriage with a Foreigner

- (a) An employee of the Company who has married or marries a person other than that of Indian Nationality shall forthwith intimate the fact to the Chairman & Managing Director through the Departmental Head and Head of Personnel Department.

27. Investment, Lending and Borrowing

- (a) No employee shall save in the ordinary course of business with the bank or LIC or a firm of standing, borrow money from or lend money to, or otherwise place himself under pecuniary obligations to any such person with whom he has, or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligations either in his name or for his benefit or for the benefit of any member of his family.

- (b) No employee shall purchase Shares/Debentures out of the quota reserved for promoters, their friends, associates, employees or Directors of other companies.
- (c) No employee shall take loan from a Cooperative Bank/Society without the written permission of the Company.

28. Insolvency and habitual indebtedness

- (a) An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness is a result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- (b) An employee of the Company who applies to be or is adjudged or declared insolvent shall forthwith report the fact to his competent authority. Any employee on being adjudged or declared insolvent shall cease to be in the services of the Company.

29. Criticism of Govt. and the Company

- (a) No employee shall, in any radio broadcast / TV telecast or in any document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:
 - i) Which has the effect of adverse criticism of any policy or action of the Central Govt. or State Govt. or of the Company; or
 - ii) Which is capable of embarrassing the relations between the Company and the public.
 - iii) No employee shall, in any radio broadcast / TV telecast or in any document published under his name or in the name of any other person or in any communication to the press, or in any public utterances in the Conference / Seminar / Meeting, make any statement which has the effect of adverse criticism of any policy or action of the Central Govt. or State Govt. or of the Company or that of product / services of the Company or any other Indian Company in India or abroad.

30. Movable and immovable property

- (a) No employee shall, except with the previous knowledge of the Management acquire or dispose of any immovable property by lease, mortgage, sale, gift or otherwise either in his own name or in the name of any member of his family.
- (b) No employee shall, except with the previous sanction of the Management, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or any subordinate employee.

- (c) Every employee of the Company shall report in the prescribed format as in Annex. I to the Competent Authority every transaction concerning movable property owned or held by the employee in his own name or in the name of a member of his family, within one month of the date of the transaction, if the value of such property exceeds Rs.15,000/- (Rupees Fifteen thousand only).
- (d) In addition to above, if the total transaction in shares, debentures, securities, mutual funds etc. exceeds Rs.25,000/- in a calendar year, separate intimation will be given by the employee.

Explanation I

- (A) The term "every transaction concerning movable property owned or held by the employee" includes all transactions of sale or purchase.
- (B) For the purpose of this rule, the definition of "movable property" would include :
 - i) Jewellery, insurance policies, the annual premia of which exceeds Rs.15,000/- (Rupees Fifteen thousand only) or one sixth of the total annual emoluments received from the Company whichever is less, shares, debentures and other securities;
 - ii) Loans advanced or taken by the employee whether secured or not;
 - iii) Car, Scooter, Computer, Refrigerator, Television Set, VCR, VCD / DVD Player, Music System, Oven, furniture etc.

Explanation II

Transaction entered into by the spouse or any other member of the family of an employee of the Company out of his or her own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of the employee of the Company himself, in his or her own name and in his or her own right, would not attract the provisions of the above Rule.

Explanation III

The value of movable property less than Rs.15,000/- may be added and shown as lumpsum. The value of articles of daily use such as clothes, utensils, crockery, books etc. need not be indicated in the returns.

31. Property Returns

- (a) Every employee shall, on his first appointment in the Company submit a RETURN OF ASSETS AND LIABILITIES in the prescribed format as in **Annexure II** giving the particulars regarding;
 - i) THE IMMOVABLE PROPERTY inherited by him, or owned or acquired by him, or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

- ii) Shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him.
 - iii) Other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs.15,000/- (Rupees Fifteen thousand only).
 - iv) Debts and other liabilities incurred by him directly or indirectly.
- (b) Every employee shall also submit a yearly return of immovable property / movable property inherited / owned / acquired as on 1st January in the prescribed format as in **Annex.II**.
 - (c) The Competent Authority may, at any time, by general or special order require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf by any member of his family as may be mentioned in the order. Such statement in prescribed format, shall if so required by the Competent Authority or by the authority so empowered, include details of the means by which, or the source from which such property was acquired.
 - (d) The employee shall strictly observe the Company's "Code of Internal Procedure and Conduct for Prohibition of Insider Trading" and shall furnish to the Company the information regarding shares held by him and his relatives in the prescribed forms (Form No.1/C.I.T. or Form No.2/C.I.T. as the case may be). Sample forms are given at Annexures III & IV.

32. Misconduct

Without prejudice to the generality of the term 'misconduct' the following acts of omission and commission shall be treated as misconduct:

- (a) Theft **or** fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the Company, including Company's Township.
- (b) Taking or giving bribes or any illegal gratification, or demanding or offering bribes or illegal gratification.
- (c) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- (d) Furnishing false information regarding name, age, father's name, qualification, experience or previous service or any other matter germane to the employment at the time of entry to service or during the course of employment.
- (e) Acting in a manner prejudicial to the interest of the Company.
- (f) Willful insubordination or disobedience, of any lawful and reasonable order of his superior.

- (g) Absence without leave or overstaying the sanctioned leave without sufficient reasons.
- (h) Habitual late or irregular attendance.
- (i) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (j) Causing damage to work in progress or to any property of the Company either willfully or through negligence.
- (k) Non-observance of safety precautions or rules, or interfering or tempering with any safety devices installed in or about the premises of the Company.
- (l) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Company or outside such premises where such behavior is prohibited under the rules.
- (m) Gambling within the premises of the establishment / Company.
- (n) Collection, without the permission of the Competent Authority, of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or the rules of the Company.
- (o) Commission of any act which amounts to a criminal offence or involves moral turpitude.
- (p) Purchasing properties, machinery, stores etc. from or selling properties, machinery, stores etc. to the Company without express permission in writing from the competent authority.
- (q) Commission of any act subversive of discipline or good behaviour.
- (r) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (s) Engaging in any trade or business without taking permission of the Competent Authority.
- (t) Disclosing to any unauthorised persons any information in regard to the working or process of the Company which come into the possession of the employee during the course of his work.
- (u) Canvassing in support of the business or Insurance Agency Commission Agency, etc. owned or managed by his spouse or any other member of his family.
- (v) Spreading rumors or giving false information which tends to bring into disrepute the Company or its employees or spreading panic among them.
- (w) Leveling malicious or false allegations.

- (x) Occupying or taking possession in an unauthorized manner or refusal to vacate or deliver possession of Company's quarters or any of its premises, owned or hired when required to do so by Company.
- (y) Refusal to accept a charge sheet or order or any other communication from the Company.
- (z) Striking work alone or in combination with other employees, or inciting to strike work in contravention of the provisions of any law or rules having the force of law.
- (aa) Indulging in the act of sexual harassment.
- (ab) Misuse of any advance or non-compliance with the provisions of the rules for grant of any advance.
- (ac) Violation of the provisions of any of the rules or established practices in the interest of the Company.

Note : The above instances of misconduct are illustrative in nature and not exhaustive.

PART III – SUSPENSION

33. Procedure for Suspension

- (a) The Disciplinary authority or any authority to which it is subordinate or any other authority empowered in that behalf by the Management by general or special order may place an employee under suspension;
 - i) Where disciplinary proceedings for major penalty are contemplated or are pending against him or;
 - ii) Where a case against him in respect of any criminal offence is under investigation or trial.
- (b) The employee, who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Disciplinary authority, and shall remain under suspension until further orders.
- (c) Where a penalty of dismissal or removal from service imposed on an employee under suspension is set aside on appeal or on review under these Rules and the case 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 or removal and shall remain in force until further orders.
- (d) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal 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 or removal and shall continue to remain under suspension until further orders.
- (e) The order of suspension made or deemed to have been made under these rules may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- (f) The order of suspension shall specify the headquarters of the employee during the period when the order will remain in force.
- (g) If the employee under suspension requests for change of headquarters, the Disciplinary Authority may take appropriate decision taking into consideration the additional expenditure that may involve as well as difficulties in investigation or in processing departmental proceedings. The employee under suspension is subject to conditions of service applicable to other employees and cannot leave headquarters without prior permission.

- (h) The employee connected with a Dowry Death case in the following circumstances shall be placed under suspension forthwith by invoking the provisions of Rule 33 (a) and (b) above.
- (i) If the employee is connected with the registration of the Police case under Sec.304 B of IPC viz. involvement in case of 'dowry death' he shall be placed under suspension immediately irrespective of the period of detention.
- (j) If the employee is not arrested by the Police in dowry death case, he shall be placed under suspension on submission of a Police Report under Sub-sec.(2) of Sec.173 of the Code of Criminal Procedure, 1973 to the Magistrate, if the report prima facie indicates that the offence has been committed by the employee.

Explanation

For the purpose of this sub-sec. 'Dowry Death' shall have the same meaning as in Sec.2 of the Dowry Prohibition Act. 1961.

34. Subsistence Allowance during Suspension

- (a) The employee under suspension shall be entitled to draw subsistence allowance equal to 50% of his last drawn basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. A Certificate to this effect is to be furnished by the suspended employee in the format prescribed (**Annexure V**).

In addition, he shall be entitled to the following :

- i) Dearness Allowance as admissible on such subsistence allowance.
- ii) HRA and CCA on the basis of pay which the employee was in receipt on the date of suspension subject to fulfillment of other conditions laid down for drawal of these allowances.
- iii) Children Education Allowance / reimbursement of tuition fees, if otherwise admissible.
- iv) If the headquarters of the employee under suspension is changed in public interest he will be entitled to allowances as admissible at the new station.
- v) Medical Facilities available to an employee.
- vi) Telephone expenditure as per rules provided the Disciplinary Authority is satisfied that this benefit is required to be extended during the period of suspension.

vii) The employee under suspension will not be required to vacate the Company provided accommodation. Recoveries towards this, however, will continue to be made on the basis of last drawn basic pay.

viii) **SEALED COVER PROCEDURE**

At the time of consideration of the cases of Employee for promotion falling under following categories, it shall be specifically brought to the notice of the Departmental Promotion Committee:-

- (1) Employee under suspension;
- (2) Employee in respect of whom disciplinary proceedings are pending; and
- (3) Employee in respect of whom prosecution for criminal charge is pending.

PROCEDURE TO BE FOLLOWED IN RESPECT OF THOSE UNDER CLOUD:

The Departmental Promotion Committee shall assess the suitability of the employee coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the suspension/disciplinary case/criminal prosecution pending. The assessment of the DPC including “Unfit for Promotion”, and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed ‘Findings regarding suitability for promotion to the grade/post of in respect of Shri(name of the employee). Not to be opened till the termination of the suspension/disciplinary case/criminal prosecution against Shri’

The proceedings of the DPC will contain the note “The findings are contained in the attached sealed cover”. The authority competent to fill the vacancy shall be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of an employee for his promotion are kept in a sealed cover.

PROCEDURE BY SUBSEQUENT DPC:

The same procedure outlined above will be followed by the subsequent Departmental Promotion Committee convened till the disciplinary case/criminal prosecution against the employee concerned is concluded, or the employee is reinstated by revoking suspension.

- (b) Where the period of suspension exceeds 6 months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first 6 months as follows:
- i) The amount of subsistence allowance may be increased upto 75% of basic pay, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee under suspension.
 - ii) The amount of subsistence allowance may be reduced to 25% of basic pay, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee under suspension.
 - iii) The 'Suspension' of an employee will be reviewed every three months and efforts will be made to ensure that Investigation/Inquiry is not unduly delayed.
 - iv) In order to finalize the Disciplinary Proceedings speedily, no leave will ordinarily be granted to the employee under suspension.
- (c) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the Disciplinary authority decides to continue the suspension, the employee shall be entitled to subsistence allowance as provided in sub-rules (a) & (b) above, from the date he is granted bail.

35. Treatment of the period of suspension

- (a) When the suspension of an employee is held to be unjustified or not wholly justified; or when an employee who was dismissed, removed or suspended is reinstated, the Management may grant to him the following for the period of his absence from duty :
- i) The full pay and allowances which he would have been entitled to if he had not been dismissed, removed or suspended, less the subsistence grant, if he is acquitted / exonerated or only a 'Minor Penalty' is imposed after issue of charge sheet for a 'Major Penalty'.
 - ii) Such proportion of pay and allowances as the Disciplinary Authority may prescribe, if reinstated otherwise.
 - iii) In a case falling under clause (i) the period of absence from duty will be treated as a period spent on duty. In case falling under clause (ii) it will not be treated as a period spent on duty unless the Disciplinary Authority so directs.

PART IV – PENALTIES

36. Classification of Penalties

(a) The following penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed on an employee who commits a breach of any Rule/Rules of the Company or who knowingly does anything detrimental to the interest of the Company, or in violation of the instructions or acts in a manner subversive of discipline, or is guilty of any other act of misconduct or misdemeanour

Minor Penalties:

- i) Censure;
- ii) Withholding of promotion;
- iii) Withholding of increments of pay with or without cumulative effect for a specified period;
- iv) Recovery from pay or such other amount as may be attributable to him of the whole or part of any pecuniary loss caused to the Company by his misconduct, negligence or breach of orders.
- v) Reduction to a lower stage in a grade / time scale of pay for a period not exceeding three years, without cumulative effect.

Major Penalties:

- vi) Reduction to a lower stage in a grade / time scale of pay with cumulative effect for a period upto three years or for a specified period exceeding three years with or without cumulative effect.
- vii) Reduction to a lower grade / time scale of pay with corresponding change of designation for a specified period.
- viii) Compulsory Retirement.
- ix) Removal from service which shall not be a disqualification for future employment under Govt./PSU.
- x) Dismissal from service which shall be a total disqualification for future employment under Govt./PSU.

(See instructions under Clause 43)

(b) Explanation on Penalties

The following shall not amount to a penalty within the meaning of these Rules:

- i) Withholding of increment of an employee on account of failure to pass a prescribed test or examination.
- ii) Recovery of Pecuniary Benefits/Withdrawal of promotions, unduly granted.
- iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case, as per promotion rules.
- iv) Reversion to a lower grade and corresponding post, on the ground that he is considered, after trial, to be unsuitable for such higher grade, or post, or on administrative grounds unconnected with his conduct.
- v) Reversion to his previous grade and corresponding post, of an employee appointed on probation to another grade / post, during or at the end of the period of probation, in accordance with the terms of his appointment or probation.
- vi) Reversion to his previous grade / post of an employee promoted on 'Ad-hoc' basis.
- vii) Premature retirement as provided in Rule 10 of these Rules.
- vii) Suspension under rule 33 of these Rules.
- viii) Termination of Service:
 - (A) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment.
 - (B) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment.
 - (C) of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement.
 - (D) of an employee on reduction of establishment.
 - (E) of an employee as a consequence of any Court Ruling.

37. Procedure for imposing minor penalties

- (a) When it is proposed to impose any of the 'Minor penalties' on an employee, he shall be informed in writing of the allegations or charges on account of which it is proposed to impose the penalty on him and asked to submit his explanation within a specified period not exceeding **7 days**. The explanation and evidence, if any, furnished by the employee shall be taken into consideration by the Disciplinary Authority before passing an order.

- (b) The record of proceedings in such cases shall include:
 - i) a copy of the statement of allegations and / or charges communicated to the employee;
 - ii) the explanation and evidence, if any, furnished by the employee; and
 - iii) the findings of, and the order passed by the Disciplinary Authority.
- (c) The Disciplinary Authority, at its discretion, may order a Departmental Inquiry, if considered necessary.

38. Procedure for imposing major penalties

- (a) No order imposing any of the major penalties specified in clause a (vi) to (x) of Rule 36 shall be made except after holding an inquiry in accordance with these Rules.
- (b) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of the charges or any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint any public servant (serving / retired), or officer of the Company (serving / retired) (hereinafter called the Inquiring Authority) to inquire into the truth thereof.
- (c) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite charges on the basis of the allegations against the employee. The charge, together with a statement of the imputation, on which the charges are based, a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained, 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) a written statement whether he admits or denies any or all the Articles of Charge. It will not be necessary to show or give copies of the listed documents to the charged employee at this stage.
- (d) If an employee refuses to accept the Charge-sheet, it will be pasted on the Company's Notice Board and residential premises of the charged employee and this will amount to serving the Charge-sheet on the employee.
- (e) On receipt of the explanation from the charged employee, the Disciplinary Authority shall consider the same and take action as follows:
 - i) If the charged employee unconditionally pleads guilty, a suitable penalty may be imposed by the Competent Authority as provided in these rules.
 - ii) If the written explanation convinces the Competent Authority that the charged employee is not guilty, he will be exonerated of the charges and the case closed.

- iii) If the charged employee does not plead guilty and the Disciplinary Authority is not satisfied with the explanation, or the employee does not submit an explanation within the prescribed time, an inquiry shall be ordered as detailed in these rules.
- (f) An inquiry may be ordered by the Disciplinary Authority as provided under sub clause (b), provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The Disciplinary Authority shall, however, record his findings on each such charge.
- (g) Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may by an order appoint a public servant or an officer of the Company (serving / retired) to be known as the 'Presenting Officer' to present on its behalf the case in support of the articles of charge.
- (h) The employee may take the assistance of any other public servant or an officer of the Company (serving / retired) to defend 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 an employee shall not take the assistance of any other public servant/officer who has already 2 pending Disciplinary Cases in hand in which he has to function as Defence Assistant. Preferably, the Defence Assistant shall be an employee of the Company and from the place where the inquiry will be held. In case the Defence Assistant is from any other place / location, TA / DA will be payable as per Company's TA Rules, on the basis of Certificate of Hearing issued by the Inquiring Authority, for this purpose. Similarly, payment of TA / DA will also be admissible to the Presenting Officer and the Prosecution and Defence Witnesses, on the basis of Certificate of Hearing issued by the Inquiring Authority.

- (i) 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. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and 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 employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.
- (j) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding **15 days**, after recording an order that the employee may, for the purpose of preparing his defence:
 - i) inspect the documents listed with the charge sheet;
 - ii) submit a list of additional documents and witnesses that he wants to examine giving relevance of the additional documents and witnesses in the case. The documents and the witnesses shall be summoned only if the Inquiry Authority is satisfied about their relevance to the charges under inquiry.

- iii) be supplied with the copies of the statements of witnesses, if any, listed in the chargesheet.
- (k) The Inquiring Authority shall ask the authority in whose custody or possession the additional documents are kept, for the production of the documents on such date as may be specified.
- (l) The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Company. In that event, it shall inform the Inquiring Authority accordingly who shall take a final decision in the matter.

- (m) 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 the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the 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 to clarify the matter.
- (n) Before the close of the prosecution case, 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.
- (o) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer if the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer.
- (p) The evidence on behalf of the employee shall then be produced. The employee may examine himself on his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross examination by the Presenting Officer and re-examination, as per procedure.
- (q) The Inquiring Authority may, after the employee presents his case and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in evidence for the purpose of enabling the employee to explain his defence on such circumstances appearing in the evidence against him.

- (r) The Inquiring Authority may, after completion of the production of evidence, hear the Presenting Officer and the employee or permit both of them to file written briefs of their respective cases, if they so desire. The presenting officer shall give his brief first with a copy to the charged employee. The employee shall submit his brief thereafter within the time specified by the Inquiring Authority.
- (s) If the employee does not appear in person, or otherwise fails or refuses to comply with any of the provisions of these Rules, the Inquiring Authority may hold the inquiry Ex-parte.
- (t) Whenever the Inquiring Authority, after having heard and recorded the whole or any part of 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 predecessors or partly recorded by its predecessor. It will not be necessary to hold the inquiry de-novo.

However, 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 interest of justice, it may allow to recall, examine, cross-examine and re-examine, such witnesses, as herein provided before.

- (u) After the conclusion of the inquiry, a report shall be prepared by the Inquiring Authority and it shall contain;
 - i) a gist of the articles of charge and the statement of imputations.
 - ii) a gist of the defence of the employee in respect of each article of charge.
 - iii) an assessment of the evidence in respect of each article of charge.
 - iv) the findings on each article of charge and the reasons therefor.
 - v) 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. 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.
- (v) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include.

- i) the report of the inquiry prepared by it under sub-clause (u) above.
- ii) the written statement of defence, if any, submitted by the employee.
- iii) the oral and documentary evidence produced in the course of the inquiry.
- iv) written briefs referred to in sub-rule (r), if any.
- v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.
- vi) daily order sheets maintained by the Inquiring Authority while conducting the inquiry.

39. Action on the Inquiry Report

- (a) 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 the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of Rules and give its report.
- (b) 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. Such disagreement shall be communicated to the charged employee alongwith a copy of the Inquiry Report.
- (c) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 36 should be imposed on the employee, it shall, notwithstanding anything contained in Rule 37 make an order imposing such penalty, after giving the charged employee an opportunity to make a representation on the findings of the Inquiring Authority and the disagreement of the Disciplinary Authority, if any.
- (d) 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 charged employee.

40. Communication of orders.

- (a) Order made by the Disciplinary Authority under Rule 37 or 38 along with its findings on each charge shall be communicated in writing to the employee concerned.

41. Joint Inquiry

- (a) Where two or more employees are concerned in any case, the authority competent to impose a Major Penalty on all such employees may make an order directing that action for Inquiry may be taken in a common proceeding and further specifying the authority which may function as the Disciplinary Authority for the purpose of such common proceedings.

42. Special Procedure in certain cases.

- (a) Notwithstanding anything contained Rules 37 to 41, the Disciplinary Authority may impose any of the penalties specified in Rule 36 on an employee in any of the following circumstances:
- i) where the employee has been convicted on a criminal charge or on the strength of facts or conclusions arrived at by a judicial trial; 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 Rules; or
 - ii) where the Government or the Board is satisfied that in the interest of the security of the Company it is not expedient to hold inquiry in the manner provided in these Rules.

43. Payment to an employee dismissed / removed from service or against whom disciplinary action is pending

- (a) The payment of Gratuity to the employee dismissed / removed will be regulated as per the provisions of the Payment of Gratuity Act, 1972 as amended from time to time and the rules of the Employees' Gratuity Trust.
- (b) If disciplinary action / Judicial Proceedings are pending against an employee at the time of his resignation/retirement etc. his Gratuity may be withheld as provided in rule 52(d).
- (c) All other payments shall be made as per rules and having regard to the recoveries due.

Instructions for Disciplinary Authority.

- (i) The issue of Charge Sheet and passing the penalty order will be by the Disciplinary Authority himself and this will not be delegated to any other authority.
- (ii) The Disciplinary Proceedings shall be closed immediately on the death of the charged employee.
- (iii) An order of Removal/Dismissal can not be given effect retrospectively.
- (iv) If a 'higher disciplinary authority' has instituted the disciplinary proceedings, he can not remit the case midway to a lower authority. The final order should also be passed by the higher authority.

- v) In every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause 36 (ix) or (x) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

PART V – APPEALS

44. Who may Appeal

- (a) The employee may appeal against an order of suspension or an order imposing upon him any of the penalties specified in Rule 36. The appeal shall lie to the authorities specified in the **Schedule – I**.
- (b) In all other matters, an employee may send a representation or a petition in the manner prescribed in Rule 47.

45. Procedure for submission of Appeal

- (a) The appeal shall be preferred within one month of the date of the order appealed against, directly to the Appellate Authority.
- (b) Submission of the appeal to an authority higher than the authority to which the appeal lies, or forwarding of advance copies to any higher authority, shall be deemed to be a misconduct.

Provided that where an appellant does not get any reply within 15 days of the submission of the appeal, he may send a copy of the appeal directly to the next higher authority explaining the circumstances necessitating his so doing and sending a copy thereof also to the authority to whom his appeal was originally submitted.

- (c) Appeal in respect of matters other than those specified in Rule 44(a) or Appeals made after 30 days shall not be entertained.

46. Transmission of Appeal

- (a) If the Appeal is received by the authority which passed the order appealed against, it shall within **7 days** of the receipt of the appeal, transmit it to the appellate authority informing the appellant that his appeal has been forwarded; except where he decides to withhold the appeal if it is not made in accordance with the rules and not submitted within the time limit, or if it is a repetition of an appeal already decided. The employee shall be informed accordingly.

47. Procedure for the submission and consideration of representations specified in Rule 44 (b)

- (a) Representation through proper channel may be made to the General Manager / Executive Director / Director on any matter other than suspension or imposition of a penalty, if the orders to be passed on such matter are within their competence, and in other cases to the Chairman & Managing Director. The Representation shall be considered based on the records and rules of the Company.

48. Consideration of Appeals

- (a) The appellate authority shall consider the Appeal based on the records of the inquiry whether the findings of the Disciplinary Authority are justified or whether the penalty imposed is excessive or inadequate and thereafter pass an appropriate order. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.
- (b) Every employee submitting an appeal shall do so separately and in his own name.
- (c) Every appeal preferred under this Rule shall contain all material statements and arguments relied on by the Appellant and shall contain no disrespectful and / or improper language and shall be complete in itself.

49. Review

- (a) Notwithstanding anything contained in these rules, the appellate authority not below the rank of Chairman & Managing Director may, either on his own motion or otherwise, call for the record of the case within 6 months of the date of the final order and after reviewing the case may;
 - i) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
 - ii) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry/inquiry as it may consider proper in the circumstances of the case; or
 - iii) pass such other orders as it may deem fit.
- (b) The Authority as per (a) above, in exceptional cases, to be recorded in writing, may consider to review the case even after a period of 6 months.

50. Service of orders, notices, etc.

- (a) Every order, notice and other process made or issued under these Rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.
- (b) A self contained, speaking and reasoned order shall be passed and issued over the signature of the prescribed Disciplinary/Appellate/Reviewing Authority, since the order passed by such authorities should have the attributes of a judicial order.

51. Power to relax time limit and to condone delay

- (a) Save as otherwise expressly provided in these Rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules or alter anything required to be done under these rules or condone any delay.

PART VI – RETIRED EMPLOYEES

52. Departmental Action against Retiring and Retired Employees

- (a) Departmental proceedings, if already initiated under Rule 37 or 38 against an employee of the Company, while the employee was in service whether before his retirement or during his re-employment shall, after final retirement of the employee, be deemed to be proceedings under these rules and shall continue and concluded by the authority by which it was commenced, in the same manner as if the employee had continued in service.
- (b) If departmental proceedings had not been instituted while the employee was in service including period of his re-employment, if any, proceedings under Rule 38 of the Rules can be instituted only:-
 - i) By or with the sanction of the Board of Directors and,
 - ii) In respect of a cause of action which arose, or in respect of any event which took place not earlier than four years before the institution of the proceedings.
- (c) In case of an employee who had already retired on superannuation before the possibility of initiating any departmental proceedings could be considered and who has received all his retirement benefits from the Company, only criminal prosecution may be recommended in so far as possible.
- (d) During the pendency of the disciplinary / judicial proceedings, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 shall be kept in view in the event of delayed payment, in case the employee is fully exonerated.

PART VII – DEPUTATION

53. Employees on deputation from Central Govt. or State Govt. etc.

(a) Where an order of suspension is made, or disciplinary proceedings are initiated against an employee, who is on deputation to the Company from the Central or State Govt. or another public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the 'lending authority') shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.

(b) In the light of the findings in the disciplinary proceedings initiated against the employee :

i) If the Disciplinary Authority is of the opinion that one of the “Minor Penalties” should be imposed on him, it may pass such orders as it deems necessary after consultation with the Lending Authority.

Provided that in the event of difference of opinion between the Disciplinary and the Lending Authority the services of the employee shall be placed at the disposal of the Lending Authority.

ii) If the Disciplinary Authority is of the opinion that any of the “Major Penalties” should be imposed on him, he should be repatriated to the parent department and transmit to the Lending Authority the proceedings of the inquiry for such action as deemed necessary.

iii) If the employee submits an appeal against an order imposing a “Minor Penalty” on him, it will be disposed of by the Appellate Authority after consultation with the Lending Authority.

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of Lending Authority and the proceedings of the case shall be transmitted to that authority for such action as it deems fit.

PART VIII – MISCELLANEOUS

54. Removal of doubts

- (a) Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the Board of Directors for a final decision. Likewise, any instructions in the nature of clarification to these rules shall be issued with the approval of the Board of Directors.
- (b) In case any rule on any subject is not provided for herein, relevant provisions of Fundamental Rules/All India Service Rules and Central Govt. Conduct and Discipline Rules (CCS Rules) will apply.

55. Amendments

- (a) The Board may amend, modify or add to these Rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.

56. Savings

- (a) While these rules supersede the existing Conduct, Discipline and Appeal Rules, it is hereby provided that:
 - i) Any misconduct, etc. committed prior to the issue of these rules which was a misconduct under the superseded rules shall be deemed to be a misconduct under these rules.
 - ii) Any proceedings pending at the commencement of these rules shall be continued and disposed off as far as may be, in accordance with the provisions of these rules, as if such proceedings were the proceedings under these rules.
 - iii) Any appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made in accordance with these rules.

Schedule I under rule 2(b) and (f)

DISCIPLINARY AND APPELLATE AUTHORITY AND THEIR POWERS

Category of Employees	Disciplinary Authority	Type of Punishment	Appellate Authority
CGMs/GMs/DGMs and Equivalent other than Presidential Appointees	Board of Directors	Minor and Major	Board of Directors
All employees upto the level of Chief Engineer	CMD	Minor and Major	Board of Directors
Addl. Chief Engr. level and below	CGM/Director	Minor and Major	CMD
Upto Dy.C.E. level	G.M.	Minor and Major	Director/ CGM

Note: Disciplinary Authority as mentioned above or any other authority higher than it shall be competent to impose any of the penalties specified in these rules.

Annexure I

**PROFORMA FOR INTIMATING THE FINANCIAL TRANSACTIONS UNDER THE RULES
30 (c) & 30 (d)**

Sl.No.	Description of the Transaction	Type of Transaction (Purchase/Sale)	Value (Rs.)	Date of Transaction	Remarks

(Signature of Employee)

Name -----

Designation -----

Department -----

Ticket No. -----

Place

Date

RASHTRIYA CHEMICALS & FERTILIZERS LTD.
CORPORATE PERSONNEL DEPARTMENT
Chembur, Mumbai – 400 074.

Annexure-II

Property Return as on _____

RETURN OF PROPERTY (IMMOVABLE & MOVABLE)

Format prescribed under Rule 31

FORM NO.1

STATEMENT SHOWING DETAILS OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT AND ALSO ON 1ST JANUARY OF EACH CALENDAR YEAR. (e.g. Lands, House, Shops, other Building, etc.)

NAME : _____

DESIGNATION : _____

DATE OF JOINING : _____

BASIC PAY : _____

Sl. No	Details / Description of Property and its location (See notes 1 & 2 below) House / Building and / Shop etc.	If not in own name, state in whose name held and relationship, if any, employee	How acquired (including lease etc.) and when (See Note 3 below)	Value of the Property (See Note 3 below)	Total annual income from the property	Remarks
	2	3	4	5	6	7

Signature _____ Date _____

PTO

: 2 :

1	2	3	4	5	6	7

N.B. Additional sheets may be attached where necessary.

Note:1 If the property is not wholly owned, the extent of share may also be indicated.

Note:2 For the purpose of Col.4 the term 'lease' would mean a lease of immovable property from year to year or for any term exceeding one year of reserve yearly rent. When, however, the lease of immovable property is obtained from a person having official dealings with the employee, such a lease should in this column irrespective of the term of the lease whether it is short term or long term, and the periodicity of the payment of rent.

Note:3 In Col.5 following should be shown :

- (a) Where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition.
- (b) Where it has been acquired by lease the total annual rent thereof also and
- (c) Where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

Note:4 The annual return in respect of immovable property is also to be submitted in this form as on 1st January.

Note:5 Name of District, Division, Taluka & Village in which the property is situated and also its distinctive number etc. will be given in Col.2.

Note:6 Whether by purchase, mortgage, lease, inheritance, gift or otherwise & name with details of person/persons from whom acquired. Address & connection, if any with the person/persons concerned are also to be given in Column.

Signature _____ Date _____

FORM NO.2

STATEMENT SHOWING DETAILS OF ASSETS (OTHER THAN IMMOVABLE PROPERTY) & LIABILITIES ON FIRST APPOINTMENT AND ALSO SUBMISSION OF RETURN ON 1ST JANUARY OF EACH CALENDAR YEAR.

NAME : _____

DESIGNATION : _____

DATE OF JOINING : _____ **BASIC SALARY** : _____

ASSETS					LIABILITIES
A. Liquid Assets & Investments (including deposits & LIC Policies)					1. Liabilities to the Bank/Financial Institution.
Description	Amount/Original Price	Held in the name of & relationship	How acquired	Annual Income derived	
1	2	3	4	5	
					2. Liabilities to friends & relatives.

Signature: _____ **Date:** _____

P.T.O.

B. Movable Properties					3. Other liabilities, if any.
Description	Amount/Original Price	Held in the name of & relationship	How acquired	Annual Income derived	
1	2	3	4	5	
					Signature: _____
					Date: _____

N.B. Additional sheets may be attached where necessary.

Note:1 In case of share, securities, debentures etc. face value and approximate market value as on the date of statement may be mentioned.

Note:2 In the case of Life Insurance Policies the date of maturity may also be stated.

Note:3 Under B information may be given regarding items like (a) gold /gold ornaments: approximate weight only be stated. (b) Silver including ornaments etc. (approximate weight) (c) Other precious metals, items of jewellery, precious stones forming part of jewellery etc. Approximate value to be stated (i) Car (ii) Scooters/Motor Cycles (iii) Refrigerator /Air Conditioners, Radio/Radiogram/Television sets and any other articles the value of which individually is more than Rs.15,000/-

Note:4 In column 4, may be indicated whether the property was acquired by purchase, gift or otherwise.

Note:5 Under liabilities, brief details should be given.

Signature _____ Date _____

FORM NO.3

STATEMENTS OF ASSETS & LIABILITIES

DETAILED STATEMENT IN RESPECT OF SHARES/DBENTURES PURCHASED UNDER PROMOTERS' / EMPLOYEES QUOTA AS ON 1ST JANUARY OF EACH CALENDER YEAR IN OFFICERS OWN NAME AND ALSO THOSE HELD IN THE NAMES OF SPOUSE AND DEPENDENT CHILDREN.

NAME : _____

DESIGNATION : _____

DATE OF JOINING : _____ **BASIC SALARY :**

P.F. INDEX NO.
: _____

S. N o	Name of the Company	No. of shares	Face value	Cost of acquisition	Whether Promoters' Employees' Quota	How acquired	Position held at the time of acquisition and if the company had any borrowing or other facilities at that time
1	2	3	4	5	6	7	8

N.B. Additional sheets may be attached where necessary.

A. Self

B. Spouse and Dependent Children

(2) Any additions/deletions to this statement as on 1st January and the profit/loss incurred by me are given below.

.....

Signature _____ Date _____
P.T.O.

ANNEXURE

(To be submitted alongwith the Assets & Liabilities Statement as on 1st January of every year).

Form for giving information where total transactions in shares, securities, debentures and investment in mutual fund schemes etc. exceed Rs.25,000/- during the calendar year as on 1st January.....

1. Name and designation : _____

2. i) Scale of pay and present pay : _____
ii) P.F. index No. : _____

3. Details of each transaction made in shares, securities, debentures, mutual funds scheme etc. during the calendar year. : _____

4. Particulars of the party/firm with whom transaction Is made
(a) Is party related to you ? : _____
(b) Did you have dealings with the party in your official capacity at any time or is the applicant likely to have any dealings with you in the near future ? : _____

5. Source or sources from which financed ?
(a) Personal savings : _____
(b) Other sources giving details : _____

6. Any other relevant fact (which you may like to mention.) :

.....
.....

Declaration :

I hereby declare that the particulars given above are true.

Place: _____

Signature : _____

Date: _____

Designation: _____

Form no. 1/C.I.T.

**RCF Code of Internal Procedure and Conduct for prohibition of
Insider Trading
Details of shares held**

Pursuant to code 9 (a) of the RCF Code of Conduct for prohibition of Insider Trading, I furnish below information in respect of the shares held by me and my relatives as defined in code 3 as
on _____

1. Name of the Employee : _____
2. Employee number : CC _____ E.No. _____
3. Designation : _____
4. Department : _____
5. No. of Equity Shares of RCF held by the employee and his/her relatives:

	Name of the Holders	Relationship with the Employee	No. of Shares held	Folio No.	Bank Details for ECS
(i)					
(ii)					
(iii)					
(iv)					
	Total No. of Shares held				

I certify that the above information is correct and is furnished as required under the “RCF Code of Internal Procedure and Conduct for Prohibition of Insider Trading”.

Signature of employee

Place:
Date :

Note - The information is required to be furnished at the time of joining the Company / within 7 days as of 31st March every year.

To:
The Company Secretary/Compliance Officer
Rashtriya Chemicals & Fertilizers Ltd.
Priyadarshini, Sion
Mumbai-400 022.

Format 2/CIT

**RCF Code of Internal Procedure and Conduct for prohibition of
Insider Trading**

Monthly Statement of Transactions

1. Name of the Employee : _____
2. Employee Number : CC _____ E.No. _____
3. Designation : _____
4. Department : _____

Pursuant to code 9(b) of the RCF Code of Internal Procedure and Conduct for prohibition of Insider Trading, and the approval given to me for carrying out transaction as requested by me vide my application dated _____, I furnish the information in respect of the total transactions of RCF shares carried out by me and/or my relatives during the month of _____ (Year):

	Name of the Holder	Relationship with the Employee	Shares held upto previous month	No. of Shares bought/sold during the month	Balance Shares held at the end of the month	Folio No.
(i)						
(ii)						
(iii)						
(iv)						

I certify that the above information is correct and is furnished as required under “RCF Code of Internal Procedure and Conduct for Prohibition of Insider Trading”.

Signature of employee

Place:

Date:

To:

The Company Secretary/Compliance Officer
Rashtriya Chemicals & Fertilizers Ltd.,
Priyadarshini, Sion,
Mumbai-400 022.

Annexure V

Form of Certificate to be furnished every month by the Employee Suspended under Rule 33 of RCF Employees (Conduct, Discipline & Appeal) Rules, 2005

I,----- (Name of the Employee), having been placed under suspension by order No. ----- dated ----- while holding the post of ----- do hereby certify that I have not been employed in any business, profession or vocation for profit/salary/remuneration during the month of -----

(Signature)

Name &: -----
Address -----

Date: