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17 **General Financial Rules 2017**
https://doe.gov.in/files/circulars_document/FInal_GFR_upto_31_07_2024.pdf

18 **Manual for Procurement of Goods, Second Edition 2024**
https://doe.gov.in/files/circulars_document/Manual_Goods_2024.pdf

19 **Manual for Procurement of Works (Updated June, 2022)**
https://doe.gov.in/files/manuals_documents/Manual_for_Procurement_of_Works_Updated%20June%2C%202022_1.pdf

20 **Manual for Procurement of Consultancy services (Second Edition, 2025)**
https://doe.gov.in/files/manuals_documents/CS2025.pdf

21 **Manual for Procurement of Non-Consultancy services (2025)**
https://doe.gov.in/files/manuals_documents/MfPoNCS2025.pdf

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 14*th July,* 2006/*Asadha* 23, 1928 *(Saka)*

The following Act of Parliament received the assent of the President on the 13th July, 2006, and is hereby published for general information:—

THE NATIONAL INSTITUTE OF FASHION TECHNOLOGY ACT, 2006

No. 28 OF 2006

[13*th July,* 2006]

AN ACT to establish and incorporate the National Institute of Fashion Technology for the promotion and development of education and research in fashion technology and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the National Institute of Fashion Technology Act, 2006.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless the context otherwise requires, —

(*a*) "appointed day" means the date of establishment of the National Institute of Fashion Technology under sub-section (*1*) of section 3;

(*b*) "Board" means the Board of Governors of the Institute constituted under sub-section (*3*) of section 3;

(*c*) "Chairperson" means the Chairperson of the Institute nominated under clause (*a*) of sub-section (*3*) of section 3;

(*d*) "Director-General" means the Director-General of the Institute appointed under section 15;

(*e*) "fashion" includes a popular trend or a lifestyle, specially in styles of dress and ornament or manners of behaviour or the business of creating, promoting or studying styles in vogue or the designing, production and marketing of new styles of goods such as, clothing, accessories, craft and cosmetics; and the words "fashion technology" with their grammatical variations and cognate expressions, shall be construed accordingly;

(*f*) "Fund" means the Fund of the Institute to be maintained under section 19;

(*g*) "Institute" means the National Institute of Fashion Technology established under sub-section (*1*) of section 3;

(*h*) "Institute Campus" means an Institute Campus located at New Delhi, Gandhinagar, Chennai, Mumbai, Hyderabad, Bangalore, Kolkata or any other place in India or abroad as may be decided by the Board of Governors;

(*i*) "Senate" means the Senate of the Institute referred to in section 12;

(*j*) "Society" means the National Institute of Fashion Technology, New Delhi registered as a society under the Societies Registration Act, 1860; 21 of 1860.

(*k*) "Statutes" and "Ordinances" mean respectively the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTE

Establishment of the Institute.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, the National Institute of Fashion Technology shall be established as a body corporate by the name aforesaid.

(*2*) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.

(*3*) The Institute shall consist of the Board of Governors having the following persons, namely:—

(*a*) a Chairperson, who shall be an eminent academician, scientist or technologist or professional, to be nominated by the Visitor;

(*b*) three Members of Parliament, two from Lok Sabha to be nominated by the Speaker of Lok Sabha and one from Rajya Sabha to be nominated by the Chairman of Rajya Sabha;

(*c*) the Director-General of the Institute, *ex officio*;

(*d*) the Financial Adviser of the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio;*

(*e*) the Joint Secretary, in the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio*;

(*f*) the representative of the Ministry or Department in the Government of India dealing with higher education to be nominated by the Secretary of that Ministry or Department, *ex officio;*

(*g*) five persons to be nominated by the Central Government, representing the States in which the campus of the Institute is located, from amongst persons who are academicians or industrialists of repute engaged in area of fashion technology; and

(*h*) two eminent experts in fashion technology, one of whom shall be an educationist, to be nominated by the Visitor on the recommendations of the Central Government.

(*4*) The term of office of the Chairperson and other members of the Board other than *ex officio* members thereof shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.

(*5*) The term of office of members of the Board nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(*6*) The Board shall meet at least four times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the Board.

(*7*) It is hereby declared that the office of member of the Board of Governors shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Vesting of properties.

4. On and from the appointed day, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the Institute.

Effect of incorporation of Institute.

5. On and from the appointed day —

(*a*) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;

(*b*) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute; and

(*c*) every person employed by the Society, immediately before the appointed day, shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been passed, and shall continue to be so, unless and until his employment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employee.

Functions of Institute.

6. The functions of the Institute shall be —

(*i*) to nurture and promote quality and excellence in education and research in area of fashion technology;

(*ii*) to lay down courses leading to graduate and post-graduate degrees, doctoral and post-doctoral courses and research in area of fashion technology;

(*iii*) to hold examinations and grant degrees in area of fashion technology;

(*iv*) to confer honorary degrees, awards or other distinctions in area of fashion technology;

(*v*) to cooperate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of faculty members and scholars and generally in such manner as may be conducive to their common objective;

(*vi*) to conduct courses for teachers, fashion technologists and other professionals;

(*vii*) to undertake research and studies in area of fashion technology and application thereof, particularly concerning the integration of locally produced materials, the requirements of mass production, improved quality and design and international marketing;

(*viii*) to collect and maintain literature and materials available in area of fashion technology so as to develop a modern information centre within the country;

(*ix*) to create a central faculty of fashion technology resource and analysis for use by the researchers;

(*x*) to have a centre to experiment and innovate and to train persons in the area of fashion technology;

(*xi*) to develop an international centre for creation and transmission of information in the area of fashion technology, with focus on educational, professional and industrial commitments;

(*xii*) to develop a multi-disciplinary approach in carrying out research and training in area of fashion technology so that the larger interests of the profession, academia and fashion industry are better served;

(*xiii*) to organise national or international symposia, seminars, conferences and exhibitions in selected area of fashion technology, from time to time;

(*xiv*) to arrange courses catering to the special needs of the developing countries;

(*xv*) to act as a nucleus for interaction between academia and industry by encouraging exchange of fashion technologists and other technical staff between the Institute and the industry and by undertaking sponsored and funded research as well as consultancy projects by the Institute;

(*xvi*) to provide technical assistance to artisans, craftsmen, manufacturers, designers and exporters of fashion products; and

(*xvii*) to carry out any other activity in the area of fashion technology not specifically listed above.

Powers of Board.

7. (*1*) Subject to the provisions of this Act, the Board, under overall control of the Central Government, shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Board shall –

(*a*) take decisions on questions of policy relating to the administration and working of the Institute;

(*b*) take decisions on the establishment of new campuses of the Institute at any location in India or abroad;

(*c*) fix, demand and receive fees and other charges;

(*d*) establish, maintain and manage halls and hostels for the residence of the students;

(*e*) supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(*f*) institute academic and other posts and to make appointments thereto (except in the case of the Director-General);

(*g*) frame Statutes and Ordinances and to alter, modify or rescind the same;

(*h*) institute and award fellowships, scholarships, prizes and medals;

(*i*) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(*j*) receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; and

(*k*) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(*3*) The Board shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(*4*) Notwithstanding anything contained in sub-section (*2*) of section 3, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

(*5*) The Central Government may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

(*6*) Upon receipt of any such report, the Central Government may take such action and issue such directions as it considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

(*7*) The Visitor shall have the power to remove the Chairperson or other members of the Board nominated by him, on the recommendations of the Central Government.

(*8*) The Central Government shall have the power to remove other members, if it considers it appropriate to do so.

(*9*) No Chairperson or member shall be removed under sub-section (*7*) or sub-section (*8*) unless he has been given a reasonable opportunity of being heard in the matter.

Institute be open to all races, creeds and classes.

8. (*1*) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers or workers or in any other connection whatsoever.

(*2*) No bequest, donation or transfer of any property shall be accepted by the Institute, which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

Teaching at Institute.

9. All teaching at the campuses of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

Visitor.

10. The President of India shall be the Visitor of the Institute.

Authorities of Institute.

11. The following shall be the authorities of the Institute, namely:—

(*a*) a Board of Governors;

(*b*) a Senate; and

(*c*) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Senate.

12. The Senate of the Institute shall consist of the following persons, namely:—

(*a*) the Director-General, *ex officio* who shall be the Chairperson of the Senate;

(*b*) all Institute Campus Directors and Senior Professors;

(*c*) three persons, not being employees of the Institute, to be nominated by the Chairperson in consultation with the Director-General, from amongest educationists of repute, one each from the fields of science, engineering and humanities and one of them shall be either from the Scheduled Castes or the Scheduled Tribes;

(*d*) one alumnus of the Institute to be nominated by the Chairperson in consultation with the Director-General by rotation; and

(*e*) such other members of the staff as may be laid down in the Statutes.

Functions of Senate.

13. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Institute shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Functions, powers and duties of Chairperson.

14. (*1*) The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute.

(*2*) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.

Director-General.

15. (*1*) The Director-General of the Institute shall be appointed by the Board with the prior approval of the Central Government for a tenure of three years.

(*2*) The Director-General shall be the principal executive officer of the Institute and shall be responsible for the proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.

(*3*) The Director-General shall submit annual reports and accounts to the Board.

(*4*) The Director-General shall exercise such other powers and perform such other duties as may be assigned to him by this Act, Statutes and Ordinances.

(*5*) The Central Government shall have the power to remove the Director-General before the tenure of three years, if it considers it appropriate to do so.

Registrar.

16. (*1*) The Registrar of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge.

(*2*) The Registrar shall act as the Secretary of the Board, the Senate and such committees as may be prescribed by the Statutes.

(*3*) The Registrar shall be responsible to the Director-General for the proper discharge of his functions.

(*4*) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director-General.

Powers and duties of other authorities and officers.

17. The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes.

Grants by Central Government.

18. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

Fund of Institute.

19. (*1*) The Institute shall maintain a Fund to which shall be credited —

(*a*) all moneys provided by the Central Government;

(*b*) all fees and other charges received by the Institute;

(*c*) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(*d*) all moneys received by the Institute in any other manner or from any other source.

(*2*) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(*3*) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

Setting up of endowment fund.

20. Notwithstanding anything contained in section 19, the Central Government may direct the Institute to —

(*a*) set up an endowment fund and any other fund for specified purpose; and

(*b*) transfer money from its Fund to endowment fund or any other fund.

Accounts and audit.

21. (*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India, generally has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Institute.

(*4*) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Pension and provident fund.

22. (*1*) The Institute shall constitute, for the benefit of its employees, including the Director-General, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may consider necessary.

19 of 1925.

(*2*) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

Appointment.

23. All appointments of the staff of the Institute, except that of the Director-General, shall be made in accordance with the procedure laid down in the Statutes by —

(*a*) the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of Assistant Professor; and

(*b*) the Director-General, in any other case.

Statutes.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the formation of departments of teaching;

(*b*) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(*c*) the classification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(*d*) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons as may be determined by the Central Government;

(*e*) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(*f*) the constitution, powers and duties of the authorities of the Institute;

(*g*) the establishment and maintenance of halls and hostels;

(*h*) the manner of filling up of vacancies among members of the Board;

(*i*) the authentication of the orders and decisions of the Board;

(*j*) the meetings of the Senate, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(*k*) any other matter which by this Act is to be or may be prescribed by the Statutes.

Statutes how made.

25. (*1*) The first Statutes of the Institute shall be framed by the Board with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament.

(*2*) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(*3*) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit it to the Board for consideration.

(*4*) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

Ordinances.

26. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:—

(*a*) the admission of the students to the Institute;

(*b*) the reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons;

(*c*) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(*d*) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates;

(*e*) the conditions for award of fellowships, scholarships, exhibitions, medals and prizes;

(*f*) the conditions and mode of appointment and duties of examining body, examiners and moderators;

(*g*) the conduct of examinations;

(*h*) the maintenance of discipline among the students of the Institute;

(*i*) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees, diplomas and certificates of the Institute;

(*j*) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and other charges; and

(*k*) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

Ordinances how made.

27. (*1*) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(*2*) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting.

(*3*) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Tribunal of Arbitration.

28. (*1*) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the Visitor.

(2) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.

CHAPTER III

MISCELLANEOUS

Acts and proceedings not to be invalidated by vacancies, etc.

29. No act of the Institute or Board or Senate or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

Sponsored schemes.

30. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc., to be executed or endowed at the Institute:–

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisations:

Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 20 of this Act.

Power of Institute to grant degrees, etc.

31. The Institute shall have the power to grant degrees, diplomas, certificates and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees, diplomas, certificates and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

Power to remove difficulties.

32. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

33. Notwithstanding anything contained in this Act —

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Institute under this Act, but on the constitution of a new Board under this Act the members of the Board holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

Statutes and Ordinances to be published in the Official Gazette and to be laid before Parliament.

34. (*1*) Every Statute or Ordinance made under this Act shall be published in the Official Gazette.

(*2*) Every Statute or Ordinance made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Ordinance or both Houses agree that the Statute or Ordinance should not be made, the Statute or Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance.

(*3*) The power to make Statutes or Ordinances shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act to Statutes or Ordinances or any of them but no retrospective effect shall be given to any Statute or Ordinance so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances may be applicable.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

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(2006 का अधिनियम संख्यांक 28)

[13 जुलाई, 2006]

फैशन प्रौद्योगिकी में शिक्षा और अनुसंधान के संवर्धन और विकास के लिए राष्ट्रीय फैशन प्रौद्योगिकी संस्थान की स्थापना और निगमन के लिए तथा उससे संबंधित और उसके आनुषंगिक विषयों के लिए अधिनियम

भारत गणराज्य के सतावनवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

अध्याय 1

प्रारंभिक

संक्षिप्त नाम और प्रारंभ।

1. (1) इस अधिनियम का संक्षिप्त नाम राष्ट्रीय फैशन प्रौद्योगिकी संस्थान अधिनियम, 2006 है।

(2) यह उस तारीख को प्रवृत्त होगा जो केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे और इस अधिनियम के भिन्न-भिन्न उपबंधों के लिए भिन्न-भिन्न तारीखें नियत की जा सकेंगी।

परिभाषाएं।

2. इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) ''नियत दिन'' से धारा 3 की उपधारा (1) के अधीन राष्ट्रीय फैशन प्रौद्योगिकी संस्थान की स्थापना की तारीख अभिप्रेत है;

(ख) ''बोर्ड'' से धारा 3 की उपधारा (3) के अधीन गठित संस्थान का शासक बोर्ड अभिप्रेत है;

(ग) ''अध्यक्ष'' से धारा 3 की उपधारा (3) के खंड (क) के अधीन नामनिर्देशित, संस्थान का अध्यक्ष अभिप्रेत है;

(घ) ''महानिदेशक'' से धारा 15 के अधीन नियुक्त, संस्थान का महानिदेशक अभिप्रेत है;

(ङ) ''फैशन'' के अंतर्गत, प्रचलित प्रवृत्ति या जीवन शैली, विशेषत: पोशाक और आभूषण की शैलियां या व्यवहार के शिष्टाचार या लोकप्रिय शैलियों का सृजन, संवर्धन या अध्ययन का कारबार या माल, वस्त्रों, उपसाधनों, शिल्प और प्रसाधन सामग्रियों जैसी नई शैलियों का डिजाइन करना, उत्पादन और विपणन करना भी है; और ''फैशन प्रौद्योगिकी'' शब्दों का अर्थ उसके व्याकरणिक रूपभेदों और संजातीय पदों के अनुसार लगाया जाएगा;

(च) ''निधि'' से धारा 19 के अधीन रखी जाने वाली संस्थान निधि अभिप्रेत है;

(छ) ''संस्थान'' से धारा 3 की उपधारा (1) के अधीन स्थापित राष्ट्रीय फैशन प्रौद्योगिकी संस्थान अभिप्रेत है;

(ज) ''संस्थान कैम्पस'' से नई दिल्ली, गांधी नगर, चेन्नई, मुम्बई, हैदराबाद, बंगलौर, कोलकाता या भारत में किसी अन्य स्थान पर या विदेश में अवस्थित ऐसा कोई संस्थान कैम्पस, जो शासक बोर्ड द्वारा विनिश्चित किया जाए, अभिप्रेत है;

(झ) ''सिनेट'' से धारा 12 में निर्दिष्ट संस्थान की सिनेट अभिप्रेत है;

(ञ) ''सोसाइटी'' से सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 के अधीन सोसाइटी के रूप में रजिस्ट्रीकृत राष्ट्रीय फैशन प्रौद्योगिकी संस्थान, नई दिल्ली अभिप्रेत है; 1860 का 21

(ट) ''परिनियम'' और ''अध्यादेश'' से इस अधिनियम के अधीन बनाए गए संस्थान के क्रमश: परिनियम और अध्यादेश अभिप्रेत हैं।

अध्याय 2

संस्थान

संस्थान की स्थापना।

3. (1) ऐसी तारीख से, जो केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे, राष्ट्रीय फैशन प्रौद्योगिकी संस्थान के पूर्वोक्त नाम का एक निगमित निकाय स्थापित किया जाएगा।

(2) संस्थान का शाश्वत उत्तराधिकार और सामान्य मुद्रा होगी और इस अधिनियम के उपबंधों के अधीन रहते हुए, संपत्ति का अर्जन, धारण और व्ययन करने और संविदा करने की शक्ति होगी तथा उक्त नाम से वह वाद लाएगा और उस पर वाद लाया जाएगा।

(3) संस्थान शासक बोर्ड से मिलकर बनेगा, जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात्:—

(क) एक अध्यक्ष, जो विख्यात शिक्षाविद्, वैज्ञानिक या प्रौद्योगिकीविद् या वृत्तिक होगा, जिसे कुलाध्यक्ष द्वारा नामनिर्देशित किया जाएगा;

(ख) तीन संसद् सदस्य, जिनमें से दो लोक सभा के अध्यक्ष द्वारा लोक सभा से और एक राज्य सभा के सभापति द्वारा राज्य सभा से नामनिर्देशित किया जाएगा;

(ग) संस्थान का महानिदेशक, पदेन;

(घ) भारत सरकार के राष्ट्रीय फैशन प्रौद्योगिकी संस्थान से संबंधित मंत्रालय या विभाग का वित्तीय सलाहकार, पदेन;

(ङ) भारत सरकार के राष्ट्रीय फैशन प्रौद्योगिकी संस्थान से संबंधित मंत्रालय या विभाग का संयुक्त सचिव, पदेन;

(च) भारत सरकार के उच्चतर शिक्षा से संबंधित मंत्रालय या विभाग का प्रतिनिधि जो उस मंत्रालय या विभाग के सचिव द्वारा नामनिर्देशित किया जाएगा, पदेन;

(छ) उन राज्यों का प्रतिनिधित्व करने वाले जिनमें संस्थान का कैम्पस अवस्थित है, उन व्यक्तियों में से, जो शिक्षाविद् हैं या फैशन प्रौद्योगिकी के क्षेत्र में लगे हुए प्रतिष्ठित उद्योगपति हैं, केन्द्रीय सरकार द्वारा पांच व्यक्ति नामनिर्देशित किए जाएंगे; और

(ज) फैशन प्रौद्योगिकी में दो विख्यात विशेषज्ञ, जिनमें से एक शिक्षाविद्, केंद्रीय सरकार की सिफारिशों पर कुलाध्यक्ष द्वारा नामनिर्देशित किया जाएगा।

(4) अध्यक्ष और पदेन सदस्यों से भिन्न, बोर्ड के अन्य सदस्यों की पदावधि तीन वर्ष होगी और वे ऐसे भत्तों के हकदार होंगे, जो केंद्रीय सरकार द्वारा अवधारित किए जाएं।

(5) आकस्मिक रिक्ति भरने के लिए बोर्ड के नामनिर्देशित सदस्यों की पदावधि उस सदस्य की शेष पदावधि तक बनी रहेगी जिसके स्थान पर वह नामनिर्देशित किया गया है।

(6) बोर्ड का अधिवेशन वर्ष में कम से कम चार बार ऐसे स्थान और समय पर होगा और वह अपने अधिवेशनों में कारबार के संव्यवहार की बाबत प्रक्रिया के ऐसे नियमों का पालन करेगा, जो बोर्ड द्वारा अवधारित किए जाएं।

(7) यह घोषित किया जाता है कि शासक बोर्ड के सदस्य का पद उसके धारक को संसद् के किसी भी सदन का सदस्य चुने जाने या उसका सदस्य होने के लिए निरर्हित नहीं करेगा।

संपत्तियों का निहित होना।

4. नियत दिन से ही, इस अधिनियम के अन्य उपबंधों के अधीन रहते हुए, सभी संपत्तियां जो इस अधिनियम के प्रारंभ से ठीक पूर्व सोसाइटी में निहित थीं, ऐसे प्रारंभ से ही संस्थान में निहित हो जाएंगी।

संस्थान के निगमन का प्रभाव।

5. नियत दिन से ही,—

(क) किसी संविदा या अन्य लिखत में सोसाइटी के प्रति निर्देश के बारे में यह समझा जाएगा कि वह संस्थान के प्रति निर्देश है;

(ख) सोसाइटी के सभी अधिकार और दायित्व संस्थान को अंतरित हो जाएंगे और वे उसके अधिकार और दायित्व होंगे; और

(ग) नियत दिन से ठीक पहले सोसाइटी द्वारा नियोजित प्रत्येक व्यक्ति अपना पद या सेवा, संस्थान में उसी सेवाधृति के अनुसार, उसी पारिश्रमिक, उन्हीं निबंधनों और शर्तों पर तथा पेंशन, छुट्टी, उपदान, भविष्य-निधि और अन्य मामलों के बारे में उन्हीं अधिकारों और विशेषाधिकारों पर धारण करेगा जैसे कि वह उस दशा में धारण करता जिसमें यह अधिनियम पारित नहीं किया जाता और तब तक इसी प्रकार धारण करेगा जब तक उसका नियोजन समाप्त नहीं कर दिया जाता है या जब तक उसकी सेवाधृति, पारिश्रमिक, निबंधन और शर्तें परिनियमों द्वारा सम्यक्तः परिवर्तित नहीं कर दी जाती हैं:

परंतु यदि इस प्रकार किया गया परिवर्तन ऐसे कर्मचारी को स्वीकार्य नहीं है तो उसका नियोजन संस्थान द्वारा कर्मचारी से की गई संविदा के निबंधनों के अनुसार समाप्त किया जा सकता है या, यदि उसमें इस निमित्त कोई उपबंध नहीं किया गया है तो स्थायी कर्मचारी की दशा में तीन मास के पारिश्रमिक के बराबर और अन्य कर्मचारी की दशा में एक मास के पारिश्रमिक के बराबर प्रतिकर देकर संस्थान द्वारा समाप्त किया जा सकेगा।

संस्थान के कृत्य।

6. संस्थान के निम्नलिखित कृत्य होंगे,—

(i) फैशन प्रौद्योगिकी के क्षेत्र में शिक्षा और अनुसंधान में क्वालिटी और विशिष्टता को विकसित करना और उनका संवर्धन करना;

(ii) फैशन प्रौद्योगिकी के क्षेत्र में स्नातक और स्नातकोत्तर डिग्रियों, डाक्टरेट और पोस्ट डाक्टरेट पाठ्यक्रमों और अनुसंधान के लिए पाठ्यक्रम अधिकथित करना;

(iii) फैशन प्रौद्यागिकी के क्षेत्र में परीक्षाएं आयोजित करना और डिग्रियां प्रदान करना;

(iv) फैशन प्रौद्योगिकी के क्षेत्र में मानद डिग्रियां, पुरस्कार या अन्य विशिष्टियां प्रदान करना;

(v) विश्व के किसी भाग में ऐसी शैक्षिक या अन्य संस्थाओं के साथ, जिनके उद्धेश्य पूर्णत: या भागत: संस्थान के उद्धेश्यों के समरूप हैं, संकाय के सदस्यों और विद्वानों का आदान-प्रदान करके और साधारणतया ऐसी रीति से, जो उनके समान उद्देश्य के लिए सहायक हों, सहयोग करना;

(vi) अध्यापकों, फैशन प्रौद्योगिकीविदों और अन्य वृत्तिकों के लिए पाठ्यक्रम संचालित करना;

(vii) फैशन प्रौद्योगिकी और उसके उपयोजन के क्षेत्र में, विशिष्टत: स्थानीय रूप से उत्पादित सामग्री, थोक उत्पादन की अपेक्षाओं, उन्नत क्वालिटी और डिजाइन तथा अंतरराष्ट्रीय विपणन के एकीकरण से संबंधित, अनुसंधान और अध्ययन करना;

(viii) फैशन प्रौद्योगिकी के क्षेत्र में उपलब्ध साहित्य और सामग्री का संग्रह करना और उसे बनाए रखना जिससे देश के भीतर आधुनिक सूचना केन्द्र विकसित किया जा सके;

(ix) अनुसंधानकर्ताओं के उपयोग के लिए फैशन प्रौद्योगिकी संसाधन और विश्लेषण के केन्द्रीय संकाय का सृजन करना;

(x) फैशन प्रौद्योगिकी क्षेत्र में प्रयोग करने और नव परिवर्तन लाने के लिए तथा व्यक्तियों को प्रशिक्षित करने के लिए एक केन्द्र रखना;

(xi) फैशन प्रौद्योगिकी के क्षेत्र में, शैक्षिक, वृत्तिक और औद्योगिक वचनबद्धताओं पर केन्द्रीभूत करते हुए, सूचना के सृजन और पारेषण के लिए एक अंतरराष्ट्रीय केन्द्र का विकास करना;

(xii) फैशन प्रौद्योगिकी के क्षेत्र में अनुसंधान करने और प्रशिक्षण को कार्यान्वित करने में बहुविषयी अभिगम का विकास करना जिससे कि वृत्ति, अकादमी और फैशन उद्योग के व्यापक हित को बेहतर ढंग से लाभ पहुंचाया जा सके;

(xiii) फैशन प्रौद्योगिकी के चुने हुए क्षेत्रों में समय-समय पर राष्ट्रीय या अंतरराष्ट्रीय संगोष्ठियां, सेमीनार, सम्मेलन और प्रदर्शनी आयोजित करना;

(xiv) विकासशील देशों की विशेष आवश्यकताओं को पूरा करने वाले पाठ्यक्रमों की व्यवस्था करना;

(xv) संस्थान तथा उद्योग के बीच फैशन प्रौद्योगिकी और अन्य तकनीकी कर्मचारिवृंद के आदान-प्रदान को प्रोत्साहित करके और संस्थान द्वारा प्रायोजित और निधिक अनुसंधान और परामर्शी परियोजनाओं को हाथ में लेकर अकादमी और उद्योग के पारस्परिक प्रभाव के लिए केन्द्र के रूप में कार्य करना;

(xvi) फैशन उत्पादों के कारीगरों, शिल्पियों, विनिर्माताओं, डिजाइनरों और निर्यातकों को तकनीकी सहायता प्रदान करना; और

(xvii) फैशन प्रौद्योगिकी के क्षेत्र में कोई अन्य क्रियाकलाप चलाना, जो ऊपर विनिर्दिष्ट रूप से सूचीबद्ध नहीं हैं।

बोर्ड की शक्तियां।

7. (1) इस अधिनियम के उपबंधों के अधीन रहते हुए बोर्ड, केन्द्रीय सरकार के संपूर्ण नियंत्रण के अधीन, संस्थान के कार्यकलाप के साधारण अधीक्षण, निदेशन और नियंत्रण के लिए उत्तरदायी होगा और संस्थान की उन सभी शक्तियों का प्रयोग करेगा जिनका इस अधिनियम, परिनियमों और अध्यादेशों द्वारा अन्यथा उपबंध नहीं किया गया है और उसे सिनेट के कार्यों का पुनर्विलोकन करने की शक्ति होगी।

(2) उपधारा (1) के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, बोर्ड,—

(क) संस्थान के प्रशासन और कार्यकरण से संबंधित नीति विषयक प्रश्नों का विनिश्चय करेगा;

(ख) भारत में किसी अवस्थान पर या विदेश में संस्थान के नए कैम्पस स्थापित करने के बारे में विनिश्चय करेगा;

(ग) फीसों और अन्य प्रभारों को नियत करेगा, उनकी मांग करेगा और उन्हें प्राप्त करेगा;

(घ) छात्रों के निवास के लिए हॉलों और छात्रावासों की स्थापना करेगा, उनका अनुरक्षण और प्रबंध करेगा;

(ङ) संस्थान के छात्रों के निवास का पर्यवेक्षण और नियंत्रण करेगा तथा उनके अनुशासन का विनियमन करेगा तथा उनके स्वास्थ्य, सामान्य कल्याण और सांस्कृतिक तथा सामूहिक जीवन के संवर्धन की व्यवस्था करेगा;

(च) अध्यापन और अन्य पदों की स्थापना करेगा तथा उन पर (महानिदेशक के पद को छोड़कर) नियुक्तियां करेगा;

(छ) परिनियम और अध्यादेश बनाएगा और उनमें परिवर्तन, उपांतरण करेगा या उन्हें विखंडित करेगा;

(ज) अध्येतावृत्ति, छात्रवृत्ति, पुरस्कार और पदक संस्थित और प्रदान करेगा;

(झ) संस्थान की वार्षिक रिपोर्ट, वार्षिक लेखाओं और आगामी वित्तीय वर्ष के बजट प्राक्कलनों पर उनकी विकास योजनाओं के विवरण सहित, विचार करेगा और ऐसे संकल्प पारित करेगा, जो वह ठीक समझे;

(ञ) सरकार से दान, अनुदान, संदान या उपकृतियां प्राप्त करना और यथास्थिति, वसीयतकर्ताओं, दाताओं और अंतरकों से जंगम या स्थावर संपत्तियों को वसीयत में, दान के रूप में या अंतरण के रूप में प्राप्त करेगा; और

(ट) ऐसी सभी बातें करेगा जो पूर्वोक्त सभी या किन्हीं कृत्यों को पूरा करने के लिए आवश्यक, आनुषंगिक या सहायक हों।

(3) बोर्ड को उतनी समितियां नियुक्त करने की शक्ति होगी जितनी वह इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कर्तव्यों के पालन के लिए आवश्यक समझे।

(4) धारा 3 की उपधारा (2) में किसी बात के होते हुए भी बोर्ड, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना किसी स्थावर संपत्ति का किसी भी रीति से व्ययन नहीं करेगा।

(5) केन्द्रीय सरकार, संस्थान के कार्य और प्रगति का पुनर्विलोकन करने के लिए और उसके कामकाज की जांचें करने के लिए तथा उस पर रिपोर्ट देने के लिए ऐसी रीति में, जो केन्द्रीय सरकार निदेश दे, एक या अधिक व्यक्तियों को नियुक्त कर सकेगी।

(6) केन्द्रीय सरकार, ऐसी कोई रिपोर्ट प्राप्त होने पर, ऐसी कार्रवाई कर सकेगी और ऐसे निदेश जारी कर सकेगी जिससे वह, रिपोर्ट में वर्णित किसी विषय के बारे में आवश्यक समझे और संस्थान ऐसे निदेशों का अनुपालन करने के लिए आबद्ध होगा।

(7) कुलाध्यक्ष को, बोर्ड के अध्यक्ष या उसके द्वारा नामनिर्दिष्ट अन्य सदस्यों को केन्द्रीय सरकार की सिफारिशों के आधार पर हटाने की शक्ति होगी।

(8) केन्द्रीय सरकार को, यदि वह ऐसा करना समुचित समझे, अन्य सदस्यों को हटाने की शक्ति होगी।

(9) किसी अध्यक्ष या सदस्य को उपधारा (7) या उपधारा (8) के अधीन तब तक नहीं हटाया जाएगा जब तक कि उसे उस विषय में सुने जाने का युक्तियुक्त अवसर न दे दिया गया हो।

संस्थान का सभी मूलवंशों, पंथों और वर्गों के लिए खुला होना।

8. (1) संस्थान सभी स्त्रियों और पुरुषों के लिए खुला होगा चाहे वे किसी भी मूलवंश, पंथ, जाति या वर्ग के हों और सदस्यों, छात्रों, शिक्षकों, या कर्मकारों को प्रवेश देने या नियुक्त करने में या किसी भी अन्य बात के संबंध में धार्मिक विश्वास या मान्यता का कोई मानदंड या शर्त अधिरोपित नहीं की जाएगी।

(2) कोई संस्थान किसी संपत्ति की कोई वसीयत, संदान या अंतरण स्वीकार नहीं करेगा, जिसमें, बोर्ड की राय में इस धारा के भाव और उद्देश्य के विरुद्ध कोई शर्तें या बाध्यताएं अंतर्ग्रस्त हैं।

संस्थान में शिक्षण।

9. संस्थान के कैम्पस में सभी शिक्षण कार्य संस्थान द्वारा या उसके नाम से इस निमित्त बनाए गए परिनियमों और अध्यादेशों के अनुसार किया जाएगा।

कुलाध्यक्ष।

10. भारत का राष्ट्रपति संस्थान का कुलाध्यक्ष होगा।

संस्थान के प्राधिकारी।

11. संस्थान के प्राधिकारी निम्नलिखित होंगे, अर्थात्:—

(क) शासक बोर्ड;

(ख) सिनेट; और

(ग) ऐसे अन्य प्राधिकारी, जिन्हें परिनियमों द्वारा संस्थान के प्राधिकारी घोषित किया जाए।

सिनेट।

12. संस्थान की सिनेट में निम्नलिखित व्यक्ति होंगे, अर्थात्:—

(क) महानिदेशक, पदेन, जो सिनेट का अध्यक्ष होगा;

(ख) सभी संस्थान कैम्पस निदेशक और ज्येष्ठ आचार्य;

(ग) ऐसे तीन व्यक्ति, जो संस्थान के कर्मचारी न हों, और जिन्हें महानिदेशक के परामर्श से अध्यक्ष द्वारा विज्ञान, इंजीनियरी और मानविकी के क्षेत्रों में से प्रत्येक क्षेत्र के लिए ख्याति प्राप्त शिक्षाविदों में से नामनिर्दिष्ट किया जाएगा और उनमें से एक अनुसूचित जाति या अनुसूचित जनजाति से होगा;

(घ) संस्थान का एक पूर्व छात्र जो अध्यक्ष द्वारा महानिदेशक के परामर्श से, चक्रानुक्रम से नामनिर्दिष्ट किया जाएगा; और

(ङ) कर्मचारिवृंद के ऐसे अन्य सदस्य जो परिनियमों में अधिकथित किए जाएं।

सिनेट के कृत्य।

13. इस अधिनियम, परिनियमों और अध्यादेशों के उपबंधों के अधीन रहते हुए संस्थान की सिनेट, संस्थान में शिक्षण, शिक्षा और परीक्षा के स्तरों का नियंत्रण और साधारण विनियमन बनाए रखने के लिए उत्तरदायी होगी तथा वह ऐसी अन्य शक्तियों का प्रयोग करेगी और ऐसे अन्य कर्तव्यों का पालन करेगी जो परिनियमों द्वारा उसे प्रदत्त की जाएं या उस पर अधिरोपित किए जाएं।

अध्यक्ष के कृत्य, शक्तियां और कर्तव्य।

14. (1) अध्यक्ष सामान्यत: बोर्ड के अधिवेशनों की और संस्थान के दीक्षांत समारोहों की अध्यक्षता करेगा।

(2) अध्यक्ष ऐसी अन्य शक्तियों का प्रयोग करेगा और ऐसे अन्य कर्तव्यों का पालन करेगा, जो इस अधिनियम या परिनियमों द्वारा उसे सौंपे जाएं।

महानिदेशक।

15. (1) संस्थान का महानिदेशक बोर्ड द्वारा केंद्रीय सरकार के पूर्व अनुमोदन से तीन वर्ष की अवधि के लिए नियुक्त किया जाएगा।

(2) महानिदेशक, संस्थान का प्रधान कार्यपालक अधिकारी होगा और वह संस्थान के उचित प्रशासन के लिए तथा उसमें अनुदेश देने और अनुशासन बनाए रखने के लिए उत्तरदायी होगा।

(3) महानिदेशक बोर्ड को वार्षिक रिपोर्ट और लेखे प्रस्तुत करेगा।

(4) महानिदेशक ऐसी अन्य शक्तियों का प्रयोग और ऐसे अन्य कर्तव्यों का पालन करेगा, जो इस अधिनियम, परिनियमों और अध्यादेश द्वारा उसे समनुदेशित किए जाएं।

(5) केन्द्रीय सरकार को तीन वर्ष की अवधि से पूर्व, यदि वह ऐसा करना समुचित समझती है तो महानिदेशक को हटाने की शक्ति होगी।

कुल-सचिव।

16. (1) संस्थान के कुल-सचिव की नियुक्ति ऐसे निबंधनों और शर्तों पर की जाएगी जो परिनियमों द्वारा अधिकथित की जाएं और वह संस्थान के अभिलेखों, सामान्य मुद्रा, संस्थान की निधियों तथा संस्थान की ऐसी अन्य संपत्ति का, जो बोर्ड उसके प्रभार में सौंपे, अभिरक्षक होगा।

(2) कुल-सचिव, बोर्ड, सिनेट और ऐसी समितियों के, जो परिनियमों द्वारा विहित की जाएं, सचिव के रूप में कार्य करेगा।

(3) कुल-सचिव अपने कृत्यों के उचित निर्वहन के लिए महानिदेशक के प्रति उत्तरदायी होगा।

(4) कुल-सचिव ऐसी अन्य शक्तियों का प्रयोग और ऐसे अन्य कर्तव्यों का पालन करेगा जो इस अधिनियम या परिनियमों या महानिदेशक द्वारा उसे समनुदेशित किए जाएं।

अन्य प्राधिकारियों और अधिकारियों की शक्तियां और कर्तव्य।

17. इसमें इससे पहले वर्णित प्राधिकारियों और अधिकारियों से भिन्न प्राधिकारियों और अधिकारियों की शक्तियां और कर्तव्य परिनियमों द्वारा अवधारित किए जाएंगे।

केंद्रीय सरकार द्वारा अनुदान।

18. संस्थान को इस अधिनियम के अधीन अपने कृत्यों का दक्षता-पूर्वक निर्वहन करने में समर्थ बनाने के प्रयोजन के लिए केंद्रीय सरकार संसद् द्वारा इस निमित विधि द्वारा किए गए सम्यक् विनियोजन के पश्चात् संस्थान को प्रत्येक वित्तीय वर्ष में ऐसी धनराशि का और ऐसी रीति से जो वह उचित समझे, संदाय कर सकेगी।

संस्थान की निधि।

19. (1) संस्थान ऐसी निधि रखेगा जिसमें निम्नलिखित जमा किए जाएंगे:—

(क) केंद्रीय सरकार द्वारा दिए गए सभी धन;

(ख) संस्थान द्वारा प्राप्त सभी फीस और अन्य प्रभार;

(ग) अनुदान, दान, संदान, उपकृति, वसीयत या अंतरणों के रूप में संस्थान द्वारा प्राप्त सभी धन; और

(घ) किसी अन्य रीति या किसी अन्य स्रोत से संस्थान द्वारा प्राप्त सभी धन।

(2) निधि में जमा किए गए सभी धन ऐसे बैंकों में जमा या ऐसी रीति से विनिहित किए जाएंगे, जिसे संस्थान, केंद्रीय सरकार के अनुमोदन से विनिश्चित करे।

(3) निधि का उपयोग संस्थान के व्ययों की, जिनके अंतर्गत इस अधिनियम के अधीन उसकी शक्तियों के प्रयोग में और कर्तव्यों के निवर्हन में किए गए व्यय भी हैं, पूर्ति के लिए किया जाएगा।

न्यास निधि की स्थापना।

20. केंद्रीय सरकार, धारा 19 में किसी बात के होते हुए भी, संस्थान को:—

(क) विन्यास निधि और विनिर्दिष्ट प्रयोजन के लिए किसी अन्य निधि की स्थापना करने;

(ख) अपनी निधि में से कोई धन विन्यास निधि या किसी अन्य निधि में अंतरण करने;

का निदेश दे सकेगी।

लेखा और संपरीक्षा।

21. (1) संस्थान उचित लेखा और अन्य सुसंगत अभिलेख रखेगा और लेखाओं का वार्षिक विवरण, जिसके अंतर्गत तुलन-पत्र भी है, ऐसे प्ररूप में, जो विनिर्दिष्ट किया जाए, ऐसे साधारण निदेशों के अनुसार तैयार करेगा जो केन्द्रीय सरकार भारत के नियंत्रक-महालेखापरीक्षक के परामर्श से जारी करे।

(2) संस्थान के लेखाओं की संपरीक्षा भारत का नियंत्रक-महालेखापरीक्षक करेगा और उस संपरीक्षा के संबंध में उसके द्वारा उपगत कोई भी व्यय भारत के नियंत्रक-महालेखापरीक्षक को संस्थान द्वारा संदेय होगा।

(3) भारत के नियंत्रक-महालेखापरीक्षक तथा संस्थान के लेखाओं की संपरीक्षा के संबंध में उसके द्वारा नियुक्त व्यक्ति के उस संपरीक्षा के संबंध में वही अधिकार, विशेषाधिकार और प्राधिकार होंगे जो साधारणत: नियंत्रक-महालेखापरीक्षक को सरकारी लेखाओं की संपरीक्षा के संबंध में होते हैं और उसे विशिष्ट रूप से बहियों, लेखाओं, संबद्ध वाऊचरों तथा अन्य दस्तावेजों और कागजपत्रों को पेश किए जाने की मांग करने तथा संस्थान के किसी कार्यालय का निरीक्षण करने का भी अधिकार होगा।

(4) भारत के नियंत्रक-महालेखापरीक्षक द्वारा या इस निमित्त उसके द्वारा नियुक्त किसी अन्य व्यक्ति द्वारा यथा प्रमाणित संस्थान के लेखे उनकी संपरीक्षा रिपोर्ट सहित, प्रतिवर्ष केन्द्रीय सरकार को अग्रेषित किए जाएंगे और वह सरकार संसद् के प्रत्येक सदन के समक्ष रखवाएगी।

पेंशन और भविष्य निधि।

22. (1) संस्थान अपने कर्मचारियों के, जिसके अंतर्गत महानिदेशक भी है, फायदे के लिए ऐसी रीति से और ऐसी शर्तों के अधीन रहते हुए, जो परिनियमों द्वारा विहित की जाएं, ऐसी पेंशन, बीमा और भविष्य निधियां स्थापित करेगा, जो वह आवश्यक समझे।

(2) जहां, कोई ऐसी भविष्य निधि इस प्रकार स्थापित की गई है, वहां केन्द्रीय सरकार यह घोषित कर सकेगी कि भविष्य निधि अधिनियम, 1925 के उपबंध ऐसी निधि को इस प्रकार लागू होंगे मानो वह सरकारी भविष्य निधि हो। 1925 का 19

नियुक्तियां। 23. संस्थान के कर्मचारिवृंद की सभी नियुक्तियां महानिदेशक की नियुक्ति को छोड़कर परिनियमों द्वारा अधिकथित प्रक्रिया के अनुसार निम्नलिखित द्वारा की जाएंगी,—

(क) यदि नियुक्ति सहायक आचार्य या उससे ऊपर के पद पर शैक्षिणक कर्मचारिवृंद के बारे में की जाती है या यदि नियुक्ति किसी अशैक्षणिक कर्मचारिवृंद के बारे में किसी कॉडर में की जाती है जिसका अधिकतम वेतनमान सहायक आचार्य के वेतनमान के समान या उससे उच्चतर है, तो बोर्ड द्वारा; और

(ख) किसी अन्य मामले में, महानिदेशक द्वारा।

परिनियम। 24. इस अधिनियम के उपबंधों के अधीन रहते हुए परिनियमों में निम्नलिखित सभी या किन्हीं विषयों के लिए उपबंध किए जा सकेंगे, अर्थात्:—

(क) शिक्षण विभागों का बनाया जाना;

(ख) अध्येतावृत्तियों, छात्रवृत्तियों, छात्र-सहायता वृत्तियों, पदकों और पुरस्कारों का संस्थित किया जाना;

(ग) संस्थान के अधिकारियों, शिक्षकों और अन्य कर्मचारिवृंद का वर्गीकरण, नियुक्ति की पद्धति और सेवा के निबंधनों और शर्तों का अवधारण;

(घ) अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े प्रवर्गों के व्यक्तियों के लिए पदों का आरक्षण, जो केन्द्रीय सरकार द्वारा अवधारित किया जाए;

(ङ) संस्थान के अधिकारियों, शिक्षकों और अन्य कर्मचारिवृंद के फायदे के लिए पेंशन, बीमा, भविष्य निधियों की स्थापना;

(च) संस्थान के प्राधिकरणों का गठन, शक्तियां और कर्तव्य;

(छ) हॉलों और छात्रावासों की स्थापना और उनका अनुरक्षण;

(ज) बोर्ड के सदस्यों की रिक्तियों को भरने की रीति;

(झ) बोर्ड के आदेशों और विनिश्चयों का अधिप्रमाणन;

(ञ) सिनेट के अधिवेशन, ऐसे अधिवेशनों में गणपूर्ति और उनके कामकाज के संचालन में अनुपालन की जाने वाली प्रक्रिया;

(ट) कोई अन्य बात जो इस अधिनियम के अधीन परिनियमों द्वारा विहित की जानी है या की जा सकेगी।

परिनियम किस प्रकार बनाए जाएंगे। 25. (1) संस्थान का प्रथम परिनियम बोर्ड द्वारा कुलाध्यक्ष के पूर्व अनुमोदन से बनाया जाएगा और उसकी एक प्रति यथाशीघ्र संसद् के प्रत्येक सदन के समक्ष रखी जाएगी।

(2) बोर्ड, समय-समय पर, नए या अतिरिक्त परिनियम बना सकेगा या इस धारा में इसके पश्चात् उपबंधित रीति में परिनियम को संशोधित या निरसित कर सकेगा।

(3) प्रत्येक नए परिनियम के लिए या परिनियमों में परिवर्धन या परिनियम के किसी संशोधन या निरसन के लिए कुलाध्यक्ष का पूर्व अनुमोदन अपेक्षित होगा। कुलाध्यक्ष उसके लिए अनुमति दे सकेगा या अनुमति रोक सकेगा या उसे बोर्ड को विचार के लिए वापस भेज सकेगा।

(4) नए परिनियम, विद्यमान परिनियम का संशोधन या निरसन करने वाला परिनियम तब तक विधिमान्य नहीं होगा जब तक कुलाध्यक्ष उसके लिए अनुमति नहीं दे देता है।

अध्यादेश। 26. इस अधिनियम और परिनियमों के उपबंधों के अधीन रहते हुए, संस्थान के अध्यादेशों में निम्नलिखित सभी या किन्हीं विषयों के लिए उपबंध किए जा सकेंगे, अर्थात्:—

(क) संस्थान में छात्रों का प्रवेश;

(ख) अनुसूचित जातियों; अनुसूचित जनजातियों और अन्य पिछड़े प्रवर्गों के व्यक्तियों के लिए आरक्षण;

(ग) संस्थान की सभी डिग्रियों, डिप्लोमाओं और प्रमाणपत्रों के लिए अधिकथित किए जाने वाले पाठ्यक्रम;

(घ) वे शर्तें जिनके अधीन छात्रों को डिग्री, डिप्लोमा और प्रमाणपत्र पाठ्यक्रमों में और संस्थान की परीक्षाओं में प्रवेश दिया जाएगा और वे डिग्री डिप्लोमा और प्रमाणपत्रों के लिए पात्र होंगे;

(ङ) अध्येतावृत्तियां, छात्रवृतियां, छात्र-सहायता वृतियां,पदक और पुरस्कार प्रदान किए जाने की शर्तें;

(च) परीक्षा निकाय, परीक्षकों और अनुसीमकों की नियुक्ति की शर्तें और ढंग तथा उनके कर्तव्य;

(छ) परीक्षाओं का संचालन;

(ज) संस्थान के छात्रों में अनुशासन बनाए रखना;

(झ) संस्थान में अध्ययन पाठ्यक्रमों के लिए और संस्थान में डिग्री, डिप्लोमा और प्रमाणपत्रों की परीक्षाओं में प्रवेश के लिए प्रभारित की जाने वाली फीसें;

(ञ) संस्थान के छात्रों के निवास की शर्तें और हालों तथा छात्रावासों में निवास के लिए फीसों और अन्य प्रभारों का उद्ग्रहण किया जाना; और

(ट) कोई अन्य बात जो इस अधिनियम या परिनियमों के अधीन अध्यादेशों द्वारा उपबंधित की जानी है या की जा सकेगी।

अध्यादेश किस प्रकार बनाए जाएंगे।

27. (1) इस धारा में जैसा अन्यथा उपबंधित है उसके सिवाय, अध्यादेश सिनेट द्वारा बनाए जाएंगे।

(2) सिनेट द्वारा बनाए गए सभी अध्यादेश ऐसी तारीख से प्रभावी होंगे जो वह निर्दिष्ट करे, किन्तु इस प्रकार बनाया गया प्रत्येक अध्यादेश, बोर्ड को यथाशक्यशीघ्र, प्रस्तुत किया जाएगा और बोर्ड द्वारा अपने आगामी अधिवेशन में उस पर विचार किया जाएगा।

(3) बोर्ड को ऐसे किसी अध्यादेश को संकल्प द्वारा उपांतरित या रद्द करने की शक्ति होगी और ऐसे संकल्प की तारीख से, ऐसा अध्यादेश, यथास्थिति, तद्नुसार उपांतरित या रद्द हो जाएगा।

माध्यस्थम् अधिकरण।

28. (1) संस्थान और उसके किन्हीं कर्मचारियों के बीच किसी संविदा से उद्भूत होने वाला कोई विवाद, संबंधित कर्मचारी के अनुरोध पर या संस्थान के अनुरोध पर ऐसे माध्यस्थम् अधिकरण को निर्देशित किया जाएगा जिसमें संस्थान द्वारा नियुक्त एक सदस्य और कर्मचारी द्वारा नामनिर्दिष्ट एक सदस्य तथा कुलाध्यक्ष द्वारा नियुक्त एक अधिनिर्णायक होगा।

(2) माध्यस्थम् अधिकरण का विनिश्चय अंतिम होगा और उस पर किसी न्यायालय में आक्षेप नहीं किया जाएगा।

(3) उपधारा (1) द्वारा माध्यस्थम् अधिकरण को निर्देश किए जाने के लिए अपेक्षित किसी मामले की बाबत किसी न्यायालय में कोई वाद या कार्यवाही नहीं होगी।

(4) माध्यस्थम् अधिकरण को अपनी प्रक्रिया विनियमित करने की शक्ति होगी।

(5) माध्यस्थम् से संबंधित तत्समय प्रवृत्त किसी विधि की कोई बात इस धारा के अधीन माध्यस्थम् को लागू नहीं होगी।

अध्याय 3

प्रकीर्ण

रिक्तियों, आदि के कारण कार्यों और कार्यवाहियों का अविधिमान्य न होना।

29. इस अधिनियम अथवा परिनियमों के अधीन गठित संस्थान या बोर्ड या सिनेट या किसी अन्य निकाय का कोई कार्य निम्नलिखित कारणों से अविधिमान्य नहीं होगा,—

(क) उसमें कोई रिक्ति या उसके गठन में कोई त्रुटि; या

(ख) उसके सदस्य के रूप में कार्य करने वाले व्यक्ति के निर्वाचन, नामनिर्देशन या नियुक्ति में कोई त्रुटि; या

(ग) उसकी प्रक्रिया में कोई ऐसी अनियमितता, जो मामले के गुणागुण को प्रभावित नहीं करती है।

प्रायोजित स्कीमें।

30. इस अधिनियम में किसी बात के होते हुए भी, जब कभी संस्थान, किसी सरकार, विश्वविद्यालय अनुदान आयोग या किसी अन्य अभिकरण से, जिसमें कोई अनुसंधान स्कीम या कोई परामर्शी कर्तव्यभार या कोई शिक्षण कार्यक्रम या पीठ, आचार्य पद या कोई छात्रवृत्ति, आदि को प्रायोजित करने वाला उद्योग भी सम्मिलित है, संस्थान में निष्पादित या प्रदत्त होने वाली, निधियां प्राप्त करता है, तो:—

(क) प्राप्त रकम संस्थान द्वारा संस्थान की निधि से पृथक् रूप में रखी जाएगी और उसका केवल स्कीम के प्रयोजन के लिए उपयोग किया जाएगा; और

(ख) उसे निष्पादित करने के लिए अपेक्षित कर्मचारिवृन्द की, प्रायोजक संगठनों द्वारा नियत निबंधनों और शर्तों के अनुसार भर्ती की जाएगी:

परन्तु उपयोग में न लिया गया शेष धन, इस अधिनियम की धारा 20 के अधीन सृजित विन्यास निधि को अंतरित कर दिया जाएगा।

संस्थान को डिग्री आदि देने की शक्ति।

31. इस अधिनियम के अधीन संस्थान को डिग्रियां, डिप्लोमा, प्रमाणपत्र और अन्य विद्या संबंधी विशेष उपाधियां देने की शक्ति होगी, जो तत्समय प्रवृत्त किसी विधि के अधीन स्थापित या निगमित किसी विश्वविद्यालय या संस्थान द्वारा प्रदत्त ऐसी तत्समान डिग्रियों, डिप्लोमाओं, प्रमाणपत्रों और अन्य विद्या संबंधी विशेष उपाधियों के समतुल्य होंगी।

कठिनाइयों को दूर करने की शक्ति।

32. (1) यदि इस अधिनियम के उपबंधों को प्रभावी करने में कोई कठिनाई उत्पन्न होती है तो केन्द्रीय सरकार, राजपत्र में प्रकाशित आदेश द्वारा, ऐसे उपबंध कर सकेगी या निदेश दे सकेगी, जो इस अधिनियम के प्रयोजनों से असंगत न हो, और उस कठिनाई को दूर करने के लिए आवश्यक या समीचीन प्रतीत हों:

परंतु ऐसा कोई आदेश नियत दिन से दो वर्ष की समाप्ति के पश्चात् नहीं किया जाएगा।

(2) इस धारा के अधीन किया गया प्रत्येक आदेश, किए जाने के पश्चात् यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष रखा जाएगा।

संक्रमणकालीन उपबंध।

33. इस अधिनियम में किसी बात के होते हुए भी,—

(क) इस अधिनियम के प्रारंभ के ठीक पहले सोसाइटी के शासक बोर्ड के रूप में कार्य करने वाला शासक बोर्ड उसी रूप में तब तक कार्य करता रहेगा जब तक इस अधिनियम के अधीन संस्थान के लिए कोई नया बोर्ड गठित नहीं कर दिया जाता है, किन्तु इस अधिनियम के अधीन किसी नए बोर्ड के गठन पर बोर्ड के ऐसे सदस्य, जो ऐसे गठन के पहले पद धारण कर रहे हों, पद धारण नहीं करेंगे; और

(ख) जब तक कि इस अधिनियम के अधीन प्रथम परिनियम और अध्यादेश नहीं बनाए जाते हैं, तब तक इस अधिनियम के प्रारंभ होने से ठीक पूर्व प्रवृत्त सोसाइटी के नियम और विनियम, अनुदेश और मार्गदर्शक सिद्धांत, उस संस्थान को वहां तक लागू होते रहेंगे, जहां तक वे इस अधिनियम के उपबंधों से असंगत नहीं हैं।

परिनियमों और अध्यादेशों का राजपत्र में प्रकाशित किया जाना और संसद् के समक्ष रखा जाना।

34. (1) इस अधिनियम के अधीन बनाया गया प्रत्येक परिनियम या अध्यादेश, राजपत्र में प्रकाशित किया जाएगा।

(2) इस अधिनियम के अधीन बनाया गया प्रत्येक परिनियम या अध्यादेश, बनाए जाने के पश्चात् यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष, जब वह सत्र में हो, कुल तीस दिन के अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी। यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र में अवसान के पूर्व दोनों सदन उस परिनियम या अध्यादेश में कोई परिवर्तन करने के लिए सहमत हो जाएं तो वह ऐसे परिवर्तित रूप में ही प्रभावी होगा। यदि उक्त अवसान के पूर्व दोनों सदन सहमत हो जाएं कि वह परिनियम या अध्यादेश नहीं बनाया जाना चाहिए तो तत्पश्चात् वह निष्प्रभाव हो जाएगा। किन्तु उस परिनियम या अध्यादेश के ऐसे परिवर्तित या निष्प्रभाव होने से उस परिनियम या अध्यादेश के अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

(3) परिनियम या अध्यादेश बनाने की शक्ति के अंतर्गत उक्त परिनियमों या अध्यादेशों या उनमें से किसी को उस तारीख से, जो इस अधिनियम के प्रारंभ की तारीख से पूर्व की नहीं होगी, भूतलक्षी रूप से प्रभावी करने की शक्ति भी होगी किंतु किसी ऐसे परिनियम या अध्यादेश को भूतलक्षी रूप से प्रभावी नहीं किया जाएगा जिससे ऐसे किसी व्यक्ति के हितों पर प्रतिकूल प्रभाव पड़ता हो जिसे ऐसा परिनियम या अध्यादेश लागू हो।

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राष्ट्रीय फैशन प्रौद्योगिकी संस्थान

अधिसूचना

नई दिल्ली, 13 मई, 2020

फा. सं. निफ्ट/मुख्यालय/अधि-परिनियम/2007/खण्ड-IV.— राष्ट्रीय फैशन प्रौद्योगिकी संस्थान अधिनियम, 2006 (2006 का 28) की धारा 24 के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और 2006 के राष्ट्रीय फैशन प्रौद्योगिकी संस्थान के प्रथम परिनियम, 2012 को उन बातों के सिवाय जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, राष्ट्रीय फैशन प्रौद्योगिकी संस्थान के शासक मण्डल, कुलाध्यक्ष की पूर्व मंजूरी के साथ, इसके बाद राष्ट्रीय फैशन प्रौद्योगिकी संस्थान के लिए निम्नलिखित परिनियम बनाता है, अर्थात् -

1. लघु शीर्षक और प्रारंभ - (1) इन परिनियमों का संक्षिप्त नाम राष्ट्रीय फैशन प्रौद्योगिकी संस्थान परिनियम, 2020 है।

(2) ये राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएँ- (1) इन विधियों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, -

(क) "अधिनियम" का अर्थ है राष्ट्रीय फैशन प्रौद्योगिकी संस्थान, 2006 (2006 का 28) अधिनिमय से है;

(ख) "प्राधिकरण" में परिनियम 3 के अधीन घोषित एक प्राधिकरण शामिल है;

(ग) "परिसर निदेशक" का अर्थ संस्थान परिसर के निदेशक से है;

(घ) इन परिनियमों के संबंध में "अध्यक्ष" , का अर्थ है बोर्ड या सीनेट या स्थापन समिति या वित्त और लेखा परीक्षा समिति जैसी भी स्थिति हो, के अध्यक्ष से है;

(ड.) "डीन (अकादमिक)" का अर्थ संस्थान के शिक्षकों में से ज्येष्ठ सदस्य को संस्थान के शैक्षणिक प्रबंधन प्रणाली के प्रमुख के रूप में कार्य करने के लिए महानिदेशक द्वारा नामित किए गए व्यक्ति से है;

(च) "विभाग" का अर्थ विशिष्ट प्रशासनिक या शैक्षणिक गतिविधियों में संलिप्त संस्थान के किसी प्रकोष्ठ, ईकाई, प्रभाग से है;

(छ) "कर्मचारी" का अर्थ संस्थान द्वारा नियुक्त किसी व्यक्ति से है और इसमें संस्थान के शिक्षण, तकनीकी और प्रशासनिक कर्मचारी शामिल हैं;

(ज) "स्थापन समिति" का अर्थ परिनियम 9 में उल्लिखित संस्थान की स्थापन समिति से है;

(झ) "स्थापना संबंधी मामले" का अर्थ है, स्टाफिंग और मानव संसाधन से जुड़े, किसी पद का निर्माण, उन्नयन, उन्मूलन या पुन: पदनाम निर्धारण, नियुक्ति, पदोन्नति, पात्रता, पारिश्रमिक और सेवा और दिशानिर्देशों के अन्य नियमों और शर्तों सहित स्टाफ और, या इस से संबंधित प्रक्रियाओं या मामलों से है;

(ञ) "वित्त और लेखा परीक्षा समिति" का परिनियम 12 में निर्दिष्ट संस्थान की वित्त और लेखा परीक्षा समिति से है;

(ट) "अकादमिक विभाग के प्रमुख" का अर्थ है कि एक विशिष्ट पाठ्यक्रम या पाठ्य विवरण के साथ काम करने वाले विभाग के अकादमिक प्रमुख;

(ठ) "अकादमिक प्रशासन विभाग के प्रमुख" का अर्थ उस इकाई या विभाग के प्रमुख से है जो शैक्षणिक मामलों और नीतियों से संबंधित प्रशासनिक मामलों से संबंधित है;

(ड) "हॉस्टल और हॉल" का अर्थ एक संस्थान परिसर के द्वारा अपने छात्रों को निवास के लिए प्रदान की जाने वाली सुविधा से है ;

(ढ) "संस्थान" का अर्थ है अधिनियम की धारा 3 की उपधारा (1) के अधीन स्थापित राष्ट्रीय फैशन प्रौद्योगिकी संस्थान से है;

(ण) " संस्थान परिसर " का अर्थ संस्थान के किसी भी परिसर से है;

(त) "सदस्य" का अर्थ शासक मण्डल या सीनेट या संस्थान के परिनियम 3 के अधीन घोषित किसी भी प्राधिकारी के एक सदस्य से है;

(थ) "अध्यादेश" का अर्थ है संस्थान के अध्यादेश से है;

(द) "रजिस्ट्रार" का अर्थ संस्थान के रजिस्ट्रार से है;

(ध) "निवासी छात्र" का अर्थ है एक संस्थान परिसर के छात्रावास और हॉल में रहने वाले छात्र से है;

(न) "चयन समिति" से अर्थ बोर्ड या, जैसा भी मामला हो, महानिदेशक के द्वारा पदों के चयन, स्थाईकरण या उन्नयन के उद्देश्य से गठित परिनियम 28 की उप-परिनियम (3) में उल्लिखित चयन समिति से है;

(प) "छात्र" का अर्थ है कि डिग्री, डिप्लोमा या अन्य शैक्षणिक पाठ्यक्रमों में संस्थान के परिसर में विधिवत रुप से प्रवेश लेने वाले व्यक्ति से है;

(फ) "छात्र विकास गतिविधि समन्वयक" संस्थान परिसर के शिक्षकों में से महानिदेशक के द्वारा नामित किया गया एक सदस्य है जो संस्थान परिसर में छात्र विकास गतिविधियों का समन्वय कार्य करता है;

(ब) "वार्डन" का अर्थ संस्थान परिसर के छात्रावास और हॉल के प्रभारी से है और इसमें सहायक वार्डन भी शामिल हैं;

(भ) "स्थानीय अभिभावक" का अर्थ है कि कोई भी जिम्मेदार स्थानीय निवासी जो माता-पिता द्वारा संस्थान परिसर में प्रवेश के समय घोषित किया गया हो या बाद में माता-पिता द्वारा लिखित रूप में प्रस्तुत करने पर इसमें परिवर्तन कर दिया गया हो;

(म) "रैगिंग" का अर्थ किसी भी अव्यवस्थित आचरण से है, चाहे वह मौखिक या लिखित या किसी कृत्य द्वारा, जिसमें किसी भी कनिष्ठ छात्र के साथ अभद्रता, छेड़खानी या हाथापाई की गई हो, या इस प्रकार की किसी भी गतिविधि में लिप्त है, जिसके कारण या होने की संभावना हो कि जिससे झुंझलाहट, कठिनाई या मनोवैज्ञानिक हानि या किसी नए छात्र या कनिष्ठ छात्र में भय या आशंका उत्पन्न करने के लिए या किसी भी छात्र को किसी भी कार्य को करने या ऐसा कुछ करने के लिए कहना जो छात्र एक सामान्यत: नहीं करता है और जिसके कारण शर्म या शर्मिंदगी की भावना के कारण मानस पर प्रतिकूल प्रभाव पड़ता है या एक नवांगुतक या कनिष्ठ छात्र को शारीरिक नुकसान पहुंचाता है, और इसमें कोई भी ऐसी गतिविधि शामिल होती है जिसमें परपीडक सुख प्राप्त होता है या ज्येष्ठ छात्र द्वारा कनिष्ठ या नवांगुतक छात्र या छात्रों पर सत्ता, अधिकार या श्रेष्ठता का प्रदर्शन होता है।

(2) शब्द और अभिव्यक्तियाँ जो यहाँ प्रयोग की गई हैं और वे परिनियम में परिभाषित नहीं हैं, लेकिन अधिनियम में परिभाषित किए गए हैं का क्रमशः अर्थ वही होंगा जो कि अधिनियम में परिभाषित किया गया है।

(3.) संस्थान के प्राधिकारी- अधिनियम के खंड 11 के खंड (ग) के अर्थ में संस्थान के निम्नलिखित प्राधिकारी होंगे:—

(क) स्थापन समिति; तथा

(ख) वित्त और लेखा परीक्षा समिति।

(4.) बोर्ड की बैठकें -

1. एक वित्तीय वर्ष के दौरान बोर्ड की कम से कम से चार बार और जितनी बार आवश्यक हो, उतनी बैठकें आयोजित की जा सकती हैं।
2. बोर्ड की दो बैठकों के बीच का अंतराल किसी भी स्थिति में चार महीने से अधिक नहीं होगा।
3. बोर्ड की बैठकों का आयोजन बोर्ड के अध्यक्ष द्वारा या महानिदेशक की सिफारिश पर किया जाएगा।
4. बोर्ड की बैठक के लिए न्यूनतम कोरम बोर्ड के कुल सदस्यों में से एक तिहाई बोर्ड की बैठक के लिए अनिवार्य होगा:

   परन्तु, यदि कोई बैठक कोरम के कारण स्थगित की जाती है, तो यह अन्य किसी दिन, समय और स्थान पर आयोजित किया जाएगा, जैसा कि अध्यक्ष निर्धारित कर सकते हैं; और अगर इस तरह की बैठक में, बैठक आयोजित करने के लिए निर्धारित समय से आधे घंटे के भीतर कोरम पूरा नहीं हो पाता है तो उपस्थित सदस्य ही कोरम का गठन करेंगे।
5. बैठक में विचार किए गए सभी प्रश्नों का निर्णय उपस्थित सदस्यों के अधिकांश मतों द्वारा किया जाएगा, और यदि मतों को समान रूप से विभाजित किया जाता है, तो अध्यक्ष के पास निर्णायक मत होगा।
6. कार्यसूची के साथ हर बैठक की लिखित सूचना बैठक के सात दिन पहले बोर्ड के सदस्यों को रजिस्ट्रार द्वारा परिपत्रित की जाएगी:

   परन्तु यह कि बोर्ड अध्यक्ष किसी भी ऐसे मद को शामिल करने की अनुमति दे सकते हैं जिसके लिए उचित नोटिस नहीं दिया गया था, परन्तु संस्थान के संशोधित अनुमानित बजट, संस्थान के वार्षिक खातों, आंतरिक ऑडिट रिपोर्ट, संशोधन सहित वार्षिक बजट अनुमानित बजट के अनुमोदन के मामले में संस्थान की फीस, नए संस्थान परिसर की स्थापना, या संस्थान के विधियों और अध्यादेशों का संशोधन या निर्धारण इत्यादि विषयों को इसमें शामिल नहीं किया जाएगा।
7. उप-परिनियम (6) में प्रावधानों के किसी बात के होते हुए भी, अध्यक्ष तत्काल मुद्दों पर विचार करने के लिए एक अल्प सूचना पर बोर्ड की आपात बैठक बुला सकते हैं।
8. यदि अध्यक्ष को आठ सदस्यों द्वारा किन्हीं विशेष कार्यसूची के लिए आपातकालीन बैठक के आयोजन के लिए लिखित रूप से अनुरोध किया जाता है तो उन मदों पर चर्चा करने के लिए बोर्ड की आपातकालीन बैठक आयोजित की जा सकती है।

9. जब बोर्ड की बैठक बुलाना संभव न हो तो ऐसे मामलों में बोर्ड के सभी सदस्यों को प्रचलन से एक कार्यसूची आइटम भेजा जा सकता है, और यदि उप-परिनियम (4) में उल्लेखित सदस्यों की कोरम द्वारा अनुमोदित किया जाता है, तो इसे अनुमोदित माना जाएगा।

10. बोर्ड के कार्यालय में दर्ज किए गए प्रत्येक सदस्य के पते पर सूचना, कार्यसूची और बैठकों का समय हाथ से या पंजीकृत डाक या स्पीड पोस्ट या ई-मेल या फैक्स द्वारा भेजा जा सकता है; और अगर ऐसा भेजा गया है, तो इसे विधिवत वितरित माना जाएगा।

11. अध्यक्ष प्रक्रिया के किसी भी प्रश्न पर निर्णय ले सकते हैं, जो बाध्यकारी होगा।

12. एक सदस्य, जो बोर्ड की बैठक में विचार के लिए आने वाले किसी भी मामले में प्रत्यक्ष या अप्रत्यक्ष रूप से रुचि रखते हैं, जिसमें उनका हितों का टकराव है, बोर्ड के ऐसे विचार- विमर्श या चर्चा में भाग नहीं लेगें।

13. बैठक के कार्यवृत्त में बैठक में उपस्थित सदस्यों के नाम दर्ज किए जाएगें और यदि कोई सदस्य बैठक में लिए गए निर्णय अथवा संकल्प से असहमत है तो कार्यवृत्त में असहमती के कारण भी दर्ज किए जाएगें।

14. एक बैठक की कार्यवाही के कार्यवृत्त रजिस्ट्रार द्वारा अध्यक्ष की मंजूरी से तैयार किया जाएगा, और बोर्ड के सभी सदस्यों को सात कार्य दिवसों की अवधि में परिचालित किया जाएगा, कार्यवृत्त पर टिप्पणी मांगी जाएगी और यदि कार्यवृत्त प्राप्त होने के सात दिनों में कोई भी टिप्पणी प्राप्त नहीं होती है तो इसे अंतिम रूप में माना जाएगा।

15. कार्यवृत्त में किसी भी संशोधन के सुझाव के साथ, बोर्ड की अगली बैठक में पुष्टि के लिए रखा जाएगा और अध्यक्ष महोदय द्वारा कार्यवृत्त की पुष्टि और हस्ताक्षर किए जाने के बाद, इस तरह की हर बैठक के पंद्रह दिनों में रजिस्ट्रार द्वारा कार्यवृत्त पुस्तिका में दर्ज किया जाएगा।

16. कार्यालय समय के दौरान हर समय सदस्यों के निरीक्षण के लिए कार्यवृत्त पुस्तिका खुली रखी जाएगी।

5. बोर्ड के आदेशों और निर्णयों का प्रमाणीकरण - बोर्ड के सभी आदेशों और निर्णयों को बोर्ड के एक प्रस्ताव द्वारा रजिस्ट्रार या बोर्ड द्वारा अधिकृत किसी अन्य व्यक्ति के हस्ताक्षर द्वारा प्रमाणित किया जाएगा।

6. सीनेट .- (1) अधिनियम की धारा 12, की उपधारा (क) से (घ) में वर्णित व्यक्तियों के अलावा, अधिनियम की धारा 12 की उपधारा (ङ) में प्रदत्त शक्तियों का उपयोग करते हुए निम्नलिखित व्यक्ति सीनेट के सदस्य होंगे, अर्थात्: -

(क) निदेशक (मुख्यालय) ;

(ख) निदेशक (वित्त और लेखा) ;

(ग) परीक्षा नियंत्रक (मुख्यालय);

(घ) डीन (अकादमिक);

(ड.) छात्र मामलों के शैक्षणिक प्रशासन विभाग के प्रमुख;

(च) अकादमिक विभाग का प्रमुख;

(छ) निदेशक, राष्ट्रीय संसाधन केंद्र ;

(ज) निदेशक, सूचना प्रौद्योगिकी; तथा

(झ) रजिस्ट्रार

(2) सीनेट के अध्यक्ष, जब भी वह आवश्यक समझें, संस्थान के अकादमिक प्रशासन के अन्य प्रमुखों और अन्य विशेषज्ञों को सीनेट की बैठक में भाग लेने के लिए आमंत्रित कर सकते हैं।

7. सीनेट के कार्य - अधिनियम के प्रावधानों के अधीन, सीनेट के पास निम्नलिखित शक्तियां होगीं—

(क) विभिन्न विभागों के पाठ्यक्रम और सह-पाठयक्रम गतिविधियों के लिए शैक्षिक नीति का निर्माण, पाठ्यक्रम और पाठ्यचर्या बनाना, समीक्षा और अनुमोदन करना;

(ख) सीनेट के सदस्यों, संस्थान के संकाय सदस्यों और बाहर से आए विशेषज्ञों और अन्य शैक्षणिक समितियों के बीच सलाहकार समिति या अन्य विशेषज्ञ समितियों की नियुक्ति करना, जो सीनेट द्वारा ऐसी समिति को संदर्भित की जाए;

(ग) परीक्षाओं का आयोजन, परीक्षकों, मध्यस्थों, सारणीकारों की नियुक्ति, परिणामों की घोषणा सहित मूल्यांकन नीति का अनुमोदन करना;

(घ) डिग्री और डिप्लोमा प्रदान करने की मंजूरी देना;

(ड.) विभागों और संसाधन केंद्रों की गतिविधियों की समय-समय पर समीक्षा करना ;

(च) संस्थान में अनुसंधान और अकादमिक विकास या इस प्रकार की गतिविधियों को बढ़ावा देना और इसमें संलिप्त व्यक्तियों से ऐसे अनुसंधान और शैक्षणिक विकास या गतिविधियों पर रिपोर्ट मांगना;

(छ) पुरस्कार, वजीफा, छात्रवृत्ति, फेलोशिप, पदक और पुरस्कार के लिए दिशानिर्देशों को निर्दिष्ट करने के लिए बोर्ड को फिर से अनुशंसा करना;

(ज) विभागों और संस्थान परिसरों के निर्माण या प्रतिबंध और मौजूदा विभागों या संस्थान परिसरों के समापन और विलय के लिए बोर्ड को सिफारिशें करना;

(झ) संस्थान के पाठ्यक्रमों और कार्यक्रमों के निर्माण, संशोधन, विलय या उन्मूलन को मंजूरी प्रदान करना;

(ञ) छात्रों से संबंधित सभी मामलों और नीतियों की समीक्षा करना ; तथा

(ट) संस्थान के संकाय सदस्यों के प्रशिक्षण और क्षमता निर्माण नीति तैयार करना और समय-समय पर समीक्षा करना।

(2) सीनेट के सभी निर्णय बोर्ड के समक्ष सूचनार्थ रखे जाएंगे: परन्तु यह कि सीनेट के वित्तीय निहितार्थ के किसी भी निर्णय को अनुमोदन के लिए बोर्ड के समक्ष रखा जाएगा।

8. सीनेट की बैठकें - (1) सीनेट की बैठकों का आयोजन वर्ष में चार बार से कम नहीं होना चाहिए एवं आवश्यकतानुसार एक वित्तीय वर्ष के दौरान जितनी बार आवश्यक हो उतनी बैठकों का आयोजन किया जाना चाहिए।

(2) सीनेट की दो बैठकों के बीच का अंतराल किसी भी स्थिति में चार महीने से अधिक नहीं होगा।

(3) ऐसे अकादमिक विषयों जिन पर बोर्ड द्वारा अनुमोदन की आवश्यकता है, बोर्ड के समक्ष मंजूरी के लिए रखने से पूर्व सीनेट उन पर अपनी अनुशंसा प्रदान करेगा।

(4) सीनेट के अध्यक्ष द्वारा सीनेट की बैठकें बुलाई जाएंगी या सीनेट के सदस्यों के पांचवें हिस्से के सदस्यों द्वारा लिखित में मांग पत्र देने पर अध्यक्ष द्वारा इसकी बैठक का आयोजन किया जा सकता है।

(5) विशेष आयोजित बैठक में कार्यसूची के केवल उन विषयों पर चर्चा की जाएगी जिनके लिए बैठक का आयोजन किया गया है और इस तरह की बैठक के आयोजन के लिए मांग पत्र मिलने के पंद्रह दिनों में अध्यक्ष अपनी सुविधानुसार बैठक का आयोजन करवाएंगे।

(6) सीनेट के कुल सदस्यों में से एक तिहाई सीनेट की बैठक के लिए कोरम का गठन किया जाएगा :

परन्तु यह कि अगर कोरम के कारण बैठक स्थगित की जाती है, तो इसे अध्यक्ष के अनुसार निर्धारित किए गए समय और स्थान पर आयोजित किया जा सकेगा; और अगर इस तरह की बैठक के निर्धारित समय से आधे घण्टे में कोरम पूरा नहीं हो पाता है तो बैठक में उपस्थित सदस्य वर्तमान कोरम को पूरा करेंगे।

(7) बैठक में विचार किए गए सभी प्रश्नों का निर्णय उपस्थित सदस्यों के बहुमत के वोटों से होगा और वोटों की समानता के मामले में, सीनेट के अध्यक्ष का वोट निर्णायक माना जाएगा।

(8) सीनेट के अध्यक्ष प्रक्रिया के किसी भी प्रश्न पर फैसला ले सकते हैं जो बाध्यकारी होगा।

(9) सीनेट के अध्यक्ष की अनुपस्थिति में, डीन (अकादमिक) बैठक की अध्यक्षता करेंगे।

(10) बैठक से सात दिन पहले प्रत्येक बैठक की लिखित सूचना एजेंडे के साथ, सीनेट के सदस्यों को रजिस्ट्रार द्वारा परिचालित किया जाएगा :

परन्तु संस्थान परिसर और विभागों संस्थान के पाठ्यक्रमों या कार्यक्रमों के सृजन, संशोधन, विलय या समापन और मौजूदा विभागों और परिसरों का समापन और विलय के अलावा अन्य किसी भी विषय को सीनेट के अध्यक्ष किसी भी मद को शामिल करने की अनुमति दे सकते हैं जिसे नोटिस में शामिल नहीं किया गया था।

(11) उप- परिनियम (10) के प्रावधानों में किसी बात के होते हुए भी, सीनेट के अध्यक्ष किसी भी आवश्यक मुद्दे पर विचार करने के लिए अल्प अवधि सूचना पर सीनेट की आपात बैठक बुला सकते हैं ।

(12) जब सीनेट की बैठक बुलाना संभव नहीं हो तो सीनेट के सभी सदस्यों को ऐसे मामलों में एक कार्यसूची परिपत्रित किया जा सकता है, और यदि उप–परिनियम (6) में उल्लिखित सदस्यों के कोरम के अनुसार मंजूरी प्रदान की जाती है तो इसे अनुमोदित माना जाएगा।

(13) सात कार्यदिवसों के भीतर बोर्ड के कार्यालय में दर्ज किए गए प्रत्येक सदस्य के पते पर बैठकों की सूचना, कार्यसूची और कार्यवृत्त को पंजीकृत डाक या स्पीड पोस्ट या ई-मेल या फैक्स द्वारा भेजा जा सकता है और यदि ऐसा किया गया है, तो इसे विधिवत वितरित माना जाएगा।

(14) बैठक की कार्यवाही के कार्यवृत्त रजिस्ट्रार द्वारा सीनेट के अध्यक्ष के अनुमोदन से निकाला जाएगा और सीनेट के सभी सदस्यों को सात कार्य दिवसों के भीतर परिचालित किया जाएगा, जिसकी प्राप्ति के सात दिनों के भीतर टिप्पणी के लिए अनुरोध किया जाएगा । निर्धारित अवधि में यदि कोई भी टिप्पणी प्राप्त नहीं होती है तो कार्यवृत्त को अंतिम माना लिया जाएगा।

(15) बैठक के कार्यवृत्त में उपस्थित सदस्यों के नाम और यदि कोई भी सदस्य लिए गए निर्णय से सहमत नहीं है या अपना असंतोष दर्ज कराता है तो उन समिति के सदस्यों का भी नाम दर्ज किए जाएंगे।

(16) कार्यवृत्त में किसी भी प्रकार के संशोधन के सुझाव को सीनेट के अगली बैठक में अनुमोदन के लिए रखा जाएगा और सीनेट के अध्यक्ष द्वारा हस्ताक्षर करने के पश्चात रजिस्ट्रार के द्वारा कार्यवृत्त पुस्तिका में हर बैठक के समापन के तीस दिनों में रखा जाएगा।

(17) सदस्यों के निरीक्षण के लिए कार्यालय समय के दौरान प्रत्येक समय कार्यवृत्त पुस्तिका उपलब्ध रखी जाएगी ।

(18) सीनेट की प्रत्येक बैठक के कार्यवृत्त की एक प्रति बोर्ड की अगली बैठक में रखी जाएगी।

9. स्थापन समिति - (1) स्थापन समिति में निम्नलिखित सदस्य होंगे, अर्थात्:

(क) संस्थान के अध्यक्ष जो समिति के पदेन अध्यक्ष होगें;

(ख) संस्थान के महानिदेशक - पदेन सदस्य;

(ग) कपडा मंत्रालय, भारत सरकार में निफ्ट के मामलों को देखने वाले संयुक्त सचिव – *पदेन सदस्य;*

(घ) बोर्ड के द्वारा नामित दो अन्य सदस्य।

(2) संस्थान के अध्यक्ष, जब भी वह आवश्यक समझे, किसी अन्य अधिकारी या किसी अन्य विशेषज्ञ को समिति की बैठक में भाग लेने के लिए आमंत्रित कर सकते हैं।

10. स्थापन समिति के कार्य - (1) स्थापन समिति के निम्नलिखित कार्य होंगे, अर्थात्: -

(क) शिक्षकों सहित सभी श्रेणियों के कर्मचारियों के पदों के सृजन और समापन तथा ऐसे पदों से जुड़े कर्तव्यों और जिम्मेदारियों से संबंधित मामलों पर बोर्ड को सिफारिश करना;

(ख) कार्मिकों की भर्ती, पदोन्नती और अन्य विषय से संबंधित नियमों में संशोधन की सिफारिश करना;

(ग) केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के प्रयोजनों के लिए अपीलीय प्राधिकरण और समीक्षा प्राधिकारी के रूप में कार्य करना।

(2) स्थापन समिति की सभी सिफारिशों को अनुमोदन के लिए बोर्ड के समक्ष रखा जाएगा।

11. स्थापन समिति की बैठकें- (1) स्थापन समिति की वर्ष में कम से कम दो बार बैठकें आयोजित की जाएंगी और जब भी आवश्यक हो तब इसकी बैठक आयोजित की जाएंगी।

(2) स्थापन समिति के कुल सदस्यों में से तीन सदस्य उक्त समिति की बैठक के लिए न्यूनतम कोरम होंगे।

(3) अध्यक्ष प्रक्रिया के किसी भी प्रश्न पर फैसला ले सकते हैं, जो बाध्यकारी होगा।

(4) बैठक में विचार किए गए सभी प्रश्नों का निर्णय उपस्थित सदस्यों के बहुमत के मतों से किया जाएगा और वोटों की समानता के मामले में, अध्यक्ष के पास निर्णायक मताधिकार होगा।

(5) समिति के सदस्यों को प्रत्येक बैठक के आयोजन के 7 दिन पूर्व बैठक की लिखित सूचना के साथ-साथ कार्यसूची को रजिस्ट्रार द्वारा परिचालित किया जाएगा।

(6) बैठक की कार्यवाही के कार्यवृत्त रजिस्ट्रार द्वारा स्थापन समिति के अध्यक्ष के अनुमोदन से निकाला जाएगा और सात कार्य दिवसों के भीतर सभी सदस्यों को परिचालित किया जाएगा, और कार्यवृत्त की प्राप्ति के सात दिनों के भीतर टिप्पणियों के लिए अनुरोध किया जाएगा और यदि कोई टिप्पणी उक्त अवधि में प्राप्त नहीं होती है, तो कार्यवृत्त को अंतिम माना जाएगा।

(7) कार्यवृत्त में बैठक में उपस्थित सदस्यों के नाम दर्ज किए जाएंगे और यदि कोई सदस्य किसी भी लिए गए निर्णय से असहमत है या असंतुष्ट है तो उनका नाम और असहमती का आधार भी दर्ज किया जाएगा।

(8) सुझाव दिए गए किसी भी संशोधन के साथ कार्यवृत्त को स्थापन समिति की अगली बैठक में पुष्टि के लिए रखा जाएगा ।

(9) स्थापन समिति की बैठक के कार्यवृत्त की एक प्रति बोर्ड के समक्ष प्रस्तुत की जाएगी।

12. वित्त और लेखा परीक्षा समिति (1) वित्त और लेखा परीक्षा समिति में निम्नलिखित सदस्य होंगे:-

(क) कपडा मंत्रालय, भारत सरकार के वित्तीय सलाहकार जो कि संस्थान के मामले देखते हैं जो समिति के पदेन अध्यक्ष होंगे;

(ख) संस्थान के महानिदेशक –पदेन सदस्य ;

(ग) कपड़ा मंत्रालय, भारत सरकार में संस्थान के मामलों को देखने वाले संयुक्त सचिव सदस्य - पदेन;

(घ) बोर्ड द्वारा नामित बोर्ड के दो अन्य सदस्य।

(2) निदेशक (वित्त और लेखा) समिति की बैठकों के लिए एक स्थायी आमंत्रित व्यक्ति होंगे।

(3) अध्यक्ष, जब भी वह आवश्यक समझे, समिति की बैठक में भाग लेने के लिए संस्थान के किसी अन्य अधिकारी या किसी अन्य विशेषज्ञ को आमंत्रित कर सकते हैं।

13. वित्त और लेखा परीक्षा समिति के कार्य - (1) वित्त और लेखा परीक्षा समिति निम्नलिखित कार्य करेगी, अर्थात्: -

(क) संस्थान के वार्षिक बजट की जांच करना और बोर्ड को सिफारिशें देना;

(ख) वार्षिक खातों और सभी लेखा परीक्षा रिपोर्टों की जांच करना और बोर्ड को उपयुक्त सिफारिशें देना;

(ग) संस्थान को प्रभावित करने वाले किसी भी वित्तीय प्रश्न पर या अपनी पहल पर या इसके लिए संदर्भित किसी भी मामले पर जिनका वित्तीय प्रभाव संस्थान पर पड़ता हो पर अपनी सिफारिशें बोर्ड या महानिदेशक को अपने विचार और अनुशंसाएं प्रस्तुत करना।

14. वित्त और लेखा परीक्षा समिति की बैठकें - (1) वित्त और लेखा परीक्षा समिति जितनी बार आवश्यक हो उतनी बार बैठक करेगी लेकिन एक वित्तीय वर्ष में कम से कम दो बार अवश्य आयोजित की जाएंगी।

(2) वित्त और लेखा परीक्षा समिति के कुल सदस्यों में से तीन सदस्य उक्त समिति की बैठक के लिए कोरम तैयार करेंगे ।

(3) अध्यक्ष प्रक्रिया के किसी भी प्रश्न पर फैसला कर सकते हैं, जो बाध्यकारी होगा।

(4) बैठक में विचार किए गए सभी प्रश्नों का निर्णय उपस्थित सदस्यों के बहुमत के मतों से किया जाएगा और वोटों की समानता के मामले में, अध्यक्ष के पास निर्णायक मताधिकार होगा।

(5) समिति के सदस्यों को प्रत्येक बैठक के आयोजन के 7 दिन पूर्व बैठक की लिखित सूचना के साथ-साथ कार्यसूची को रजिस्ट्रार द्वारा परिचालित किया जाएगा:

(6) बैठक की कार्यवाही के कार्यवृत्त रजिस्ट्रार द्वारा समिति के अध्यक्ष के अनुमोदन से निकाला जाएगा और सात कार्य दिवसों के भीतर सभी सदस्यों को परिचालित किया जाएगा, और कार्यवृत्त की प्राप्ति के सात दिनों के भीतर टिप्पणियों के लिए अनुरोध किया जाएगा और यदि कोई टिप्पणी उक्त अवधि में प्राप्त नहीं होती है, तो कार्यवृत्त को अंतिम माना जाएगा।

(7) कार्यवृत्त में बैठक में उपस्थित सदस्यों के नाम दर्ज किए जाएंगे और यदि कोई सदस्य किसी भी लिए गए निर्णय से असहमत है या असंतुष्ट है तो उनका नाम और असहमती का आधार भी दर्ज किया जाएगा।

(8) सुझाव दिए गए किसी भी संशोधन के साथ कार्यवृत्त को वित्त और लेखा परीक्षा समिति की अगली बैठक में पुष्टि के लिए रखा जाएगा ।

(9) वित्त और लेखा परीक्षा समिति की बैठक के कार्यवृत्त की एक प्रति बोर्ड के समक्ष प्रस्तुत की जाएगी।

15. बोर्ड के अध्यक्ष की शक्तियाँ - अधिनियम के प्रावधानों के अधीन, बोर्ड के अध्यक्ष के पास भी निम्नलिखित शक्तियाँ होंगी, अर्थात्:

(क) निरीक्षण के लिए किसी संस्थान परिसर में बोर्ड के किसी सदस्य को प्रतिनियुक्त करना;

(ख) संस्थान के प्रशासन और कामकाज के संबंध में किसी भी जानकारी या रिपोर्ट के लिए तलब करना

16. महानिदेशक की शक्तियां - (1) अधिनियम की धारा 15 के प्रावधानों के अनुसार महानिदेशक के पास निम्नलिखित शक्तियां होंगी -

(क) संस्थान परिसरों की अकादमिक, प्रशासनिक और परियोजना संबंधी गतिविधियों की देखरेख और समीक्षा करना, अनुमोदित नीति के अनुरूप निर्णय लेना और संस्थान के शैक्षिक और शैक्षणिक कद में सुधार के लिए गतिविधियों का संचालन करना;

(ख) समय-समय पर बोर्ड द्वारा निर्धारित प्रशासनिक और वित्तीय शक्तियों के प्रत्यायोजन के अनुसार कार्य करना;

(ग) स्वीकृत पदों के विरूद्ध अल्पावधि अनुबंध पर नियुक्तियों को मंजूरी प्रदान करना ;

(घ) समूह 'ख' और समूह 'ग' (वेतन मैट्रिक्स के स्तर 9 और निम्नतर) या इस उद्देश्य के लिए गठित चयन समिति की सिफारिशों के समकक्ष पदों के लिए वर्गीकृत दीर्घ अवधि के अनुबंध पर नियमित नियुक्तियों को इन परिनियमों के अनुसार मंजूरी प्रदान करना ।

(ड.) असाधारण मामलों में, बोर्ड को सूचित करते हुए संस्थान के स्वयं के स्रोतों से धन की उपलब्धता के अधीन समेकित वेतन पर एक वर्ष से कम की अवधि के लिए संस्थान के अध्यक्ष की पूर्व स्वीकृति से अस्थायी पद सृजित करना ।

(2) मुख्यालय से महानिदेशक की अनुपस्थिति के दौरान, उनके द्वारा लिखित में अधिकृत एक ज्येष्ठ निदेशक संस्थान के दैनिक कार्यों या सभी कार्यों का निर्वहन करेगा।

(3) परिनियम 19, 24 और 26 में निर्दिष्टानुसार महानिदेशक डीन (अकादमिक), एसोसिएट डीन, परिसर अकादमिक समन्वयक और शैक्षणिक विभागों के प्रमुखों और अकादमिक प्रशासन के प्रमुखों के पदों पर कार्मिकों को नामित कर सकते हैं।

(4) महानिदेशक, बोर्ड की पूर्व स्वीकृति से, परिसर या निदेशकों या संस्थान के अकादमिक या प्रशासनिक कर्मचारियों के एक या एक से अधिक सदस्यों को अधिनियम या इन विधियों द्वारा निहित शक्तियों, जिम्मेदारियों और प्राधिकारियों में से किसी को भी सौंप सकते हैं।

17. रजिस्ट्रार की नियुक्ति के नियम और शर्तें - रजिस्ट्रार को बोर्ड द्वारा संस्थान के अधिकारियों के बीच या प्रतिनियुक्ति पर, भारत सरकार के निदेशक के समतुल्य वेतनमान में तीन वर्ष की अवधि के लिए नियुक्त किया जाएगा:

परन्तु यह कि रजिस्ट्रार का उक्त कार्यकाल बोर्ड द्वारा आगे दो वर्ष से अधिक नहीं बढ़ाया जा सकता है।

18. रजिस्ट्रार के कार्य - अधिनियम की धारा 16 के प्रावधानों के अधीन और इन परिनियमों या अध्यादेशों में निहित

प्रावधानों के अतिरिक्त, रजिस्ट्रार के निम्नलिखित कार्य होंगे -

(क) बोर्ड, सीनेट, स्थापन समिति और वित्त और लेखा परीक्षा समिति के सचिव के रूप में कार्य;

(ख) बोर्ड के निर्णयों के कार्यान्वयन का समन्वय करना;

(ग) बोर्ड के आधिकारिक पत्राचार का संचालन करना;

(घ) केंद्रीय सरकार को बोर्ड के सदस्यों के बीच होने वाली रिक्तियों के बारे में रिक्त होने से छः सप्ताह पूर्व सूचित करना और आकस्मिक रिक्ति के संबंध में जैसे ही उसके ध्यान में आए तो केंद्रीय सरकार को तुरंत सूचित करना;

(ड.) महानिदेशक के पद रिक्त होने से कम से कम छह महीने पहले ही शासक मण्डल के अध्यक्ष और केन्द्र सरकार को महानिदेशक के चयन के लिए सूचित करना;

(च) भर्ती, कैरियर आरोहण, पदों का निर्माण, उन्नयन, समापन, पुर्नः निर्धारण, पारिश्रमिक, सेवा के अन्य नियम और शर्तों और नियमों के निर्धारण सहित स्टाफ और मानव संसाधन से संबंधित या दिशानिर्देश या प्रक्रिया से जुड़े सभी मामलों पर महानिदेशक और बोर्ड की सहायता करना;

(छ) प्रत्येक कैलेंडर वर्ष की शुरुआत में महानिदेशक और बोर्ड को वर्तमान रिक्तियों और वर्ष में होने वाली संभावित रिक्तियों के बारे में सूचित करना और साथ ही साथ इन पदों को समय पर भरने के लिए समय सीमा के बारे में अवगत करवाना।

19. डीन (अकादमिक) - (1) डीन (अकादमिक) के पद पर शिक्षकों में से ज्येष्ठतम सदस्य को तीन वर्ष की अवधि के लिए महानिदेशक द्वारा मनोनीत किया जाएगा।

(2) डीन (अकादमिक) महानिदेशक की सहायता कर्तव्यों और जिम्मेदारियों के निर्वहन में करेंगे, और संस्थान की सभी अकादमिक गतिविधियों के पर्यवेक्षण और समन्वय कार्य देखेंगे।

(3) डीन (अकादमिक) को संस्थान का एक अधिकारी माना जाएगा और महानिदेशक द्वारा अपने कार्यों को करने से संबंधित शक्तियां प्रदान की जाएंगी।

20. निदेशक (वित्त और लेखा) .- (1) निदेशक (वित्त और लेखा) को बोर्ड द्वारा भारत सरकार में निदेशक के वेतनमान के समकक्ष प्रतिनियुक्ति या अनुबंध पर तीन वर्ष तक की अवधि के लिए नियुक्त किया जाएगा:

परन्तु यह कि तीन वर्ष की उक्त अवधि को बोर्ड द्वारा दो वर्ष से अधिक की अवधि के लिए बढ़ाया जा सकता है।

(2) निदेशक (वित्त और लेखा) संस्थान के वित्त अधिकारी होंगे, जो महानिदेशक के समग्र मार्गदर्शन और पर्यवेक्षण के अधीन निम्नलिखित काम करेंगे -

(क) वित्तीय नीति के संबंध में महानिदेशक को सलाह देना, अधिनियम के उप-धारा (1) के अधीन सूचीबद्ध निधियों सहित संस्थान के निवेश और खातों का प्रबंधन करना;

(ख) उचित और पारदर्शी वार्षिक खातों और संस्थान के बजट की समयबद्ध तैयारी करना और अनुमोदित बजट में अधिकृत रूप में उपयोग की निगरानी करना;

(ग) संस्थान और खातों की नियमित ऑडिट सुनिश्चित करना और त्रैमासिक ऑडिट रिपोर्ट वित्त और लेखा परीक्षा समिति एवं बोर्ड को प्रस्तुत करना;

(घ) राजस्व संग्रह की प्रगति की निगरानी करना और नियोजित संग्रह के तरीकों पर सलाह देना;

(ङ.) अनधिकृत व्यय और अन्य वित्तीय अनियमितताओं को महानिदेशक के ध्यान में लाना और उपचारात्मक कार्रवाई का सुझाव देना;

(च) विन्यास निधि का प्रबंधन करना और वित्त और लेखा परीक्षा समिति को किए गए राजस्व निधि से उत्पन्न और व्यय की आवधिक रिपोर्ट प्रस्तुत करना;

(छ) मुख्य लेखा अधिकारी, उप निदेशक (वित्त और लेखा), मुख्यालय और संस्थान परिसरों में लेखा अधिकारी के काम की निगरानी करना;

(ज) अधिनियम की धारा 21 और 22 के प्रावधानों को लागू करने के लिए सभी प्रकार के कार्य करना और ऐसे अन्य कर्तव्य जो इन परिनियमों, विधियों, अध्यादेश में निर्दिष्ट किए जा सकते हैं या संस्थान के कुशल और सुचारू कामकाज के लिए आवश्यक हो सकते हैं।

21. निदेशक (मुख्यालय) - (1) निदेशक (मुख्यालय) के पद पर बोर्ड द्वारा भारत सरकार में निदेशक के पद के समतुल्य वेतनमान पर प्रतिनियुक्ति या अनुबंध के आधार पर तीन वर्ष की अवधि के लिए नियुक्त किया जाएगा:

परन्तु यह कि बोर्ड द्वारा तीन वर्ष की अवधि के अलावा दो वर्ष से अधिक की अवधि के लिए बढ़ाया नहीं जा सकता है।

(2) महानिदेशक के समग्र मार्गदर्शन और पर्यवेक्षण के अधीन निदेशक (मुख्यालय) के निम्नलिखित कार्य होंगे -

(क) संस्थान के मुख्यालय के सामान्य प्रशासन का काम देखना;

(ख) संस्थान परिसरों के समग्र कामकाज के पर्यवेक्षण में महानिदेशक की सहायता करना;

(ग) बोर्ड के निर्णय और मौजूदा संस्थान परिसरों के उन्नयन के अनुसार नए संस्थान परिसरों की स्थापना का परियोजना प्रबंधन;

(घ) सभी पाठ्यक्रमों में संस्थान की प्रवेश प्रक्रिया को देखना;

(ङ.) सभी संस्थान परिसरों, अन्य संस्थानों या संगठनों और कपड़ा मंत्रालय के साथ समन्वय;

(च) शिकायत निवारण, प्रोटोकॉल और सार्वजनिक संबंध;

(छ) महानिदेशक द्वारा उन्हें सौंपा गया कोई अन्य कार्य।

22. परिसर निदेशक - (1) परिसर निदेशक के पद पर बोर्ड द्वारा भारत सरकार में निदेशक के पद के समतुल्य वेतनमान पर प्रतिनियुक्ति या अनुबंध के आधार पर तीन वर्ष की अवधि के लिए नियुक्त किया जाएगा:

परन्तु यह कि बोर्ड द्वारा तीन वर्ष की अवधि के अलावा दो वर्ष से अधिक की अवधि के लिए बढ़ाया नहीं जा सकता है।

(2) परिसर निदेशक महानिदेशक के पर्यवेक्षण में निम्नलिखित कार्य करेंगे -

(क) परिसर निदेशक संस्थान परिसर के प्रशासनिक प्रमुख के रूप में कार्य करेंगे जिसमें संस्थान परिसर की शैक्षणिक, प्रशासनिक और परियोजना संबंधी गतिविधियों की निगरानी और समीक्षा शामिल है। साथ ही पूर्व छात्रों सहित संस्थान परिसर के हितों के संवर्धन और संरक्षण, छात्र गतिविधियों का आयोजन और महत्व स्थापित करना और परिसर के शैक्षिक और शैक्षणिक कद में सुधार करना;

(ख) समय-समय पर बोर्ड द्वारा निर्धारित प्रशासनिक और वित्तीय शक्तियों के प्रत्यायोजन के अनुसार कार्य करना;

(ग) परिसर चयन समिति की सिफारिशों पर समूह 'ग' या समकक्ष पदों के रूप में वर्गीकृत पदों के लिए अल्पकालिक संविदात्मक नियुक्तियों को अनुमोदित करना और परिनियम 28 के प्रावधानों के अनुसार महानिदेशक को सूचित करना;

(घ) स्टाफ और शिक्षकों को बोर्ड द्वारा समय-समय पर अनुमोदित नियमों और शर्तों के अधीन प्रशिक्षण या पाठ्यक्रम के लिए भेजना;

(ड.) स्टाफ और शिक्षकों को बोर्ड द्वारा समय-समय पर अनुमोदित नियमों और शर्तों के अधीन विदेश में प्रशिक्षण, पाठ्यक्रम प्रशिक्षण, कार्यशाला, सम्मेलन इत्यादि के लिए नामित करने के लिए अनुशंसा करना।

23. शैक्षणिक विभाग - संस्थान में निम्नलिखित शैक्षणिक विभाग होंगे, अर्थात्: -

(क) फैशन डिजाइन;

(ख) लैदर डिजाइन;

(ग) कपड़ा डिजाइन;

(घ) निटवेअर डिजाइन;

(ड.) फैशन कम्युनिकेशन;

(च) फैशन और लाइफ स्टाइल एक्सेसरीज;

(छ) फैशन प्रबंधन अध्ययन;

(ज) फैशन प्रौद्योगिकी; तथा

(झ) डिज़ाइन स्पेस ।

24. अकादमिक विभाग के प्रमुख - (1) संस्थान के प्रत्येक अकादमिक विभाग के लिए एक प्रमुख होगा, जिसे डीन (अकादमिक) के परामर्श से प्रोफेसरों और एसोसिएट प्रोफेसरों के बीच से महानिदेशक द्वारा चुना जाएगा।

(2) अकादमिक विभाग के प्रमुख डीन (अकादमिक) की समग्र देखरेख में संबंधित विभाग की सभी शैक्षणिक गतिविधियों के लिए जिम्मेदार होंगे।

(3) अकादमिक विभाग के प्रमुख ऐसे अन्य कर्तव्यों का पालन भी करेंगे जो उन्हें महानिदेशक द्वारा सौंपे जा सकते हैं।

25. अकादमिक प्रशासन के विभाग - (1) संस्थान के निम्नलिखित अकादमिक प्रशासन के विभाग होंगे, अर्थात्:-

(क) छात्र मामले;

(ख) परियोजनाएँ;

(ग) अनुसंधान;

(घ) अन्तरराष्ट्रीय एवं घरेलू संबंध;

(ड.) उद्यम संसाधन योजना (ईआरपी);

(च) निगमित संचार;

(छ) उद्योग और पूर्व छात्र मामले;

(ज) संकाय उन्मुखीकरण, प्रशिक्षण और विकास;

(झ) शिल्प क्लस्टर;

(ञ) सतत शिक्षा और डिप्लोमा कार्यक्रम ;

(ट) प्रकाशन ;

(ठ) परीक्षा और मूल्यांकन ;

(ङ) प्रवेश ;

(ढ) राष्ट्रीय संसाधन केंद्र ;

(ण) सूचना प्रौद्योगिकी ; तथा

(त) डिजाइन और नवाचार ।

(2) उप-परिनियम (1) में कुछ भी होने के बावजूद, बोर्ड प्रशासनिक आवश्यकता के अनुसार अकादमिक प्रशासन के नए विभाग बना सकता है या संशोधित कर सकता है ।

26. शैक्षणिक प्रशासन विभाग के प्रमुख - (1) संस्थान के अकादमिक प्रशासन के प्रत्येक विभाग के लिए एक प्रमुख होगा, जिसे डीन (अकादमिक) के परामर्श से महानिदेशक द्वारा प्रोफेसर और एसोसिएट प्रोफेसर में से चुना जाएगा।

(2) अकादमिक प्रशासन के संबंधित विभाग के प्रमुख संबंधित विभाग के समग्र कामकाज के लिए जिम्मेदार होंगे।

(3) अकादमिक प्रशासन विभाग के प्रमुख ऐसे अन्य कर्तव्यों का पालन करेंगे जो उन्हें महानिदेशक द्वारा सौंपा जा सकता है।

27. अधिकारियों, संकायों और संस्थान के अन्य कर्मचारियों का वर्गीकरण और संख्या पद - संस्थान के कर्मचारियों को आकस्मिक व्यय से भुगतान किए गए कर्मचारियों के मामले को छोड़कर, निम्नानुसार वर्गीकृत किया जाएगा:-

(क) **शैक्षणिक स्टाफ:** संस्थान के शैक्षणिक कर्मचारियों में निम्नलिखित शामिल होंगे , अर्थात्: -

(i) शिक्षक सदस्य निम्नानुसार हैं -

क्र सं	पद का नाम	वेतन मैट्रिक्स में स्तर	पदों की संख्या
(1)	(2)	(3)	(4)
1	ज्येष्ठ प्रोफेसर	13क	209
2	प्रोफ़ेसर	13	
3	ऐसोसिएट प्रोफेसर	11	209
4	सहायक प्रोफेसर	10	417 ;

(ii) शैक्षणिक सहायक कर्मचारी निम्नानुसार हैं -

क्र सं	पद का नाम	वेतन मैट्रिक्स में स्तर	पदों की संख्या
(1)	(2)	(3)	(4)
1	निदेशक (राष्ट्रीय संसाधन केंद्र)	13	1
2	उप निदेशक (राष्ट्रीय संसाधन केंद्र)	11	1
3	प्रमुख (संसाधन केंद्र)	10	1 1
4	सहायक लाइब्रेरियन	6	3
5	पुस्तकालय सहायक	2	24 ;
6	पुस्तकालय परिचर	2	1

(ख) **तकनीकी कर्मचारी:** संस्थान के तकनीकी कर्मचारियों में निम्नलिखित शामिल होंगे, अर्थात्:-

क्र सं	पद का नाम	वेतन मैट्रिक्स में स्तर	पदों की संख्या
(1)	(2)	(3)	(4)
1	निदेशक (सूचना प्रौद्योगिकी)	13	1
2	परियोजना अभियंता	13	1
3	कार्यपालक अभियंता	11	9
4	सहायक डेटाबेस व्यवस्थापक	10	1
5	ज्येष्ठ प्रबंधन सूचना प्रणाली समन्वयक	10	1
6	सहायक डेटाबेस	10	1
7	कार्यकारी स्तर	40,000/- समेकित वेतन पर	1
8	प्रबंधन सूचना प्रणाली समन्वयक	7	16
9	सॉफ्टवेयर इंजीनियर	7	1
10	एस्टेट इंजीनियर	7	9
11	कंप्यूटर इंजीनियर	7	16
12	तकनीकी अधिकारी	7	1
13	जूनियर इंजीनियर (सिविल)	6	7
14	जूनियर इंजीनियर (इलेक्ट्रिकल)	6	10
15	कंप्यूटर अनुप्रयोग सहायक	6	0
16	सीनियर मशीन मैकेनिक	6	3
17	जूनियर सॉफ्टवेयर इंजीनियर	4	3
18	मशीन मैकेनिक	4	39
19	एयर कंडीशनर तकनीशियन	2	1
20	प्रयोगशाला सहायक	2	145
21	बिजली मिस्त्री	2	12 ;

(ग) **प्रशासनिक और अनुसचिवीय कर्मचारी:** संस्थान के प्रशासनिक और अनुसचिवीय कर्मचारियों में निम्नलिखित शामिल होंगे, अर्थात्:-

क्र सं	पद का नाम	वेतन मैट्रिक्स में स्तर	पदों की संख्या
(1)	(2)	(3)	(4)
1	महानिदेशक	14	1
2	मुख्य सतर्कता अधिकारी	13	1
3	रजिस्ट्रार	13	1
4	निदेशक (मुख्यालय)	13	1
5	निदेशक (वित्त और लेखा)	13	1
6	परिसर निदेशक	13	16
7	संयुक्त निदेशक	12	18
8	मुख्य लेखा अधिकारी	12	1
9	उप निदेशक (प्रशासन)	1 1	6
10	उप निदेशक (वित्त और लेखा)	1 1	13
1 1	सहायक बोर्ड सचिव और कानूनी अधिकारी	10	1
12	सतर्कता अधिकारी	10	1
13	लेखा अधिकारी	10	19
14	हिंदी अधिकारी	10	1
15	निजी सचिव	10	2
16	सहायक निदेशक	7	23
17	आशुलिपिक (ग्रेड - I)	7	9
18	वार्डन,	6	1
19	ज्येष्ठ सहायक (लेखा)	6	21
20	ज्येष्ठ सहायक	6	19
21	आशुलिपिक (ग्रेड-II)	6	12
22	अनुसंधान सहायक	6	170
23	कनिष्ठ अनुवाद अधिकारी	6	16
24	आशुलिपिक (ग्रेड-III)	4	23
25	सहायक	4	29

क्र सं	पद का नाम	वेतन मैट्रिक्स में स्तर	पदों की संख्या
(1)	(2)	(3)	(4)
26	सहायक (लेखा)	4	32
27	सहायक वार्डन	4	22
28	कनिष्ठ सहायक	2	193
29	चालक	2	36
30	नलसाज	2	12
31	मल्टी टास्किंग स्टाफ	1	249

नोट: पदों की संख्या कार्य भार पर निर्भर होगी। बोर्ड इनमें से किसी भी पद को अद्यतन या समाप्त या पुर्न:निर्धारित कर सकता है या अधिनियम की धारा 7 के प्रावधानों के अधीन नए पद सृजित कर सकता है।

स्पष्टीकरण: इस परिनियम के उद्देश्य के लिए, अभिव्यक्ति "वेतन मैट्रिक्स" और "स्तर" का अर्थ क्रमशः उन्हें दिया जाएगा जो केंद्रीय सिविल सेवा (संशोधित वेतन) नियम 2016 के नियम 3 के खंड (vi) और (vii) में दिए गए हैं।

28. नियुक्ति : (1) महानिदेशक और मुख्य सतर्कता अधिकारी के पद को छोड़कर संस्थान में सभी पदों को सीधी भर्ती, पदोन्नति या प्रतिनियुक्ति द्वारा भरा जाएगा।

(2) केंद्रीय सरकार द्वारा समय-समय पर निर्धारण के अनुसार संस्थान अनुसूचित जातियों, अनुसूचित जनजातियों, अन्य पिछड़े वर्गों और अन्य श्रेणियों के व्यक्तियों, विकलांग व्यक्तियों और आर्थिक रूप से कमजोर वर्ग के लिए पदों को आरक्षित करेगा।

(3) सीधी भर्ती या पदोन्नति या प्रतिनियुक्ति द्वारा संस्थान के अधीन पदों को भरने के लिए चयन समितियों (अल्पकालिक अनुबंध के आधार पर पदों के अतिरिक्त) को अनुसूची में प्रदान किए गए तरीके से गठित किया जाएगा।

(4) अनुसूचित जाति और अनुसूचित जनजाति वर्ग के उम्मीदवारों के लिए आरक्षित पदों पर नियुक्तियों के लिए चयन समिति में एक अनुसूचित जाति या अनुसूचित जनजाति का सदस्य शामिल होगा।

(5) चयन समिति के कुल सदस्यों के अध्यक्ष और आधे सदस्य चयन समिति की बैठक के लिए कोरम का गठन करेंगे।

(6) चयन समिति के किसी भी सदस्य या सदस्यों की अनुपस्थिति के आधार पर किसी भी चयन समिति की किसी भी कोई कार्रवाई या कार्यवाही पर प्रश्न नहीं उठाया जाएगा।

(7) चयन समिति की सिफारिशों को बोर्ड के समक्ष अनुमोदन हेतु रखा जाएगा या अनुमोदन के लिए महानिदेशक के समक्ष भी रखा जा सकता है, जैसी भी स्थिति हो।

(8) संस्थान में की गई सभी नियुक्तियों की जानकारी बोर्ड को इसकी अगली बैठक में प्रदान की जाएगी।

29. आचरण नियम - संस्थान के कर्मचारियों को समय-समय पर संशोधित केंद्रीय सेवा (आचरण) नियम, 1964 द्वारा शासित किया जाएगा।

30. अनुशासन और अपील के नियम - (1) संस्थान के कर्मचारी समय-समय पर संशोधित केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 द्वारा शासित होंगे।

(2) केंद्रीय सिविल सेवा (वर्गीकरण नियंत्रण और अपील) नियम, 1965 के उद्देश्यों के लिए संस्थान के कर्मचारियों के संबंध में प्राधिकारी निम्नलिखित होंगे, अर्थात्: --

पदों का समूह	अनुशासनात्मक प्राधिकारी --- मामूली जुर्माना	अनुशासनात्मक प्राधिकारी --- प्रमुख दंड	अपीलीय प्राधिकारी	समीक्षा प्राधिकारी
समूह 'क'	महानिदेशक	महानिदेशक	स्थापन समिति	शासक मंडल
समूह 'ख'	महानिदेशक	महानिदेशक	स्थापन समिति	शासक मंडल
समूह 'ग'	निदेशक	निदेशक	महानिदेशक	स्थापन समिति

टिप्पणी: जब भी समूह 'क' के कर्मचारियों के मामलों में पदच्यूत की सजा, पद से हटाना, अनिवार्य सेवानिवृत्ति या पंक्ति में अवनत किए जाने का निर्णय लिया जाता है, तो उन्हें बोर्ड की पूर्व स्वीकृति के साथ किया जाएगा। ऐसे मामलों में, केंद्रीय सरकार, कपड़ा मंत्रालय अपीलीय और समीक्षा प्राधिकरण होगा।

31. नियमित कर्मचारियों की सेवा की शर्तें और नियम - (1) संस्थान के नियमित कर्मचारी निम्नलिखित नियमों और शर्तों द्वारा शासित होंगे, अर्थात्:-

(क) प्रत्येक नियुक्ति इस शर्त के अधीन होगी कि संस्थान द्वारा निर्दिष्ट चिकित्सा प्राधिकारी द्वारा भारत में सेवा के लिए अच्छे स्वास्थ्य और शारीरिक रूप से फिट होने के लिए प्रमाणित है;

(ख) अधिनियम और इन परिनियमों के प्रावधानों के अधीन, संस्थान के अधीन ऐसे पदों पर सभी नियुक्तियां सामान्यत: एक या दो वर्ष की अवधि के लिए केंद्रीय सरकार द्वारा जारी निर्देशों के अनुसार परिवीक्षा पर की जाएंगी: परन्तु यह कि नियुक्त करने वाले प्राधिकारी के पास उपरोक्त निर्धारित अवधि से एक वर्ष से अधिक की अवधि के लिए किसी भी नियुक्ति की परिवीक्षा की अवधि बढ़ाने की शक्ति नहीं होगी;

(ग) यदि, परिवीक्षा की अवधि या उसके विस्तार के दौरान, जैसा भी मामला हो, नियुक्ति प्राधिकारी की राय में कार्मिक नियमित नियुक्ति के लिए उपयुक्त नहीं है तो नियुक्ति प्राधिकारी उसे सेवा से मुक्त कर सकता है;

(घ) बोर्ड द्वारा गठित चयन समिति की सिफारिश पर ही नियमितीकरण किया जाएगा;

(ड.) संस्थान का एक कर्मचारी अपना पूरा समय संस्थान की सेवा में लगाएगा और किसी भी व्यापार या व्यवसाय या किसी अन्य कार्य में प्रत्यक्ष या अप्रत्यक्ष रूप से संलग्न नहीं होगा जो अपने कर्तव्यों के उचित निर्वहन में बाधा उत्पन्न कर सकते हों;

(च) नियुक्ति प्राधिकारी को तीन महीने के नोटिस द्वारा या उसके एवज में तीन महीने के वेतन के भुगतान पर किसी भी कार्मिक की सेवाओं को समाप्त करने की शक्ति होगी, यदि बोर्ड द्वारा नियुक्त चिकित्सा प्राधिकरण के प्रमाण पत्र के आधार पर नियुक्ति प्राधिकारी सेवा में उनकी निरंतरता को अवांछनीय पाया जाता है;

(छ) बोर्ड के पास यह अधिकार होगा कि वह छंटनी या वित्तीय आधार पर स्टाफ के किसी भी सदस्य की सेवाओं को समाप्त करने का अधिकार संबंधित कार्मिकों को लिखित रूप में तीन महीने के नोटिस पर या उसके एवज में तीन महीने के वेतन के भुगतान पर दे सकता है;

(ज) संस्थान का एक कर्मचारी नियुक्ति प्राधिकारी को तीन महीने के नोटिस देकर इस्तीफा दे सकता है :

परन्तु यह कि नियुक्ति प्राधिकारी पर्याप्त कारणों के आधार पर या तो तीन महीने की इस अवधि को कम कर दें या माफ कर दें या संबंधित कर्मचारी को शैक्षणिक सत्र के अंत तक जारी रखने का आह्वान करें।

(2) इन विधियों में अन्यथा प्रदान किए गए अनुसार, संस्थान का प्रत्येक कर्मचारी उस महीने के अंतिम दिन अपरान्ह तक सेवा से सेवानिवृत्त हो जाएगा जिसमें वह साठ वर्ष की आयु प्राप्त करता है:

परन्तु यह कि संस्थान का एक कर्मचारी जिसकी जन्मतिथि महीने की पहली तारीख को है, वह साठ वर्ष की आयु प्राप्त करने के पूर्ववर्ती महीने के अंतिम दिन अपरान्ह को सेवा से सेवानिवृत्त हो जाएगा।

(3) इन विधियों में किसी भी बात के होते हुए भी, नियुक्ति प्राधिकारी की यदि यह राय है कि किसी भी कर्मचारी को सेवानिवृत्त करना संस्थान के हित में है, तो ऐसा करने का उन्हें पूर्ण अधिकार है। ऐसे मामलों में कार्मिक को तीन माह का लिखित में नोटिस देकर या इस तरह के नोटिस के बदले में तीन महीने का वेतन और भत्ते देकर सेवानिवृत्त किया जा सकता है -

(i) यदि वह वेतन मैट्रिक्स में स्तर 6 (रु.35400-112400/-) में एक नियमित कर्मचारी है या उससे अधिक या इसके समकक्ष और पैंतीस वर्ष की आयु प्राप्त करने से पहले सरकारी सेवा में आया है, और बाद में 50 वर्ष की आयु प्राप्त कर ली है;

(ii) किसी अन्य मामले में पचपन वर्ष की आयु प्राप्त करने के बाद ।

(4) ऐसे कर्मचारियों की उपयुक्तता का पता लगाने या अन्यथा सेवा में बनाए रखने के उद्देश्य से, समय-समय पर भारत सरकार द्वारा जारी किए गए "मौलिक नियम 56 (ञ) / (ठ)" के अधीन केंद्रीय सरकार के कर्मचारियों की आवधिक समीक्षा संस्था के सभी कर्मचारियों के लिए यथोचित परिवर्तन सहित लागू होगी।

(5) जहां कोई नियम या लाभ स्पष्ट रूप से यहां शामिल नहीं किया गया है, केंद्रीय सरकार के कर्मचारियों के लिए लागू या स्वीकार्य सभी नियम और लाभ, शासक मण्डल द्वारा अनुमोदित रूप में संस्थान के कर्मचारियों पर लागू हो सकते हैं।

32. नियम और दीर्घ अवधि के अनुबंध पर कर्मचारियों की सेवा शर्तें - (1) सीधी भर्ती पर प्रारंभिक नियुक्ति दीर्घ अवधि के अनुबंध के आधार पर होगी, शुरू में तीन वर्ष की अवधि के लिए, जो प्रदर्शन के आधार पर और तीन वर्ष के लिए बढाई जा सकती है।

(2) यदि तीन वर्ष की प्रारंभिक अनुबंध अवधि के दौरान प्रदर्शन संतोषजनक नहीं पाया जाता है , तो अनुबंध समाप्त कर दिया जाएगा।

(3) कर्मचारी द्वारा नियुक्ति प्राधिकारी या कर्मचारी को नियुक्ति प्राधिकारी द्वारा दीर्घकालिक अनुबंध कर्मचारी के मामले में सेवा समाप्त करने के लिए किसी भी समय एक महीने के नोटिस या उसके एवज में एक महीने के वेतन से समाप्त किया जा सकता है।

(4) निदेशक (मुख्यालय), परिसर निदेशक, निदेशक (वित्त और लेखा), निदेशक (राष्ट्रीय संसाधन केंद्र), निदेशक (सूचना प्रौद्योगिकी) और परियोजना अभियंता के पदों को छोड़कर ऐसे दीर्घकालिक अनुबंध कर्मचारियों को पांच वर्ष की संतोषजनक सेवा के समापन के पश्चात नियमित नियुक्ति के लिए योग्य माना जाएगा।

(5) निदेशक (मुख्यालय), परिसर निदेशक, निदेशक (वित्त और लेखा), निदेशक (राष्ट्रीय संसाधन केंद्र), निदेशक (सूचना प्रौद्योगिकी), परियोजना अभियंता और रजिस्ट्रार के पदों को छोड़कर लंबी अवधि के अनुबंध सहित इन परिनियमों की शुरुआत से पहले एक ही पद पर प्रदान की जाने वाली ऐसी सेवा, जिसके बाद एक ही पद पर नियमितीकरण किया जाता है, को पदोन्नति और अद्यतन जैसे सभी उद्देश्यों के लिए अर्हकारी सेवा के रूप में गिना जाएगा, लेकिन वरिष्ठता के उद्देश्य से नहीं माना जाएगा, जो पद पर नियमित नियुक्ति की तिथि से लागू माना जाएगा और उसके आधार पर योग्यता का निर्धारण किया जाएगा।

(6) ऐसे कर्मचारियों की सेवा के अन्य नियम और शर्तें ऐसी होंगी जो नियुक्ति पत्र में नियुक्ति प्राधिकारी द्वारा निर्दिष्ट की जा सकती हैं।

33. अल्पावधि अनुबंध कर्मचारी - (1) नियुक्ति प्राधिकारी किसी भी व्यक्ति को अल्पकालिक अनुबंध के आधार पर छह महीने से अधिक की अवधि के लिए नियुक्त नहीं कर सकते हैं।

(2) ऐसे कर्मचारियों की सेवा के अन्य नियम और शर्तें इस प्रकार होंगी, जैसा कि नियुक्ति पत्र में नियुक्त प्राधिकारी द्वारा निर्दिष्ट किया जा सकता है।

(3) एक अल्पकालिक संविदा कर्मचारी की सेवा को किसी भी समय या तो कर्मचारी द्वारा नियुक्ति प्राधिकारी को या नियुक्ति प्राधिकारी द्वारा कर्मचारी को एक महीने के नोटिस या उसके एवज में एक महीने के वेतन का भुगतान कर समाप्त किया जा सकता है।

34. अवकाश- संस्थान के कर्मचारियों को केंद्रीय सिविल सेवा (अवकाश) नियम, 1972 में निहित प्रावधानों द्वारा शासित किया जाएगा और इस संबंध में समय-समय पर केंद्रीय सरकार द्वारा जारी किए गए निर्णय, निर्देश या आदेश बोर्ड द्वारा अनुमोदित या संशोधित रूप में लागू होंगे।

35. यात्रा भत्ता- संस्थान के कर्मचारियों को आधिकारिक दौरे या स्थानान्तरण पर केंद्रीय सरकार के कर्मचारियों के लिए लागू यात्रा भत्ता / दैनिक भत्ता निर्देश, जैसे कि बोर्ड द्वारा अनुमोदित या संशोधित, द्वारा शासित किया जाएगा।

36. अवकाश यात्रा रियायत - संस्थान के कर्मचारियों को केंद्रीय सिविल सेवा (अवकाश यात्रा रियायत) नियम, 1988 और इस संबंध में समय-समय पर केंद्रीय सरकार द्वारा जारी किए गए निर्णय, निर्देश या आदेश बोर्ड द्वारा अनुमोदित या संशोधित शासित होंगे।

37. चिकित्सा सुविधा - संस्थान के कर्मचारी केंद्रीय सरकार की स्वास्थ्य योजना के अधीन सभी केंद्रीय सरकार की स्वास्थ्य योजना के लिए अस्पतालों या डायग्नोस्टिक केंद्रों या विशेष नेत्र केंद्रों या विशेष दंत चिकित्सालयों में उपचार के लिए पात्र होंगे। सरकारी स्वास्थ्य योजना स्वीकृत दरों को प्रदान करती है तथा इन्हीं दरों पर संस्थान चिकित्सा व्यय पर किए जाने वाले व्यय का भुगतान संस्थान के लाभार्थियों पर स्वयं के बजट से संबंधित अस्पतालों को संस्थान केंद्रीय सरकार की स्वास्थ्य योजना या वास्तविक लागत की अनुमोदित दरों, जो भी कम हो, पर करेगा।

38. हॉस्टल और हॉल - संस्थान परिसर में स्थित हॉस्टल और हॉल को निम्नलिखित नियमों द्वारा शासित किया जाएगा, अर्थात्:-

(i) छात्रावास की सुविधा संस्थान परिसर में पूर्णकालिक स्नातक या स्नातकोत्तर पंजीकृत छात्रों के लिए है, जो छात्रावास में निवास की उपलब्धता के अधीन है;

(ii) संस्थान परिसरों में छात्रावास में प्रवेश के लिए प्राथमिकता निम्नलिखित क्रम में आवेदक की सामान्य मेरिट रैंक पर तय की जाएगी:-

(क) स्नातक छात्रों को वर्तमान शैक्षणिक वर्ष में पूर्णकालिक कार्यक्रमों में प्रवेश दिया जाता है, जो आवंटित संस्थान परिसर के अलावा किसी स्टेशन से अपनी अर्हक परीक्षा उत्तीर्ण करते हैं, इस शर्त के अधीन कि उनका परिवार स्टेशन पर नहीं रहता है;

(ख) स्नातक छात्र जो शैक्षणिक वर्ष की शुरुआत के बाद आवेदन करते हैं, सीटों की उपलब्धता के आधार पर और दस्तावेजी साक्ष्य प्रस्तुत करने पर कि उनका परिवार स्टेशन पर नहीं रहता है;

(ग) छात्रावास में निवास की उपलब्धता के अधीन वर्तमान शैक्षणिक वर्ष में पूर्णकालिक कार्यक्रम में कोई अन्य स्नातक छात्र;

(घ) स्नातकोत्तर छात्र जिन्होंने ने वर्तमान शैक्षणिक वर्ष में पूर्णकालिक कार्यक्रमों में प्रवेश लिया है, इस शर्त के अधीन कि उनका परिवार स्टेशन पर नहीं रहता है और निवास की उपलब्धता के अधीन के आधार पर छात्रावास में प्रवेश दिया जाएगा।

स्पष्टीकरण: - इस उप-खंड के उद्देश्य के लिए, अभिव्यक्ति "स्टेशन", -

(क) दिल्ली को छोड़कर संस्थान परिसर की नगरपालिका सीमा के भीतर का क्षेत्र है;

(ख) दिल्ली के संबंध में, राष्ट्रीय राजधानी क्षेत्र दिल्ली के भीतर का क्षेत्र;

(iii) हॉस्टल में निवासी छात्रों को हॉस्टल में प्रवेश लेते समय स्थानीय अभिभावक का नाम, उनका पता, टेलीफोन नंबर और व्यवसाय कार्ड, यदि कोई हो, उनके कानूनी अभिभावक द्वारा विधिवत रूप से प्रमाणित कर प्रस्तुत किया जाएगा;

(iv) छात्रावास की बकाया राशि का भुगतान संस्थान के निर्देशों के अनुसार किया जाएगा;

(v) यदि छात्रावास में रहने से पूर्व प्रवेश वापस लिया जाता है तो गैर-वापसी योग्य सुरक्षा जमा को छोड़कर पूर्ण छात्रावास शुल्क वापस किया जाएगा; और छात्रावास में रहना प्रारम्भ करने से एक महीने में प्रवेश वापस लेने के मामले में, गैर-वापसी योग्य सुरक्षा को छोड़कर केवल छात्रावास के शुल्क का पचास प्रतिशत वापस किया जाएगा और छात्रावास में शामिल होने के एक महीने के बाद प्रवेश वापस लेने के मामले में, केवल वापसी योग्य सुरक्षा जमा राशि वापस किया जाएगा;

(vi) निवासी छात्र छात्रावास में उपस्थिति के लिए समय का पूर्णतया पालन करेंगे;

(vii) किसी भी शिकायत के मामले में, छात्रों को यह सलाह दी जाती है कि वे इसे छात्रावास में उपलब्ध कराई गई शिकायत पुस्तिका में दर्ज करें या इसकी सूचना हॉस्टल वार्डन को लिखित रूप में दें या इसे परिसर निदेशक या संस्थान परिसर के छात्र विकास गतिविधि समन्वयक के संज्ञान में लाएं;

(viii) परिसर निदेशक या परिसर निदेशक द्वारा अधिकृत कोई समिति हॉस्टल आवास के नियमों और शर्तों का समुचित अनुपालन सुनिश्चित करने के लिए किसी भी समय छात्रावास का निरीक्षण कर सकती है;

(ix) मादक पदार्थों, धूम्रपान, मादक पेय पदार्थों का सेवन और जुए खेलना पूर्ण रूप से प्रतिबंधित है;

(x) किसी भी छात्र को हॉस्टल परिसर में किसी अनधिकृत व्यक्ति को रुकवाने या बंधक बनाते हुए पाया गया तो वह अनुशासनात्मक कार्रवाई का सामना करना होगा;

(xi) किसी को डराने या हिंसा करने, संपत्ति को नुकसान पहुंचाने या शराबी और दंगाई व्यवहार करना या इस प्रकार का कोई भी कार्य करना अपराध के श्रेणी में आता है;

(xii) कोई भी निवासी छात्र जिसने कोई अपराध किया हो या हॉस्टल के बकाया के भुगतान नहीं किया हो या ऐसा कोई कार्य किया है जो यहां के नियमों और शर्तों का उल्लंघन करता हो या हॉस्टल के प्राकृतिक माहौल को खराब करता हो, तो ऐसी स्थिति में उसे अपना पक्ष रखने के पश्चात हॉस्टल से निकाल दिया जाएगा।

(xiii) छात्रावास के आवेदन पत्र या प्रवेश के लिए किसी अन्य दस्तावेज में गलत जानकारी प्रस्तुत करने पर छात्र को अध्ययन के दौरान किसी भी समय निष्कासित किया जा सकता है;

(xiv) रैगिंग को एक बड़े अनुशासनात्मक उल्लंघन के रूप में माना जाएगा और अपराधियों (प्रत्यक्ष या अप्रत्यक्ष) को समय-समय पर संस्थान द्वारा निर्धारित दिशानिर्देशों के अनुसार दण्डित किया जाएगा और रैगिंग की कोई भी शिकायत परिसर निदेशक या संस्थान परिसर के छात्र विकास गतिविधि समन्वयक को की जा सकती है;

(xv) हॉस्टल आवास के नियमों और शर्तों के किसी भी गैर-अनुपालन के मामले में छात्र परिसर निदेशक द्वारा उपयुक्त मानी जाने वाली कार्रवाई के लिए उत्तरदायी होगा।

39. पुरस्कार - निम्नलिखित पुरस्कारों को निम्नलिखित मानदंडों के अनुसार प्रत्येक संस्थान परिसर में स्थापित किया जाएगा: -

(क) सर्वश्रेष्ठ अकादमिक प्रदर्शन के लिए पुरस्कार: यह पुरस्कार प्रत्येक अध्ययन विषय में सर्वश्रेष्ठ अकादमिक प्रदर्शन के आधार पर तय किया जाएगा, और एक प्रशस्ति पत्र, स्वर्ण पदक और नकद पुरस्कार प्रदान किया जाएगा;

(ख) सामुदायिक सेवा प्रदर्शन के साथ अकादमिक उत्कृष्टता के लिए पुरस्कार : यह पुरस्कार सामुदायिक सेवा में योगदान के साथ शैक्षणिक प्रदर्शन के आधार पर होगा और एक प्रशस्ति पत्र, स्वर्ण पदक और नकद पुरस्कार प्रदान किया जाएगा;

(ग) सर्वश्रेष्ठ सर्वांगीण प्रदर्शन के लिए पुरस्कार : यह पुरस्कार अकादमिक प्रदर्शन के आधार पर छात्र विकास गतिविधियों में उल्लेखनीय योगदान के साथ होगा और एक प्रशस्ति पत्र, स्वर्ण पदक और नकद पुरस्कार प्रदान किया जाएगा;

(घ) स्नातक पुरस्कार: यह पुरस्कार संबंधित विषयों के लिए विभिन्न श्रेणियों में होगा, जिसका उद्देश्य संस्थान द्वारा गठित बाहरी जूरी द्वारा किया जाना है और जो मूल्यांकन मानदंडों के अनुरूप श्रेणियों में उच्चतम अंक प्राप्त करने वाले छात्रों को दिया जाता है।

40. भविष्य निधि - (1) अंशदायी भविष्य निधि नियम, 1962 और कर्मचारी पेंशन योजना, कर्मचारी भविष्य निधि संगठन, 1995 समय-समय पर संशोधित, संस्था के सभी कर्मचारियों के लिए आवश्यक परिवर्तनों सहित लागू होगा।

41. कर्मचारी समूह बीमा योजना - संस्थान के कर्मचारी जीवन बीमा निगम और सामान्य बीमा के समूह बचत लिंक्ड बीमा के अधीन बीमा कवर के लिए पात्र होंगे ।

42. ग्रेच्युटी - संस्थान के कर्मचारियों को समय-समय पर संशोधित किए गए ग्रेच्युटी भुगतान अधिनियम, 1972 (1972 का 39) के प्रावधानों द्वारा शासित किया जाएगा।

अनुसूची

[परिनियम 28(3) देखें[

पद	के लिए चयन समिति की संरचना			
	सीधी भर्ती के लिए चयन समिति की संरचना	पदोन्नति आमेलन के / लिए चयन समिति की संरचना	प्रतिनियुक्ति के लिए चयन समिति की संरचना	पुष्टि के लिए चयन समिति की संरचना
(1)	(2)	(3)	(4)	(5)
समूह 'क' स्तर 13 में और संबंधित वेतन मैट्रिक्स में	(i) अध्यक्ष बोर्डअध्यक्ष- (ii) महानिदेशक (iii) बोर्ड के दो सदस्य (iv) दो विशेषज्ञ	(i) अध्यक्ष, बोर्डअध्यक्ष- (ii) महानिदेशक (iii) बोर्ड के दो सदस्य (iv) दो विशेषज्ञ	(i) अध्यक्ष बोर्डअध्यक्ष- (ii) महानिदेशक (iii) बोर्ड के दो सदस्य (iv) दो विशेषज्ञ	(i) अध्यक्ष बोर्ड-अध्यक्ष (ii) महानिदेशक (iii) बोर्ड के दो सदस्य। (iv) दो विशेषज्ञ
समूह 'क' स्तर 11 और 12 इसके बाद के संबंधित वेतन मैट्रिक्स में पद	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड के दो सदस्य (iii) दो विशेषज्ञ iv) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड के दो सदस्य (iii) दो विशेषज्ञ (iv) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड का एक सदस्य (iii) दो विशेषज्ञ	(i) महानिदेशक – क्षअध्य (ii) बोर्ड का एक सदस्य iii) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक।
समूह 'क' स्तर 10 (रु .56100-177500) वेतन मैट्रिक्स में पद	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड का एक सदस्य (iii) दो विशेषज्ञ (iv) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड का एक सदस्य (iii) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक (iv) एक विशेषज्ञ	(i) महानिदेशक अध्यक्ष - (ii) बोर्ड का एक सदस्य (iii) महानिदेशक द्वारा नामित किए जाने वाला एक निदेशक (iv) एक विशेषज्ञ	(i) महानिदेशक - अध्यक्ष (ii) महानिदेशक द्वारा नामित किए जाने वाले दो निदेशक।
सभी समूह 'ख' के पद	(i) महानिदेशक अध्यक्ष - (ii) महानिदेशक द्वारा नामित किए जाने वाले दो निदेशक (iii) एक विशेषज्ञ	(i) महानिदेशक अध्यक्ष – (ii) महानिदेशक द्वारा नामित किए जाने वाले दो निदेशक (iii) एक विशेषज्ञ	(i) निदेशक अध्यक्ष - (ii) दो समूह 'क' अधिकारियों को महानिदेशक द्वारा नामित किया जाएगा (iii) एक विशेषज्ञ	(i) निदेशक - अध्यक्ष (ii) दो समूह 'क' अधिकारियों को महानिदेशक द्वारा नामित किया जाएगा
सभी समूह 'ग' पद	(i) निदेशकविशेषज्ञ- (ii) महानिदेशक द्वारा दो समूह 'क' के अधिकारियों को परिसर / मुख्यालय से मनोनीत किया जाना। (iii) महानिदेशक के अनुमोदन से दो विशेषज्ञ - राज्य केंद्रीय / शिक्षाविदों में / सरकार नयनसे मनो	(i) निदेशकविशेषज्ञ- (ii) महानिदेशक द्वारा दो समूह 'क' के अधिकारियों को परिसर / मुख्यालय से मनोनीत किया जाना। (iii) महानिदेशक के अनुमोदन से दो विशेषज्ञ - / केंद्रीय सरकार / राज्य शिक्षाविदों में से मनोनयन	(i) निदेशकविशेषज्ञ- (ii) महानिदेशक द्वारा दो समूह 'क' के अधिकारियों को परिसर / मुख्यालय से मनोनीत किया जाना। (iii) महानिदेशक के अनुमोदन से दो विशेषज्ञ - राज्य / केंद्रीय सरकार / शिक्षाविदों में से मनोनयन	(i) निदेशक-विशेषज्ञ (ii) महानिदेशक द्वारा दो समूह 'क' के अधिकारियों को परिसर य लमुख्या / से मनोनीत किया जाना।

शांतमनु, महानिदेशक

[विज्ञापन–III / 4 / असा. / 35 / 2020–21]

NATIONAL INSTITUTE OF FASHION TECHNOLOGY

NOTIFICATION

New Delhi, the 13th May, 2020

F. No. NIFT/HO/Act-Statutes/2007-Vol-IV—In exercise of the powers conferred by section 25 read with section 24 of the National Institute of Fashion Technology Act, 2006 (28 of 2006) and in supersession of the First Statutes of National Institute of Fashion Technology, 2012 except as respects things done or omitted to be done before such supersession, the Board of Governors of the National Institute of Fashion Technology, with the previous approval of the Visitor, hereby makes the following Statutes of the National Institute of Fashion Technology, namely:-

1. Short title and commencement.-(1) These Statues may be called the National Institute of Fashion Technology Statutes, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-(1) In these Statutes, unless the context otherwise requires,-

(a) "Act" means the National Institute of Fashion Technology Act, 2006 (28 of 2006);

(b) "Authority" includes an authority declared as such under statute 3;

(c) "Campus Director" means the Director of an Institute Campus;

(d) "Chairperson" in relation to these statutes, means Chairperson of the Board or the Senate or the Establishment Committee or the Finance and Audit Committee, as the case may be;

(e) "Dean (Academics)" means the senior member of faculty of the Institute nominated by the Director General to function as the Head of the academic management system of the Institute;

(f) "department" includes any cell, unit, division of the Institute engaged in specific administrative or academic activities;

(g) "employee" means any person appointed by the Institute and includes teaching, technical and administrative staff of the Institute;

(h) "Establishment Committee" means the Establishment Committee of the Institute referred to in statute 9;

(i) "establishment matters" means matters connected with, or appurtenant to, staffing and human resources including creation, upgradation, abolition or re-designation of a post, appointment, promotion, entitlement, remuneration and other terms and conditions of service and guidelines or procedures related thereto;

(j) "Finance and Audit Committee" means the Finance and Audit Committee of the Institute referred to in statute 12;

(k) "Head of academic department" means the academic head of the department dealing with a specific course or syllabus;

(l) "Head of department of academic administration" means the Head of a unit or department which deals with the administrative matters relating to the academic affairs and policies;

(m) "hostel and hall" of an Institute Campus means the residence facility provided by such Institute Campus for its students;

(n) "Institute" means the National Institute of Fashion Technology established under sub-section (1) of section 3 of the Act;

(o) "Institute Campus" means any campus of the Institute;

(p) "member" means a member of the Board of Governors or of the Senate or of any of the authorities of the Institute declared under statute 3;

(q) "Ordinances" means the Ordinances of the Institute;

(r) "Registrar" means the Registrar of the Institute;

(s) "resident student" means a student of the Institute Campus residing in the hostel and hall of such Institute Campus;

(t) "Selection Committee" means the Selection Committee referred to in sub-statute(3) of Statute 28 constituted for the purpose of selection, confirmation or upgradation of posts by the Board or, as the case may be, Director General;

(u) "student" means a person enrolled in the Institute Campus for undergoing a course of study for obtaining a degree, diploma or other academic distinction duly instituted;

(v) "Students Development Activities Coordinator" is a member of faculty of the Institute Campus who is nominated by the Director General to coordinate student development activities in the Institute Campus;

(w) "Warden", in relation to a hostel and hall of an Institute Campus, means the Warden thereof, and includes an Assistant Warden of such hostel and hall;

(x) "local guardian" means any responsible local resident declared by the parents at the time of joining a course of study under the Institute Campus or changed subsequently in writing by the parents;

(y) "ragging" means any disorderly conduct, whether by words spoken or written or by any act, which has the effect of teasing, tearing or handling with rudeness any junior student, indulging in any activity, which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking any student to do any act or perform something which the student will not do in an ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the psyche or do a physical harm to a fresher or a junior student, and includes any activity which is deriving a sadistic pleasure or showing off power, authority or superiority by the senior student over their junior or fresher student.

(2) Words and expressions used herein and not defined in the Statute, but defined in the Act, shall have meanings, respectively, assigned to them in the Act.

3. **Authorities of Institute.**-The following shall be the authorities of the Institute within the meaning of clause (c) of section 11 of the Act, namely:-

(a) Establishment Committee; and

(b) Finance and Audit Committee.

4. **Meetings of Board.-** (1) The Board shall meet as often as necessary but not less than four times during a financial year.

(2) The interval between two meetings of the Board shall not be more than four months in any case.

(3) The meetings of the Board shall be convened by the Chairperson of the Board or on the recommendation of the Director General.

(4) One-third of the total members of the Board shall form the quorum for a meeting of the Board:

Provided that, if a meeting is adjourned for want of quorum, it shall be held on such other day, at such other time and place, as the Chairperson may determine; and if at such a meeting, a quorum is not present within half-an-hour from the time appointed for holding a meeting, the members present shall form the quorum.

(5) All questions considered at the meeting shall be decided by a majority of the votes of the members present, and if the votes be equally divided, the Chairperson shall have the casting vote.

(6) A written notice of every meeting alongwith agenda shall be circulated by the Registrar to the members of the Board, seven days prior to the meeting:

Provided that the Chairperson of the Board may permit inclusion of any item for which due notice was not given, except in the case of approval of the annual budget estimates including revised estimates of the Institute, annual accounts of the Institute, internal audit reports, revision of fees of the Institute, setting up of new Institute Campus, or modification or framing of Statutes and Ordinances of the Institute.

(7) Notwithstanding the provisions of sub-statute (6), the Chairperson may call an emergency meeting of the Board at a short notice to consider urgent issues.

(8) Emergency meeting of the Board may also be called if the Chairperson is so requisitioned in writing by eight members to discuss only those items of agenda for which the requisition is made.

(9) An agenda item may be sent by circulation to all members of the Board in cases when it is not possible to convene meeting of the Board, and shall be deemed to be approved, if concurred by the quorum of members as mentioned in sub-statute (4).

(10) The notice, agenda and minutes of meetings may be delivered by hand or sent by registered post or speed post or e-mail or fax, to the address of each member as recorded in the office of the Board; and if so sent, shall be deemed to be duly delivered.

(11) The Chairperson may decide any question of procedure, which shall be binding.

(12) A member, who is directly or indirectly interested in any matter coming up for consideration at a meeting of the Board, in which he has conflict of interest, shall not take part in such deliberation or discussion of the Board.

(13) The minutes shall contain names of the members present in the meeting and names of members, if any, dissenting from, or not concurring with the resolutions with the grounds of such dissent.

(14) The minutes of the proceedings of a meeting shall be drawn up by the Registrar with the approval of the Chairperson, and circulated to all members of the Board within a period of seven working days, seeking comments on the minutes and if no comments are received within seven days of receipt of minutes, the same shall be treated as final.

(15) The minutes, alongwith any modification suggested, shall be placed for confirmation at the next meeting of the Board and after the minutes are confirmed and signed by the Chairperson, they shall be recorded in the minute book by the Registrar within fifteen days of conclusion of every such meeting.

(16) The minute book shall be kept open for inspection of the members at all times during office hours.

5. **Authentication of orders and decisions of Board.-**All orders and decisions of the Board shall be authenticated by the signature of the Registrar or any other person authorised by the Board in this behalf by a resolution of the Board.

6. **Senate.-**(1) In addition to the persons mentioned in clause (a) to (d) of section 12 of the Act, in exercise of the powers conferred by clause (e) of section 12 of the Act, the following persons shall be members of the Senate, namely:-

(a) Director (Head Office);

(b) Director (Finance and Accounts);

(c) Controller of Examinations (Head Office);

(d) Dean (Academics);

(e) Head of department of academic administration dealing with student affairs;

(f) Heads of academic departments;

(g) Director of National Resource Centre;

(h) Director of Information Technology; and

(i) Registrar.

(2) The Chairperson of the Senate may invite other Heads of departments of academic administration of the Institute and other experts to participate in a meeting of the Senate whenever he considers it necessary.

7. **Functions of Senate.-** (1) Subject to the provisions of the Act, the Senate shall have the power to-

(a) make, review and approve academic policy, curricula and syllabi for the courses of studies and co-curricular activities of various departments;

(b) appoint advisory committee or other expert committees from amongst the members of the Senate, faculty members of the Institute and experts from outside to advise on such academic and curricular matters as may be referred to such Committee by the Senate;

(c) approve evaluation policy, including for the conduct of examinations, appointment of examiners, moderators, tabulators, declaration of results;

(d) approve the grant of degrees and diplomas;

(e) conduct periodical review of the activities of the departments and resource centres;

(f) promote research and academic development or activity within the Institute and seek report on such research and academic development or activity from the persons engaged thereon;

(g) make recommendations to the Board for specifying the guidelines for conferring of awards, stipends, scholarships, fellowships, medals and prizes;

(h) make recommendations to the Board for restriction or creation of departments and Institute Campuses and the abolition and merging of existing departments or Institute Campuses thereof;

(i) approve the creation, modification, merger or abolition of courses and programmes of the Institute;

(j) oversee the policy and review of all matters related to the affairs of students; and

(k) frame and review from time to time, policy for training and capacity building of faculty members of the Institute.

(2) All decisions of the Senate shall be placed before the Board for information:

Provided that any decision of the Senate having financial implication shall be placed before the Board for approval.

8. Meetings of Senate.-(1) The Senate shall meet as often as necessary but not less than four times during a financial year.

(2) The interval between two meetings of the Senate shall not be more than four months in any case.

(3) All matters concerned with academics requiring the approval of the Board shall be placed before the Senate for giving its recommendations, before placing it for approval by the Board.

(4) The meetings of the Senate shall be convened by the Chairperson of the Senate or on a requisition signed by not less than one-fifth of the members of the Senate.

(5) The requisitioned meeting shall be a special meeting to discuss only those items of agenda for which the requisition is made and it shall be convened on the date and time convenient to the Chairperson of the Senate within fifteen days of the receipt of requisition for such meeting.

(6) One- third of the total members of the Senate shall form the quorum for a meeting of the Senate:

Provided that if a meeting is adjourned for want of quorum, it shall be held on such other day at such time and place as the Chairperson of the Senate may determine; and if at such meeting, the quorum is not present within half-an- hour from the time appointed for holding the meeting, the members present shall form the quorum.

(7) All questions considered at the meeting shall be decided by a majority of the votes of the members present and in case of equality of the votes, the Chairperson of the Senate shall have the casting vote.

(8) The Chairperson of the Senate may decide any question of procedure which shall be binding.

(9) In the absence of the Chairperson of the Senate, the Dean (Academics) shall preside over the meeting.

(10) A written notice of every meeting alongwith agenda shall be circulated by the Registrar to the members of the Senate, seven days prior to the meeting:

Provided that the Chairperson of the Senate may permit inclusion of any item for which due notice was not given, except creation, modification, merger or abolition of courses and programmes of the Institute, or restriction or creation of departments and Institute Campuses or the abolition or merging of existing departments or Institute Campuses thereof.

(11) Notwithstanding the provisions of sub-statute (10), the Chairperson of the Senate may call an emergency meeting of the Senate on short notice to consider any urgent issue.

(12) An agenda item may be sent by circulation to all members of the Senate in cases when it is not possible to convene meeting of the Senate, and shall be deemed to be approved, if concurred by the quorum of members as mentioned in sub-statutes(6).

(13) The notice, agenda and minutes of the meetings may be delivered by hand or sent by registered post or speed post or e-mail or fax, to the address of each member as recorded in the office of the Board within seven working days and if so sent, shall be deemed to be duly delivered.

(14) The minutes of the proceedings of a meeting shall be drawn up by the Registrar with the approval of the Chairperson of the Senate and circulated within seven working days to the all members of the Senate, requesting for comments within seven days of receipt of minutes and if no comments are received within the said period, the minutes shall be deemed to be final.

(15) The minutes shall contain names of the members present in the meeting and names of members, if any, dissenting from, or not concurring with the decisions indicating the grounds of dissent.

(16) The minutes, alongwith any modification suggested, shall be placed for confirmation at the next meeting of the Senate and after the minutes are confirmed and signed by the Chairperson of the Senate, they shall be recorded in the minute book by the Registrar within thirty days of conclusion of every meeting.

(17) The minute book shall be kept open for inspection of the members at all times during office hours.

(18) A copy of the minutes of every meeting of the Senate shall be tabled in the subsequent meeting of the Board.

9. Establishment Committee.- (1) There shall be an Establishment Committee consisting of the following members, namely:-

(a) Chairperson of the Institute, *ex officio* who shall be the Chairperson of the Committee;

(b) Director General of the Institute – member *ex officio*;

(c) Joint Secretary in the Ministry of Textiles in the Government of India dealing with the Institute-member *ex officio*;

(d) two other members of the Board, to be nominated by the Board.

(2) The Chairperson may invite any other functionary of the Institute or any other experts to participate in a meeting of the Committee, whenever he considers it necessary.

10. Functions of Establishment Committee.-(1) The Establishment Committee shall perform the following functions, namely:-

(a) recommend to the Board on matters pertaining to the creation of posts of all categories of staff including faculty and abolition thereof and the emoluments and duties attached to such posts;

(b) recommend revision of rules relating to recruitment of persons and other matters relating to promotions and matters arising therefrom;

(c) shall function as the Appellate Authority and Reviewing Authority for the purposes of Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(2) All the recommendations of the Establishment Committee shall be placed before the Board for approval.

11. Meetings of Establishment Committee.-(1) The Establishment Committee shall meet as often as is necessary, but not less than two times in a financial year.

(2) Three members of the total members of the Establishment Committee shall form the quorum for a meeting of the said Committee.

(3) The Chairperson may decide any question of procedure, which shall be binding.

(4) All questions considered at the meeting shall be decided by majority of the votes of the members present and in case of equality of the votes, the Chairperson shall have the casting vote.

(5) A written notice of every meeting alongwith the agenda shall be circulated by the Registrar to the members of the Committee, seven days prior to the meeting:

(6) The minutes of the proceedings of a meeting shall be drawn up by the Registrar with the approval of the Chairperson of the Establishment Committee and circulated within seven working days to the all members, requesting for comments within seven days of receipt of minutes and if no comments are received within the said period, the minutes shall be deemed to be final.

(7) The minutes shall contain names of the members present in the meeting and names of members, if any, dissenting from, or not concurring with the decisions, indicating the grounds of dissent.

(8) The minutes, alongwith any modification suggested, shall be placed for confirmation at the next meeting of the Establishment Committee.

(9) A copy of the minutes of the meeting of the Establishment Committee shall be tabled before the Board.

12. Finance and Audit Committee.- (1) There shall be a Finance and Audit Committee consisting of the following members, namely:-

(a) Financial Advisor of the Ministry of Textiles in the Government of India dealing with the Institute, who shall be the Chairperson of the Committee-*ex officio*;

(b) Director General of the Institute –member *ex officio*;

(c) Joint Secretary in the Ministry of Textiles in the Government of India dealing with the Institute-member- *ex officio*;

(d) two other members of the Board to be nominated by the Board.

(2) The Director (Finance and Accounts) shall be a permanent invitee to the meetings of the Committee.

(3) The Chairperson may invite any other functionary of the Institute or any other expert to participate in a meeting of the Committee, whenever he considers it necessary.

13. Functions of Finance and Audit Committee.-(1) The Finance and Audit Committee shall perform the following functions, namely:-

(a) examine the annual budget of the Institute and make recommendations to the Board;

(b) examine the annual accounts and all audit reports and make suitable recommendations to the Board;

(c) give its views and make its recommendations to the Board on the motion of the Board or of the Director General, or on its own initiative of any financial question affecting the Institute or any on any matter referred to it that has financial implications.

14. Meetings of the Finance and Audit Committee.-(1) The Finance and Audit Committee shall meet as often as is necessary but not less than twice in a financial year.

(2) Three members of the total members of the Finance and Audit Committee shall form a quorum for a meeting of the said Committee.

(3) The Chairperson may decide any question of procedure, which shall be binding.

(4) All questions considered at the meeting shall be decided by majority of the votes of the members present and in case of equality of the votes, the Chairperson shall have the casting vote.

(5) A written notice of every meeting alongwith the agenda shall be circulated by the Registrar to the members of the Finance and Audit Committee, seven days prior to the meeting.

(6) The minutes of the proceedings of a meeting shall be drawn up by the Registrar with the approval of the Chairperson of the Finance & Audit Committee and circulated within seven working days to the all members, requesting for comments within seven days of receipt of minutes and if no comments are received within the said period, the minutes shall be deemed to be final.

(7) The minutes shall contain names of the members present in the meeting and names of members, if any, dissenting from, or not concurring with the decisions, indicating the grounds of dissent.

(8) The minutes, alongwith any modification suggested, shall be placed for confirmation at the next meeting of the Committee.

(9) All the recommendations of the Finance and Audit Committee shall be placed before the Board for approval.

15. Powers of Chairperson of Board.- (1)Subject to the provisions of the Act, the Chairperson of the Board shall also have the following powers, namely:-

(a) to depute a member of the Board to any Institute Campus for inspection;

(b) to call for any information or report in connection with the administration and working of the Institute

16. Powers of Director General.-(1) Subject to the provisions of section 15 of the Act, the Director General shall -

(a) supervise and review academic, administrative and project related activities of the Institute Campuses, execute decisions in consonance with the approved policy and undertake activities in pursuit of the improvement of the educational and academic stature of the Institute;

(b) function in accordance with delegation of administrative and financial powers as laid down by the Board, from time to time;

(c) approve appointments on short term contract against sanctioned posts;

(d) approve regular appointments and appointments on long term contract for the positions classified as Group 'B' and Group 'C' (Level 9 of the pay matrix and below) or equivalent positions on the recommendations of the Selection Committee constituted for this purpose as per these statutes.

(e) in exceptional cases, subject to availability of funds from own sources of the Institute, create temporary posts with the prior approval of the Chairperson of the Institute, of not more than one year duration on consolidated pay under report to the Board.

(2) During the absence of the Director General from the headquarters, a senior Director authorised by him in writing shall discharge any or all of the day-to-day functions of the Institute.

(3) The Director General may nominate persons to the post of Dean (Academics), Associate Dean, Campus Academic Coordinator, and to the posts of Heads of academic departments and Heads of Departments of academic administration as specified in Statutes 19, 24 and 26.

(4) The Director General may, with the prior approval of the Board, delegate any of the powers, responsibilities and authorities vested in him by the Act or these Statutes, to the Campus Directors or one or more members of academic or administrative staff of the Institute.

17. Terms and conditions of appointment of Registrar.- The Registrar shall be appointed by the Board from amongst the officers of the Institute or on deputation, in a pay scale equivalent to a Director to the Government of India, for a period not exceeding three years:

Provided that the said term of the Registrar may be extended by the Board for a further period not exceeding two years..

18. Functions of Registrar.-Subject to the provisions of section 16 of the Act and in addition to the provisions contained in these Statutes or Ordinances, the Registrar shall-

(a) function as Secretary of the Board, Senate, Establishment Committee and Finance and Audit Committee;

(b) coordinate the implementation of the decisions of the Board;

(c) conduct the official correspondence of the Board;

(d) inform the Central Government about the occurrence of vacancies among the members of the Board within a period of not less than six weeks prior to the date on which the vacancy is due to occur, and occurrence of a casual vacancy as soon as it comes to his notice;

(e) bring to the notice of the Chairperson of the Board a likely vacancy of the post of the Director General at least six months in advance and report the same to the Central Government for selection of a Director General;

(f) assist the Director General and the Board on all matters pertaining to staffing and human resources including recruitment, career progression, creation or upgradation or abolition or re-designation of posts, remunerations, other terms and conditions of service and framing of norms or guidelines or procedures connected therewith;

(g) report to the Director General and the Board at the beginning of every calendar year a schedule of existing vacancies and vacancies likely to arise during the year and the timelines for timely filling up of such vacancies.

19. Dean (Academics).- (1)The Director General shall nominate the Dean (Academics) from amongst the senior faculty for a period of three years.

(2) The Dean (Academics) shall assist the Director General in discharging his duties and responsibilities, and shall be responsible for supervision and coordination of all academic activities of the Institute.

(3) The Dean (Academics) shall be deemed to be an officer of the Institute and shall enjoy such powers and perform such duties as may be delegated to him by the Director General.

20. Director (Finance and Accounts).- (1) The Director (Finance and Accounts) shall be appointed by the Board in a pay scale equivalent to a Director to the Government of India on deputation or contract for a period not exceeding three years:

Provided that the said period of three years may be extended by the Board for period not exceeding two years.

(2) The Director (Finance and Accounts) shall be the finance officer of the Institute, working under the overall guidance and supervision of the Director General and shall-

(a) advise the Director General as regards financial policy, manage the investments and accounts of the Institute including funds listed under sub-section (1) of 19 of the Act;

(b) be responsible for the timely preparation of proper and transparent annual accounts and the budget of the Institute and monitor utilisation as authorised in the approved budget;

(c) ensure regular audit of accounts and processes of the Institute and submission of quarterly audit reports to the Finance and Audit Committee and the Board;

(d) monitor the progress of the collection of revenue and advise on the methods of collection employed;.

(e) bring to the notice of the Director General unauthorised expenditure and other financial irregularities and suggest remedial action;

(f) be responsible for management of endowment fund and submit periodic report of revenue generated and expenditure out of endowment fund incurred, to the Finance and Audit Committee;

(g) supervise the work of the Chief Accounts Officer, Deputy Directors (Finance and Accounts), Accounts Officer in head office and Institute Campuses;

(h) perform all functions for implementation of provisions of sections 21 and 22 of the Act and such other duties as may be specified in these Statutes, the Ordinances or as may be required for efficient and smooth functioning of the Institute.

21. Director (Head Office).- (1) The Director (Head Office) shall be appointed by the Board in a pay scale equivalent to the Director to the Government of India on deputation or contract for a period not exceeding three years:

Provided that the said period of three years may be extended by the Board for a period not exceeding two years.

(2) Under the overall guidance and supervision of the Director General, the Director (Head Office) shall-

(a) be responsible for the general administration of the head office of the Institute;

(b) assist the Director General in supervision of overall functioning of the Institute Campuses;

(c) project management of setting up of new Institute Campuses as per decision of the Board and upgradation of existing Institute campuses;

(d) admission process of the Institute in all courses;

(e) coordination with all Institute Campuses, other institutions or organisations and the Ministry of Textiles;

(f) grievance redressal, protocol and public relations;

(g) any other work assigned to him by the Director General.

22. Campus Directors.- (1) The Campus Director of an Institute Campus shall be appointed by the Board in a pay scale equivalent to the Director to the Government of India on deputation or contract for a period not exceeding three years:

Provided that the said period of three years may be extended by the Board for a period not exceeding two years.

(2) The Campus Director shall, under the overall supervision of the Director General-

(a) function as the administrative head of the Institute Campus including supervision and review of academic, administrative and project related activities of the Institute Campus, promotion and protection of the interests of the Institute Campus among stakeholders including alumni and furtherance of activities in pursuit of improvement of educational and academic stature of such Institute Campus;

(b) function in accordance with delegation of administrative and financial powers as laid down by the Board from time to time;

(c) approve short term contractual appointments for the positions classified as Group 'C' or equivalent positions on the recommendations of the Campus Selection Committee constituted for this purpose as per the provisions of the Statute 28 and the same shall be reported to the Director General;

(d) send the members of the staff and faculty for training or for a course of instruction inside India subject to such terms and conditions as may be approved by the Board from time to time;

(e) make recommendations regarding participation of the members of the staff or faculty in training, course of instruction, workshop, conference and the like outside India subject to such terms and conditions as may be approved by the Board from time to time.

23. Academic departments.-The Institute shall have the following Academic departments, namely:-

(a) Fashion Design;

(b) Leather Design;

(c) Textiles Design;

(d) Knitwear Design;

(e) Fashion Communication;

(f) Fashion and Life Style Accessories;

(g) Fashion Management Studies;

(h) Fashion Technology; and

(i) Design Space.

24. Head of academic department.-(1) There shall be a Head for each academic department of the Institute, who shall be selected from amongst the Professors and Associate Professors by the Director General in consultation with the Dean (Academics).

(2) The Head of an academic department shall be responsible for the supervision of all academic activities of the concerned Department under the overall supervision of the Dean (Academics).

(3) The Head of the academic department shall perform such other duties as may be assigned to him by the Director General.

25. Departments of academic administration.- (1) The Institute shall have the following Departments of academic administration, namely:-

(a) Student Affairs;

(b) Projects;

(c) Research;

(d) International and Domestic Linkages;

(e) Enterprise Resource Planning (ERP);

(f) Corporate Communications;

(g) Industry and Alumni Affairs;

(h) Faculty Orientation, Training and Development;

(i) Craft Cluster;

(j) Continuing Education and Diploma Programme;

(k) Publication;

(l) Examination and Evaluation;

(m) Admission;

(n) National Resource Centre;

(o) Information Technology; and

(p) Design and Innovation.

(2) Notwithstanding anything in sub-statute (1), the Board may create, or modify departments of academic administration in accordance with administrative exigencies.

26. Head of Department of academic administration.- (1) There shall be a Head for each department of academic administration of the Institute, who shall be selected from amongst the Professors and Associate Professors by the Director General in consultation with the Dean (Academics).

(2) The Head of the concerned department of academic administration shall be responsible for the overall functioning of the concerned department.

(3) The Head of the department of academic administration shall perform such other duties as may be assigned to him by the Director General.

27. Classification and number posts of officers, faculty and other staff of Institute.- The employees of the Institute, except in the case of employees paid from contingencies, shall be classified as follows, namely:-

(a) **Academic staff:** The academic staff of the Institute shall include, following, namely:-

(i) faculty members as under -

S No.	Name of post	Level in the pay matrix	Number of posts
(1)	(2)	(3)	(4)
1	Senior Professor	13A	
2	Professor	13	209
3	Associate Professor	11	209
4	Assistant Professor	10	417;

Academic support staff as under -

S No.	Name of post	Level in the pay matrix	Number of posts
(1)	(2)	(3)	(4)
1	Director (National Resource Centre)	13	1
2	Deputy Director (National Resource Centre)	11	1
3	Head (Resource Centre)	10	11
4	Assistant Librarian	6	3
5	Library Assistant	2	24
6	Library Attendant	2	1;

(b) **Technical staff:** The technical staff of the Institute shall include the following, namely:-

S No.	Name of post	Level in the pay matrix	Number of posts
(1)	(2)	(3)	(4)
1	Director (Information Technology)	13	1
2	Project Engineer	13	1
3	Executive Engineer	11	9
4	Assistant Database Administrator	10	1
5	Senior Management Information System Coordinator	10	1
6	Assistant Database	10	1
7	Executive Level	40,000 on consolidated	1
8	Management Information System.Coordinator	7	16
9	Software Engineer	7	1
10	Estate Engineer	7	9
11	Computer Engineer	7	16
12	Technical Officer	7	1
13	Junior Engineer (Civil)	6	7
14	Junior Engineer (Electrical)	6	10
15	Computer Application Assistant	6	0
16	Senior Machine Mechanic	6	3
17	Junior Software Engineer	4	3

18	Machine Mechanic	4	39
19	Air Conditioner Technician	2	1
20	Lab Assistant	2	145
21	Electrician	2	12;

(c) **Administrative and ministerial staff:** The administrative and ministerial staff of the Institute shall include the following, namely:-

S No.	Name of post	Level in the pay matrix	Number of regular posts
(1)	(2)	(3)	(4)
1	Director General	14	1
2	Chief Vigilance Officer	13	1
3	Registrar	13	1
4	Director (Head Office)	13	1
5	Director(Finance and Accounts)	13	1
6	Campus Director	13	16
7	Joint Director	12	18
8	Chief Accounts Officer	12	1
9	Deputy Director (Administration)	11	6
10	Deputy Director (Finance and Accounts)	11	13
11	Assistant Board Secretary and Legal Officer	10	1
12	Vigilance Officer	10	1
13	Accounts Officer	10	19
14	Hindi Officer	10	1
15	Private Secretary	10	2
16	Assistant Director	7	23
17	Stenographer (Grade – I)	7	9
18	Warden,	6	1
19	Senior Assistant (Accounts)	6	21
20	Senior Assistant	6	19
21	Stenographer (Grade –II)	6	12
22	Research Assistant	6	170
23	Junior Translation Officer	6	16
24	Stenographer (Grade –III)	4	23
25	Assistant	4	29
26	Assistant (Accounts)	4	32
27	Assistant Warden	4	22
28	Junior Assistant	2	193
29	Driver	2	36
30	Plumber	2	12

S No.	Name of post	Level in the pay matrix	Number of regular posts
(1)	(2)	(3)	(4)
31	Multi Tasking Staff	1	249

Note: Number of posts shall vary dependent on work load. Board can upgrade or abolish or re-designate any of these posts or create new posts subject to the provisions of section 7 of the Act.

Explanation: For the purpose of this Statute, the expression "pay matrix" and "level" shall have the meanings respectively assigned to them in clauses (vi) and (vii) of rule 3 of the Central Civil Service(Revised Pay) Rules, 2016.

28. Appointments: (1) All posts at the Institute except the post of Director –General and Chief Vigilance Officer, shall be filled either by direct recruitment, promotion or deputation.

(2) The Institute shall reserve posts for the Scheduled Castes, the Scheduled Tribes, Other Backward classes and other categories of persons, persons with disabilities and Economically Weaker Section as may be determined by the Central Government from time to time.

(3) The Selection Committees for filling up of posts under the Institute (other than the posts on short term contract basis) by direct recruitment or by promotion or deputation shall be constituted in the manner as provided in the Schedule.

(4) The Selection Committee for appointments to the posts reserved for the Scheduled Castes and the Scheduled Tribes category candidates shall include one Scheduled Caste or Scheduled Tribe member.

(5) The Chairman and half of the total number of members of the Selection Committee shall form the quorum for meeting of the Selection Committee.

(6) No act or proceeding of any Selection Committee shall be called in question on the ground merely of the absence of any member or members of the Selection Committee.

(7) The recommendations of the Selection Committee shall be placed before the Board or, as case may be the Director General for approval.

(8) All appointments made at the Institute shall be reported to the Board at its next meeting.

29. Conduct rules. – The employees of the Institute shall be governed by the Central Service (Conduct) Rules, 1964 as amended from time to time.

30. Discipline and appeal rules.- (1)The employees of the Institute shall be governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965 as amended from time to time.

(2) The authorities for the purposes of the Central Civil Services (Classification Control and Appeal) Rules, 1965 in respect of employees of the Institute shall be the following, namely:-

Group of posts	Disciplinary authority ---------- Minor Penalty	Disciplinary authority ---------- Major Penalty	Appellate authority	Reviewing authority
Group 'A'	Director General	Director General	Establishment Committee	Board of Governors
Group 'B'	Director General	Director General	Establishment Committee	Board of Governors
Group 'C'	Director	Director	Director General	Establishment Committee

Note: Whenever it is decided to impose the punishment of dismissal, removal from service, compulsory retirement or reduction in rank, in the cases of Group 'A' employees, the same shall be imposed with the prior approval of the Board. In such cases, Central Government, Ministry of Textiles shall be the Appellate and Reviewing Authority.

31. Terms and conditions of service of regular employees.- (1) The regular employees of the Institute shall be governed by the following terms and conditions, namely:-

(a) every appointment shall be subject to the condition that the appointee is certified to be of sound health and physically fit for service in India by a medical authority specified by the Institute;

(b) subject to the provisions of the Act and these Statutes, all appointments to such posts under the Institute shall ordinarily be made on probation for a period of one or two years, in accordance with the instructions issued by the Central Government:

Provided that the appointing authority shall have the power to extend the period of probation of any appointee for a period not exceeding one year beyond the period stipulated above;

(c) if, during the period of probation or any extension thereof, as the case may be, the appointing authority is of the opinion that the member of the staff is not fit for regular appointment, the appointing authority may discharge him from the service;

(d) the confirmation shall be done on the recommendation of the Selection Committee constituted by the Board;

(e) an employee of the Institute shall devote his whole time to the service of the Institute and shall not engage, directly or indirectly, in any trade or business or any other work which may interfere with the proper discharge of his duties;

(f) the appointing authority shall have the power to terminate the services of any member of the staff by three month's notice or on payment of three month's salary in lieu thereof, if his continuation in service is considered undesirable by appointing authority on the certificate of the medical authority appointed by the Board;

(g) the Board shall have the power to terminate the services of any member of the staff on grounds of retrenchment or economy by giving to the persons concerned three months notice in writing or on payment of three months' salary in lieu thereof;

(h) an employee of the Institute may resign by giving to the appointing authority three months' notice:

Provided that the appointing authority may for sufficient reasons, either reduce or waive off this period of three months or call upon the employee concerned to continue till the end of the academic session in which the notice is received.

(2) Save as otherwise provided in these Statutes, every employee of the Institute shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that an employee of the Institute whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

(3) Notwithstanding anything contained in these Statutes, the appointing authority shall, if it is of the opinion that it is in the interest of the Institute so to do, have the absolute right to retire any employee of the institute by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice,-

(i) if he is a regular employee holding a post in Level 6 in the pay matrix (Rs. 35400-112400/-) or equivalent and above and had entered service before attaining the age of thirty-five years, after he has attained the age of fifty years;

(ii) in any other case after he has attained the age fifty-five years.

(4) For the purpose of ascertaining the suitability or otherwise of such employees to be retained in service, the guidelines regarding "Periodic review of Central Government Employees under Fundamental Rules 56(j)/(l)" issued by the Government of India from time to time shall *mutatis mutandis* be applicable to all the employees of the Institute.

(5) Where any rule or benefit has not been expressly included herein, all rules and benefits applicable or admissible to the employees of the Central Government shall, *mutatis mutandis* be applicable to the employees of the Institute, as approved by the Board of Governors.

32. Terms and conditions of service of employees on long term contracts.- (1) The initial appointment on direct recruitment shall be on long term contract basis, initially for a period three years, which shall be extendable for another three years on the basis of performance.

(2) If the performance during the initial contract period of three years is not found satisfactory, the contract shall be terminated.

(3) The service of a long term contract employee may be terminated any time by one month's notice or one month's salary in lieu of that, either by the employee to the appointing authority or by the appointing authority to the employee.

(4) Such long term contract employees, except those holding the posts of Director (Head Office), Campus Director, Director(Finance and Accounts), Director(National Resource Centre), Director(Information Technology) and Project Engineer, shall be considered for regular appointment after satisfactory completion of five years of service.

(5) The Service rendered in a post, except the posts of Director (Head Office), Campus Director, Director(Finance and Accounts), Director(National Resource Centre), Director(Information Technology), Project Engineer and Registrar, on long term contract including such service rendered in the same post prior to the commencement of these Statutes, followed by regularisation in the same post, shall be counted as qualifying service for all purposes such as promotions and up-gradations but not for the purpose of seniority, which shall be based on the date of regular appointment to the post and the merit decided thereof.

(6) The other terms and conditions of service of such employees shall be such as may be specified by the appointing authority in the letter of appointment.

33. Short term contract employees.- (1) The appointing authority may appoint any person on short term contract basis for a period not exceeding six months.

(2) The other terms and conditions of service of such employees shall be such as may be specified by the appointing authority in his letter of appointment.

(3) The service of a short term contract employee may be terminated any time by one month's notice or one month's salary in lieu thereof, either by the employee to the appointing authority or by the appointing authority to the employee.

34. Leave.- The employees of the Institute shall be governed by provisions contained in the Central Civil Services (Leave) Rules, 1972 and the decision, instructions or orders issued by the Central Government from time to time in this regard, in such form as approved or modified by the Board.

35. Travelling allowance.- The employees of the Institute shall be governed by the Travelling Allowance/Daily Allowance instructions applicable to the Central Government employees on official tour or transfers, in such form as approved or modified by the Board.

36. Leave travel concession.- The employees of the Institute shall be governed by the Central Civil Services (Leave Travel Concessions) Rules, 1988 and the decision, instructions or orders issued by the Central Government from time to time in this regard, in such form as approved or modified by the Board.

37. Medical facility.- The employees of the Institute shall be eligible for treatment at all Central Government Health Scheme empanelled hospitals or diagnostic centres or exclusive eye centres or exclusive dental clinics under Central Government Health Scheme , on the same terms and conditions as per Central Government Health Scheme approved rates provided that the Institute shall make the payment of the expenditure on medical expenses to be incurred at approved rates of Central Government Health Scheme or actual cost, whichever is less, on beneficiaries of the Institute to the hospitals concerned from own budget of the Institute.

38. Hostel and hall.-The hostel and hall in the Institute Campus shall be governed by the following, namely:-

(i) the hostel facility is for the bonafide full time under-graduate or post-graduate registered students of the Institute Campus, subject to availability of residence in the hostel;

(ii) the priority for admission to hostel in the Institute Campuses shall be decided on the Common Merit Rank of the applicant in the following order, namely :-

(a) under-graduate students newly admitted to full time programmes in the current academic year who have passed their qualifying examinations from a station other than that of the allotted Institute Campus, subject to the condition that their family does not reside at the station;

(b) under-graduate students who apply after the commencement of the academic year, subject to availability of seats and production of documentary evidence that their family does not reside at the station;

(c) any other under-graduate student in full time programme in the current academic year, subject to availability of residence in the hostel;

(d) post-graduate students admitted to full time programmes in the current academic year, subject to the condition that their family does not reside at the station and to the availability of residence.

Explanation:- For the purpose of this sub-clause, the expression "station",-

(a) means the area within the municipal limits of the Institute Campus excepting Delhi;

(b) in respect of Delhi, means the area within the National Capital Territory of Delhi;

(iii) the resident students are expected to furnish the name of the local guardian, their address, telephone numbers and business card, if any, which shall be duly attested by their legal guardian at the time of joining the hostel;

(iv)the hostel dues shall be paid as per the directives of the Institute;

(v) full hostel charges shall be refunded, except non-refundable security deposit, if admission is withdrawn before joining the hostel; and in case of withdrawal within one month of joining the hostel, only fifty per cent of the hostel charges excepting non-refundable security shall be refunded and in case of withdrawal after one month of joining the hostel, only refundable security deposit shall be refunded;

(vi)the resident students shall abide by the timing for attendance in the hostel;

(vii) in case of any grievance, the students are advised to register it in the complaint book provided in the hostel or report it to the hostel Warden in writing or bring it to the notice of the Campus Director or Students Development Activities Coordinator of the Institute Campus;

(viii) the Campus Director or any committee authorised by the Campus Director may inspect the hostel at any time to ensure the proper compliance of the terms and conditions of hostel accommodation;

(ix)use of narcotics, smoking, consumption of alcoholic beverages and gambling are strictly prohibited;

(x) any student found hosting or harboring an unauthorised person in the hostel premises, shall be liable to disciplinary action;

(xi)any act of intimidation or violence, willful damage to property or drunken and riotous behavior constitutes an offence;

(xii) any resident student who has committed an offence or defaulted on the payment of hostel dues or has committed any act that is in violation of the terms and conditions herein or disrupts the congenial atmosphere of the hostel shall be liable to have the hostel accommodation cancelled after being giving an opportunity of being heard;

(xiii) submission of false information in the hostel application form or any other document for admission shall make the student liable for expulsion at any time during the course of study;

(xiv) ragging shall be treated as a major disciplinary violation and the offenders (direct or indirect) shall be dealt in accordance with the guidelines laid down by the Institute from time to time and any complaints of ragging shall be made to the Campus Director or Students Development Activities Coordinator of the Institute Campus;

(xv) the student shall be liable for such action as deemed fit by the Campus Director for any non-compliance of the terms and conditions of the hostel accommodation.

39. **Awards.-** The following awards shall be Instituted in each Institute Campus in accordance with the following criteria namely:-

(a) Award for Best Academic Performance: This award shall be decided on the basis of best academic performance in each discipline, and carries a citation, gold medal and a cash prize;

(b) Award for Academic Excellence with Community Service Performance: This award shall be on the basis of academic performance with contribution to community service and carries a citation, gold medal and a cash prize;

(c) Award for Best All Round Performance: This award shall be on the basis of academic performance with notable contribution in student development activities and carries a citation, gold medal and a cash prize;

(d) Graduation Awards: This award shall be in various categories for respective disciplines to be decided by the external jury constituted by the Institute for the purpose and given to the students getting highest marks in the corresponding categories of evaluation criteria.

40. **Provident Fund.-**(1) The Contributory Provident Fund Rules, 1962 and Employees Pension Scheme, 1995 of Employee Provident Fund Organization, as amended from time to time, shall *mutatis mutandis* be applicable to all employees of the Institute.

41. **Employees Group Insurance Scheme.-** The employees of the Institute shall be eligible to the insurance cover under the Group Saving Linked Insurance of Life Insurance Corporation and General Insurance.

42. Gratuity.-The employees of the Institute shall be governed by the provisions of the Payment of Gratuity Act, 1972 (39 of 1972) as amended from time to time.

SCHEDULE

[See Statute 28(3)]

Posts	Composition of Selection Committee for			
	Composition of Selection Committee for Direct Recruitment	Composition of Selection Committee for Promotion/Absorption	Composition of Selection Committee for Deputation	Composition of Selection Committee for Confirmation
(1)	(2)	(3)	(4)	(5)
Group 'A' Posts in Level 13 and above in the corresponding pay matrix	(i) Chairperson Board-Chairman (ii) Director General (iii) Two Members of the Board (iv) Two Experts	(i) Chairperson, Board-Chairman (ii) Director General (iii) Two Members of the Board (iv) Two Experts	(i) Chairperson Board-Chairman (ii) Director General (iii) Two Members of the Board (iv) Two Experts	(i) Chairperson Board-Chairman (ii) Director General (iii) Two Members of the Board. (iv) Two Experts
Group 'A' Posts in Level 11 and 12 in the corresponding pay matrix	(i) Director General - Chairman (ii) Two Members of the Board (iii) Two Experts (iv) One Director to be nominated by Director General	(i) Director General – Chairman (ii) Two Members of the Board (iii) Two Experts (iv) One Director to be nominated by Director General	(i) Director General – Chairman (ii) One Member of the Board (iii) Two Experts	(i) Director General – Chairman (ii) One Member of the Board (iii) One Director to be nominated by Director General
Group 'A' Posts in Level 10 in the pay matrix (Rs. 56100-177500)	(i) Director General - Chairman (ii) One Member of the Board (iii) Two Experts (iv) One Director to be nominated by Director General	(i) Director General - Chairman (ii) One Member of the Board (iii) One Director to be nominated by Director General (iv) One Expert	(i) Director General - Chairman (ii) One Member of the Board (iii) One Director to be nominated by Director General (iv) One Expert	(i) Director General - Chairman (ii) Two Directors to be nominated by Director General.
All Group 'B' Posts	(i) Director General - Chairman (ii) Two Directors to be nominated by Director General (iii) One Expert	(i) Director General - Chairman (ii) Two Directors to be nominated by Director General (iii) One Expert	(i) Director – Chairman (ii) Two Group 'A' Officers to be nominated by Director General (iii) One Expert	(i) Director – Chairman (ii) Two Group 'A' Officers to be nominated by Director General
All Group 'C' Posts	(i) Director –Chairman (ii) Two Group 'A' Officers to be nominated by Director General from other Centres/Head Office (iii) Two Experts to be nominated with Director General's approval from State/Central Government/Academics	(i) Director –Chairman (ii) Two Group 'A' Officers to be nominated by Director General from other Centres/Head Office (iii) Two Experts to be nominated with Director General's approval from State/Central Government/Academics	(i) Director –Chairman (ii) Two Group 'A' Officers to be nominated by Director General from other Centres/Head Office (iii) Two Experts to be nominated with Director General's approval from State/Central Government/Academics.	(i) Director –Chairman (ii) Two Group 'A' Officers to be nominated by Director General from other Centres

SHANTMANU, Director General

[Advt.–III/4/Exty./35/2020–21]

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

Comprehensive Guidelines on Complaints

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
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सं./No. 021/VGL/051-500040

दिनांक / Dated 24.12.2021

Circular No. 25/12/21

Subject: - Comprehensive guidelines on Complaint Handling Mechanism.

The Central Vigilance Commission receives a large number of complaints from various sources on continuous basis, containing different type of allegations against different levels of officials of Ministries/Departments/Organizations of Govt. of India.

2. In order to streamline the process of lodging of complaints by the citizens and to devise a proper mechanism for handling of complaints, the Commission has issued numerous guidelines from time to time. For the benefit of all stake holders, Comprehensive Guidelines on Complaint Handling Mechanism have been compiled, which are enclosed for guidance and reference.

(Rajiv Verma)
Director

Encl.: As above.

To

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iv) Website of CVC

Comprehensive Guidelines on Complaint Handling Mechanism

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Comprehensive guidelines on Complaint Handling Mechanism

INTRODUCTION

Over the last few years, globalization and liberalization have led to rapid increase in the economic activities and the emergence of more dynamic and complex economic environment worldwide. India has emerged as a progressive and vibrant economy, showing rapid and sustained growth across all sectors of the economy. With huge investment being made in the country's infrastructures, constructions, manufacturing and other sectors, India, being an emerging economic power and with its growing importance in international trade and commerce, is being viewed with special focus internationally. Hence, there is a greater need for the country to be viewed as more transparent and committed to elimination of corruption from public life.

All these factors have raised expectations from the Central Vigilance Commission as an agency which can contribute significantly in eradicating corruption and shortcomings from the system of administration. Combating corruption requires a multipronged strategy which calls for involvement of all the stakeholders in the society in a participatory manner. As the public has become more aware and vocal about expressing its dissatisfaction about the inadequacy in service delivery mechanism or any other shortcomings in the system of administration, increased participation of the common man in the system of governance at the various levels would help in elimination of irregular/corrupt activities from the governance mechanism. It would ensure greater transparency and simultaneous decrease in the scope of corrupt/inappropriate activities. Citizen of the country can also draw the attention of appropriate agency towards the acts of corruption by making a formal complaint regarding any such activity in writing or through other specified means. Complaint redressal mechanism, whistle blower mechanism and public service legislation are some of the means that may be used by the citizen to report corrupt/inappropriate activity of a public servant. These guidelines are aimed to provide information about the Complaint Mechanism, which can be used by citizen to lodge complaints.

CHAPTER-I

1.1 Short Title & Commencement

These guidelines will be deemed as Comprehensive Guidelines on Complaint Handling Mechanism and shall come into effect from the date of issue of the same.

1.2 Purpose

Central Vigilance Commission has issued guidelines from time to time regarding the process of lodging complaints with the Commission, Commission's jurisdiction and further action on the same. All these guidelines have been given in detail in Chapter III & IV of Vigilance Manual 2021 and also in Complaint Handling Policy of the Commission issued vide Circular No. 004/VGL/020 (pt). dated 01.07.2019. These guidelines are aimed to create awareness among the public so that they are able to become active participants in the process of eliminating corrupt and irregular activities from public life. These guidelines are also aimed to provide framework to organisations, under the advisory jurisdiction of Commission to enable them to implement the complaint handling process efficiently and uniformly.

1.3 Applicability

(a) These guidelines shall apply to the complaints made against the following categories of officials, who are covered under the jurisdictions of the Commission: -

S. No.	Department/Organisation	Category of Officers
(i)	Members of All India Services	Serving in connection with the affairs of the Union.
(ii)	Central Govt. Ministries/ Departments	Group 'A' Officers.
(iii)	Central Public Sector Undertakings: (a) Schedule "A" and "B" (b) Schedule "C" and "D"	 (a) Chief Executives and Executives on the Board and other officers of E-8 and above (b) Chief Executives and Executives on the Board and other officers of E-7 and above
(iv)	Public Sector Banks	Scale V and above.
(v)	General Insurance Companies	Manager and above.
(vi)	Life Insurance Corporation	Senior Divisional Manager and above
(vii)	RBI/NABARD and SIDBI	Officers in Grade D and above
(viii)	Societies and other local Authorities etc.	Officers drawing salary of Rs.8700/- and above on Central Govt. DA pattern (as may be revised from time to time)

(ix)	Port Trusts/Dock Labour Board	Officers who are in pay of Rs.10,750/- and above (Rs. 3,750/- and above pre- revised)

(b) It may be noted that the Commission's jurisdiction does not extend to private individuals, organisations of the State Governments, members of parliament and state legislatives (including representatives of other elective bodies), members of judiciary and official of private organisations.

CHAPTER-II

COMPLAINTS BY PUBLIC AGAINST PUBLIC SERVANTS – ROLE OF COMPLAINANT

Combating corruption is not just a matter of making laws and creating institutions, but is deeply rooted in human values and morals of individuals and the fight against corruption cannot be won without citizens' support, participation and active vigilance by all concerned. Public participation is, therefore, essential in promoting good governance, integrity and controlling corruption. The complainants can play an extremely important role in scrutinizing actions of government agencies & public servants and detection/reporting of unethical, inappropriate conduct by them.

In order to ensure that the complaints have the desired effect and end in prompt and effective resolution of the issues involved, it is important that complaints are lodged with the Commission after taking care of certain aspects. For the guidance of public, the following points are highlighted which may result in prompt action on the complaints:

2.1 Guidelines for the Complainant

(a) The complaint should be pertaining to Ministries/ Departments/ Organisations falling within the jurisdiction of the Commission.

(b) Complaints sent through written communication/letter should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the matter. Complaint should be signed by the Complainant.

(c) Complaints lodged with the Commission should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.

(d) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.

(e) The complaint should not be anonymous or pseudonymous.

(f) Complaint should be specific with adequate evidence.

(g) The complaint should not be biased or based on any personal grievances.

(h) Complaints sent on any e-mail ID of officers of the Commission will not be entertained or taken cognizance of by the Commission.

(i) The complainant should address the complaint directly to the Commission.

(j) Normally one specific issue should be raised in one complaint. However, if more than one specific issues are there, it is better to raise the same in separate complaint. Further, Complainants, while forwarding their complaints to the Commission, should mention details one by one in a coherent manner so that the same can be understood unambiguously.

(k) All types of complaints, even if printed or photocopied, should be clearly legible.

(l) The complainants should lodge complaints only regarding issues having vigilance angle and which are not part of any litigation in any courts, tribunals, etc., i.e. the matter should not be sub-judice.

(m) Complainants who want to keep their identity confidential should file complaint under the provisions of PIDPI resolution. The complainants who want to make whistle blower complaint under PIDPI Resolution should familiarize themselves with the proper procedure of PIDPI Resolution. Details of PIDPI Resolution are mentioned in *Chapter–VI of these guidelines.*

(n) In the matter of complaint related to tenders, while the Commission may get the matter investigated, it would not generally interfere in the tendering process.

2.2 Lodging of Complaints

Complaints can be lodged with the Commission by addressing a written communication/letter directly to The Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, INA, New Delhi- 110023, complaints can also be lodged online on Commission's portal www.portal.cvc.gov.in or through the Commission's website www.cvc.gov.in under the link "Lodge Complaint" which is available on home page.

CHAPTER-III

Central Vigilance Commission, in Chapter III of Vigilance Manual 2021, has clarified that Complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988, or malpractice/misconducts under Conduct Rules governing specified categories of public servants.

3.1 Source of Complaints

3.1.1 Information about fraud, corruption, malpractice or misconduct on the part of public servants may flow to the agencies concerned, in the form of a complaint from any of the following or other sources: -

(a) Complaints received from employee(s) of the organisation or from the public.
(b) Departmental inspection reports, stock verification reports and reports of irregularities in accounts detected during routine Audits of accounts.
(c) Scrutiny of annual property returns.
(d) Scrutiny of transactions reported under the Conduct Rules applicable.
(e) Audit reports on Government accounts and on the accounts of Central public undertaking and other corporate bodies, etc.
(f) Reports of Parliamentary Committees like the Estimate Committee, Public Accounts Committee and the Committee on Public Undertakings.
(g) Proceedings of the Houses of Parliament.
(h) Complaints and allegations appearing in the print and electronic media.
(i) Information shared by agencies like CBI, ACB, Lokayukts, etc.

(Vigilance Manual 2021, Chapter-III, Para 3.1.1)

3.1.2 Information about corruption, malpractices & misconduct may also be gathered by the CVOs by adopting appropriate methods keeping in view the nature of work of the respective organisation.

(Vigilance Manual 2021 Chapter-III, Para-3.1.2)

3.1.3 Information about corruption and malpractices on the part of Public Servants may also be received from their subordinates or from other public servants, in the form of complaints.

(Vigilance Manual 2021 Chapter-III, Para-3.1.3)

3.2 The audit reports (internal, statutory or by Comptroller & Auditor General) are also authentic sources which reveal not only instances of inappropriate activities but also point out towards specific and serious violation of rules / procedures etc. involving suspected acts of corruption. These reports should be scrutinized by the CVOs and other authorities concerned to look for any possible misconduct. In case, any vigilance angle is perceived, the same has to be brought to the notice of the Commission for further appropriate action, as per Commissions mandate and relevant rules etc.

(Vigilance Manual 2021, Chapter-III, Para 3.2 read with Commission's Circular No. 3(v)/99/14 dated 16.05.2001)

3.3 Complaint Handling Policy of Commission

A detailed Complaint Handling Policy has been laid down by the Commission vide its *Circular No. 004/VGL/020(pt.) dated 01.07.2019*. The Commission on receipt of a complaint against officials covered under its jurisdiction may inquire or cause an inquiry or investigation to be made into the same, wherein it is alleged that the official concerned has committed an offence under the Prevention of Corruption Act, 1988 (as modified in 2018) and an offence with which he may, under the Code of Criminal Procedure, 1973, be charged at the same trial. The salient features of the Complaint Handling Policy are given below:-

(a) Commission deals with complaints in the matters of corruption and irregular acts having vigilance angle. Redressal of grievances should not be the focus of complaints to the Commission.

(b) Anonymous or Pseudonymous complaints are not entertained.

(c) As already informed in Para 2.2, complaints can be lodged either through written communication or through Commission's portal and Commission's website.

(d) No fee shall be chargeable for lodging complaints with the Commission.

(e) The procedure for dealing with complaints in the Commission has been defined under Regulation 3 of CVC (Procedure for Dealing with Complaints and Procedure of Inquiry) Regulations, 2021.

(f) A mechanism has been put in place through *Public Interest Disclosure and Protection of Informer (PIDPI) Resolution 2004*, under which "Whistle-Blowers" can lodge complaints and their identity is not revealed to any source. This is an effective substitute for anonymous/ pseudonymous complaints. Central Vigilance Commission has been authorised as the "Designated Agency" to receive complaints from "whistle-blowers" and act on them, on merit. The CVOs of "Ministries/ Departments" of Government of India have also been authorised as the "Designated Authorities" for receiving and acting on complaints from whistle-blowers. Detailed provisions of PIDPI Resolution are given in *Chapter-VI of these guidelines*.

CHAPTER-IV

Action taken on Complaints received in the Commission

4.1 On receipt of complaints in the Commission and after initial scrutiny of the contents, the Commission may take any of the following actions: -

(i) get an investigation done through CBI or any other investigating agency into allegations levelled in the complaints. It may get the investigation done through the CVO of the organisation concerned or any other CVO or an officer of the Commission and call for investigation report (I&R); or

(ii) send the complaint for Factual Report (FR) or Discreet Verification and obtain report; or

(iii) send the complaint to the respective CVO for necessary action (NA); or

(iv) file or close the complaint, without further action.

In case a view is taken to call for investigation and report (I&R) on a complaint, the Commission seeks confirmation from the complainant for owning or disowning the complaint. This step is necessary because, as per policy, the Commission does not take cognizance of anonymous or pseudonymous complaints. The complainant is also required to provide a copy of his/her identity proof. A communication in this regard is sent to the complainant, and he/she is required to respond within 15 days of the receipt of the communication from the Commission. However, in case of non-receipt of response within 15 days from the complainant, a reminder is also sent to him/her, giving another opportunity. In case of no response after 15 days of reminder, the complaint would be filed treating it as a pseudonymous complaint.

In case of action as stated in para 4.1 (ii) to (iv), a confirmation by the Commission from the complainant is not required.

4.2 Action on complaints where Investigation & Report (I&R) is sought by the Commission:

(a) Once the Commission decides that a complaint is required to be investigated and report is to be submitted to the Commission, a unique complaint number (case sensitive) is provided to the complainant for such complaints. The Complainant can use this complaint number to know the status of action on his/her complaint by clicking on the 'Complaint Status' displayed on the Commission's website - www.cvc.gov.in.

(b) Once a complaint has been registered in the Commission, further correspondence in the matter is generally not required. However, the Commission ensures that such complaints are investigated and action taken to its logical conclusion.

(c) The CVOs or the agencies concerned are required to furnish investigation reports on such complaints within three months from the date of receipt of references from the Commission or within such time as specified by the Commission. In case more time is required to finalise the investigation and send a report to the Commission in the prescribed format, the CVO should seek extension of time, within 15 days of the receipt of reference from the Commission, giving specific reasons. Any such request by the CVO concerned should be sent to the Commission, alongwith the approval of the Chief Executive of the organisation concerned.

(Commission's Office Order No. 08/08/2020 dated 14.08.2020)

(d) After receipt of investigation report, the Commission may tender its advice or seek further information/ clarification from the CVO. Such information/ clarification from the CVO should reach the Commission within six weeks of the receipt of communication by him. In case of any delay, the CVO concerned should seek extension of time from the Commission, alongwith valid reasons.

(Vigilance Manual 2021, para 3.4.2. (f))

4.3 Complaints forwarded for Necessary Action (N.A.) or closed without any action:

4.3.1 Complaints forwarded to CVOs for Necessary Action:

(i) In respect of those complaints which are forwarded to CVOs of respective organisations for Necessary Action (N.A.); the CVO is required to scrutinize the complaints thoroughly and decide action on such complaints within a period of one month from the date of receipt of complaint from the Commission.

(ii) Before initiating action on complaints forwarded for Necessary Action (N.A.), CVO should seek confirmation from the complainant for owning or disowning the complaint, as the case may be, together with copy of his identity proof, as the Commission does not seek confirmation from the complainant, on such complaints.

(iii) In respect of the complaints referred by the Commission to CVOs for necessary action, in case they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission, the case must be referred back to the Commission for obtaining its First Stage Advice. In such complaints, the timeline of three months for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and are to be disposed off by the Organisations concerned themselves after taking required action.

(iv) CVO should update the status of complaints sent for necessary action on the Commission's website at www.portal.cvc.gov.in *(Commission's Circular No. 004/VGL/020 (Pt.) dated 13.08.2020).*

(v) At the time of forwarding the complaint to the CVO concerned for necessary action, an acknowledgement is also sent to the complainant. Further status in this regard would be available with the CVO only and hence, it would be appropriate for the complainant to approach the CVO/ organisation concerned for obtaining information about the same, if he so desires.

4.3.2 Complaint closed without any action:

The following categories of complaints would ordinarily be closed without taking any further action on the same: -

(i) Complaints containing allegations of administrative nature such as transfer, posting, promotion, leave etc.

(ii) Complaints not directly addressed to the Commission and/or endorsed to multiple authorities;

(iii) Complaints which are anonymous/ pseudonymous or contain vague, frivolous, non-specific allegations;

(iv) Complaints about sub-judice matter;

(v) Complaints against private persons, State Government officials, members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary officials or private organisations etc. which are not covered within the Commission's jurisdiction;

(vi) Complaints which are illegible.

4.4 Procedure for handling Complaints received against Secretaries to GOI, Chief Executives/ CMDs and Functional Directors of PSEs, PSBs and FIs:

(a) Complaints against Secretaries to the Government of India, received by the authorities other than the Commission will be referred to the Cabinet Secretariat for placing the same before the Group of Secretaries headed by the Cabinet Secretary. Similarly, complaints against the Chief Executives and Functional Directors of Public Sector Undertakings and the CMDs and Functional Directors of Public Sector Banks and Financial Institutions received by authorities other than the Commission will be placed before a group of officers headed by Secretary (Coordination) in Cabinet Secretariat. The detailed procedure for the same is laid down in DoPT's OM No. 104/100/2009-AVD.I dated 14.01.2010 as amended by Corrigendum of the same no. dated 08.03.2010 and in DPE's OM No. 15(1)/2010/DPE (GM), dated 11.03.2010 as amended by OM of the same no. dated 12.04.2010 and dated 11.05.2011.

(b) In respect of complaints received in the Commission against Secretaries to Government of India, where an investigation report is to be sought by the Commission, the same would be sought through Secretary, DoPT.

(c) The complaints received in the Commission against Chairman/ CMDs/ MDs/ CEOs/ Functional Directors of CPSEs/PSB, etc. would be forwarded to the CVO of the Administrative Ministry for obtaining Investigation Report or for Necessary Action.

(d) Complaints referred by the Commission to the Ministries/Departments against categories of officials as mentioned in para 4.4 (b) and (c) above, are to be dealt/ inquired into and report be submitted to the Commission by the respective authorities to whom the complaints are sent. Such complaints or reports thereon should not be forwarded to the group of Secretaries or Group of Officers for consideration.

(Commission's Circular No. 010/VGL/008 dated 27.07.2010 and 14.03.2011).

CHAPTER-V

5.1 Action on Complaints received by Ministries/ Departments/Organization:-

Complaints received by the Ministries / Departments/ Organisation in respect of the employees under their administrative control are to be dealt with by the organisation concerned.

5.1.1 Initial action on complaints received by Ministries/Departments/Organizations:-

(a) Every Vigilance Section/Unit will maintain a vigilance complaints register in Form CVO-I, in two separate parts for category 'A' and category 'B' employees. A Specimen of Form CVO-1 is annexed as Annexure-I to these guidelines. Category 'A' includes such employees who are covered under the jurisdiction of the Commission, whereas category 'B' includes other employees. If a complaint involves both categories of employees, it should be shown against the higher category i.e. Category 'A'.

(b) Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically. A complaint containing allegations against several officers may be treated as one complaint for statistical purpose.

(c) Entries of only those complaints in which there is an allegation of corruption or improper motive; or if the alleged facts prima facie indicate an element or potentiality of vigilance angle, should be made in the register. Complaints of purely administrative matters or technical lapses should not be entered in the register and should be dealt with separately under "non-vigilance complaints".

(d) Complaint against an employee of a Public Sector Enterprise or an Autonomous Organisation received by the administrative ministry concerned and also in the Commission, will normally be sent for inquiry to the organisation where he is employed. Such complaints should be entered in the vigilance complaints register of that organisation only and not in the vigilance complaints register of the administrative ministry in order to avoid duplication and inflation of statistics, except in cases in which, for any special reason, it is proposed to deal with the matter in the Ministry itself without consulting the employer organisation.

5.1.2 Scrutiny of complaints

Each complaint will be examined by the Chief Vigilance Officer and following actions should be taken:

(a) If the allegations are vague, general and prima facie unverifiable, complaint may be dropped and filed by CVO. Wherever considered necessary, Head of Department may also be consulted.

(b) A further check, a preliminary inquiry/investigation may be made to verify the allegations to decide whether or not, the public servant concerned should be proceeded against departmentally or in a court of law or both, if complaints gives definite information to do so. Detailed guidelines about the nature of investigation and the agency, which should be entrusted with it, are given in *Chapter-V of Vigilance Manual 2021*. The information passed on by the CBI to the Ministry/ Department regarding the conduct of any of its officers should also be treated in the same way.

5.1.3 Disposal of complaints

(a) A complaint which is registered can be dealt with as follows: (i) file it (close it) without or after investigation; or (ii) forward it to the CBI for investigation / appropriate action; or (iii) forward it to the authority concerned for appropriate action if no vigilance angle is involved; or (iv) to take up for detailed investigation by the vigilance wing of the organisation. An entry to that effect would be made in columns 6 and 7 of the Vigilance Complaint Register (Form CVO-1) with regard to "action taken" and "date of action" respectively. A complaint is to be treated as disposed off in Quarterly Performance Report (QPR) either on issue of charge-sheet or on final decision for closing or dropping the complaint. If a complaint is taken up for investigation by the vigilance wing or in cases in which it is decided to initiate departmental proceedings or criminal prosecution, further progress would be monitored through other relevant registers. If there were previous cases/complaints against the same officer, it should be indicated in the remarks column i.e. Column 8.

(b) Complaints received from the Commission under the provisions of *PIDPI Resolution* are not required to be verified for genuineness by the organisations, as the process of verification/confirmation is completed in the Commission prior to referring it for investigation or further necessary action. Therefore, such complaints should be taken up for investigation by the organisations immediately receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered, immediately on receipt. The authorities concerned are required to send the report to the Commission within three months from the date of receipt of the reference.

(c) Complaints received by the Department where the Commission has called for Investigation Report, shall be treated as a signed complaint (not required to be verified for genuineness) and taken up for investigation.

(Commission's Circular No. 01/01/2015 dated 23.01.2015)

5.2 Action on Complaints received by CPSE, PSB, PSIC, etc.

In addition to the guidelines as defined in para 4.3 & sub-para 4.3.1 of these guidelines, the following aspects may also be taken care of by the CVOs of the above-mentioned organisations:

(a) Initially, the decision about the existence of vigilance angle in a complaint may be taken by the CVO. The Disciplinary Authority (DA) may differ with the CVO within a period of 15 days, giving valid reasons. However, in case of difference of opinion between the CVO and the Disciplinary Authority (DA) regarding the existence of vigilance angle, the matter alongwith the investigation report on complaint would continue to be referred to the Commission for its first stage advice.

(Commission's Circular No. 07/04/15 (015-MSC-016) dated 27.04.2015)

(b) In exercise of its functions and powers, the Commission can call for a report in respect of any complaint having vigilance angle relating to an organisation covered under the Commission's jurisdiction. Wherever the Commission calls for 'investigation and report' on a complaint, the report of the investigation should normally be sent to the Commission. However, after investigation, if it is found that the officials involved in the case are not covered under Commission's jurisdiction, the matter may be dealt with by the CVO of the organisation concerned himself. However, action taken by the CVO may be intimated to

the Commission in order to monitor compliance. Further, it is clarified that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organisation covered under the Commission's jurisdiction. Therefore, in respect of PIDPI Complaints, investigation report is to be sent to the Commission, for all categories of officials.

[Vigilance Manual 2021 Chapter-III, Para 3.6(d)]

5.3 Handling of Complaints against Board level officials

(a) A complaint involving a Board-level appointee, whether figuring alone or in association with others, is to be forwarded by the CVO of the CPSE, PSIC, PSB or PSFI etc, to the CVO of the administrative ministry. Under no circumstances, CVO of an organization should initiate action against the Board-level appointee of his organization. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in *Vigilance Manual 2021, Chapter-III, Para 3.5*.

(b) In cases where the Commission calls for investigation and report against a Board level appointee, the CVO of the administrative ministry shall initiate investigation and furnish report to the Commission in the prescribed format.

(Commission's Circular No. 06/03/11 dated 14.03.2011)

(c) If the CVO of an administrative ministry asks for a factual report against a Board level appointee from the CVO of the organisation concerned, the latter will send the same to the CVO of the Ministry/ Department, after endorsing a copy of the report to the CMD. The CVO of the Ministry/ Department may make a reference to the Commission after collecting all the relevant facts and following the prescribed procedure.

[Vigilance Manual 2021 Chapter-III, Para 3.7(c)]

(d) If a complaint against a Board level appointee is directly received by the CPSEs/PSBs/PSICs/PSFI etc., the CVO shall forward the same to the CVO of the administrative ministry for consideration.

[Vigilance Manual 2021 Chapter-III, Para 3.7(d)]

(e) In the case of PSEs and PSBs, sometimes, it is found that there is a spate of complains against individuals whose names are being considered/ finalized for Board Level appointments. Similarly, when an official is due for promotion, sometimes old complaints are taken cognizance of and investigation is started against the official. In order to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, the Commission has decided that for the purpose of giving vigilance clearance in such cases: -

i. As a rule, complaints /cases which are more than 5 years old and against which no action has been taken till then, should not be taken into cognizance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and

ii. No cognizance should be taken of any complaint which is received up to 6 months prior to the initiation of selection process for Board level officials.

(Commission's Office Order No. 57/8/04 dated 31.08.2004)

5.4 Handling of Complaints against CVO, VO, etc.

Any complaints against the CVO should be immediately referred to the Commission and the Commission would decide the further course of action thereon. However, the complaints against the other vigilance functionaries shall be looked into by the CVO personally and further action would be taken as per prescribed procedure.

5.5 Action on Complaints received from Members of Parliament and dignitaries:

References received from Members of Parliament and Dignitaries are to be dealt as per procedure laid down in Central Secretariat Manual of Office Procedure brought out by the Department of Administrative Reforms and Public Grievances. A confirmation about lodging the complaint shall be sought from the dignitary. On receipt of confirmation, the complaint shall be dealt with on priority.

(Refer to Annexure-II of these guidelines)

5.6 Action on Anonymous/Pseudonymous Complaints

5.6.1 DoPT's OM No. 104/76/2011-AVD.I dated 18.10.2013 and Commission's Circular No. 07/11/2014 dated 25.11.2014 provide that no action is required to be taken on anonymous complaints irrespective of the nature of the allegations and such complaints need to be filed.

5.6.2 The Commission has furnished clarification vide Circular No. 03/03/16 dated 07.03.2016 regarding action to be taken on anonymous/ pseudonymous complaints which were acted upon and were at different stages of process (including disciplinary proceedings) before issuance of Commission's Circular No. 07/11/2014 dated 25.11.2014. The following actions are to be taken in such matters:-

(a) No action should be taken on anonymous/ pseudonymous complaints in line with *Commission's Circular No. 07/11/2014 dated 25.11.2014*, and such complaints should be filed.

(b) However, where the action was initiated on anonymous/pseudonymous complaints prior to the issuance of *Commission's Circular No. 3(v)/99/2 dated 29.06.1999*; it can be pursued further and be taken to its logical end.

(c) Where action was initiated on anonymous/pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of the Commission but the same has not been concluded, further action is permissible on such complaints.

(d) Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29.06.1999 & 11.10.2002), or where such inquiry was initiated without the approval of the Commission, can be utilized for further initiation of disciplinary proceedings on misconducts noticed in such verification/inquiry.

5.6.3 It may be noted that the procedure for handling anonymous / pseudonymous complaints has been modified in view of the fact that complainants who desire to protect their identity now have the protection of the *Public Interest Disclosure & Protection of Informers*

Resolution- 2004 (PIDPIR). Relevant instructions on this have been issued vide DoPT's *OM No. 104/76/2013-AVD.I dated 18.10.2013.*

CHAPTER-VI

PIDPI COMPLAINTS

Introduction

The Hon'ble Supreme Court of India, while hearing the Writ Petition (C) no. 539/2003 relating to the murder of Sh. Satyendra Dubey, directed the Government of India to set up a suitable mechanism for receipt and enactment of complaints from "Whistle-Blowers". Accordingly, Department of Personnel and Training issued Resolution No. 89 dated 21st April,2004, commonly known as *Public Interest Disclosure and Protection of Informers Resolution, 2004,* resolving to set up a mechanism by which a complainant can lodge a complaint in the prescribed manner and also seek protection against his victimisation for doing so. (Such complainants, called Whistle Blowers, are entitled to non-disclosures of their identity publically, unless, they themselves do so). The Central Vigilance Commission has been authorised under the PIDPI Resolution, as the Designated Agency to receive complaints from whistle blowers.

6.1 Provisions of PIDPI Resolution

The Government of India vide *Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004 r/w Corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004,* wherein the following provisions relating to the complaints being lodged by Whistle-Blowers have been made:-

(a) The Central Vigilance Commission is authorised as the "Designated Agency" to receive written complaints or disclosure on any allegation of corruption or of misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government.

(b) Any public servant or a person including an NGO can make written disclosure to the designated agency except those referred in clauses (a) to (d) of Article 33 of Constitution.

(c) The designated agency may call for further information or particulars from the persons making the disclosure.

(d) Anonymous complaints shall not be acted upon.

(e) The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity.

(f) The Head of the Department/Organisation to keep the identity of informant secret if he comes to know about it.

(g) The designated agency may call the comments/explanations of the Head of Department/Organisation on the disclosure made.

(h) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received.

(i) The designated agency on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the Department or Organisation concerned.

(j) If the informant feels that he is being victimised, he may make an application before the designated agency seeking redressal in the matter. The designated agency may give suitable directions to the public servant or the public authority concerned.

(k) If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the Government authorities concerned; and

(l) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.2 Amendments to PIDPI Resolution:

The DoPT vide Notification No. 371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amended provisions are as under: -

(a) The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the "Designated Authority" to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

(b) Either on receipt of application from the complainant, or on the basis of the information gathered otherwise, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.

(c) The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

6.3 Guidelines for the PIDPI Complainant

In furtherance of the PIDPI Resolution, 2004, Central Vigilance Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice regarding the procedure to be followed for filing whistle-blower complaints under the *PIDPI Resolution, 2004,* to ensure that the identity of complainant is kept secret. The following procedure has been prescribed in the public notice: -

(a) The complaint should be in a closed / secured envelope.

(b) The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed **"Complaint under the Public Interest Disclosure"**. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

(Para 4.2(b) of Vigilance Manual 2021)

(c) Commission will not entertain anonymous / pseudonymous complaints.

(d) The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.

(e) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. If any further clarification is required, the Commission will get in touch with the complainant.

(Para 4.2(b) of Vigilance Manual 2021)

(f) On the advice of the Commission, in order to maintain confidentiality about the complainant's identity, the Department of Posts vide Circular No. 31-01/2021-PO dated 03.03.2021 has directed all post offices not to insist on the name and address of the complainant. It is mandatory for all post offices. The directions are reproduced as below:-

"Any article, addressed to the CVC as well as CVOs posted with the superannuation "Complaint under the Public Interest Disclosure" or "PIDPI Complaint" on the outside of the envelope of the article, can be accepted for posting registration and speed post service, without the name and complete address including mobile number & email address of the sender".

(g) The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

6.4 Procedure adopted by Central Vigilance Commission on PIDPI Complaint

(a) Complaints received under PIDPI Resolution are opened in a separate section, specially created for dealing with complaints from Whistle-Blowers. The section is called 'Confidential Section' and parallel files (separate file for each complaint) are created after concealing the name and address of the complainant.

(b) Pseudonymous/ Anonymous PIDPI complaints will be filed and no action will be taken. The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the Vigilance Section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.

(c) In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain (a) confirmation as to whether he / she has made the complaint or not and (b) a certificate that that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower Complainant. Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate, to the Commission. If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.

(d) The Commission has decided to discontinue the practice of obtaining NOC from the Whistle Blower/complainant.

(Commission's Public Notice dated 30.07.2021)

(e) After receiving necessary confirmation from the complainant, the complaint is placed before the Screening Committee for decision.

(f) The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.

(g) When a complaint is put up to the Screening Committee, if it is found that there are certain shortcomings due to which it does not fulfil the eligibility criteria, it will be returned to the complainant, clearly enumerating the reasons for not fulfilling the eligibility criteria. The complaint will then be closed in the Commission. Thereafter, the complainant has the option of either sending a fresh regular complaint to the Central Vigilance Commission under its Complaint Handling Policy or may again lodge a fresh complaint if desired under PIDPI Resolution after removal of the deficiencies.

(Commission's Public Notice dated 30.07.2021)

(h) The complaints, where necessary action has been recommended by the Screening Committee, are referred to the Vigilance Branch concerned for further action. Complaints recommended for investigation and report is sent to the Vigilance Branch concerned of the Commission for further action after approval of the Commission. The Commission has prescribed a period of 12 weeks from the date of receipt of reference from the Commission, for the organizations to submit investigation report.

(Commission's Circular No. 12/09/18 dated 28.09.2018)

(i) The complaints/ disclosures already categorized as Non-Public Interest Disclosure and Protection of Informers (Non-PIDPI) complaints/ cases where No Objection Certificate was received from the complainant before issuance of Public Notice dated 30.07.2021 will continue to be processed as per *Commission's Public Notice dated 24.04.2019.*

6.5 Protection for Whistleblowers

6.5.1 The PIDPI Resolution dated 21.04.2004 provides for the following provisions for protection of Whistle Blowers: -

(a) Clause 6 - If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency i.e. CVC, seeking redressal in the matter, who shall take such action as deemed fit. The designated agency may give suitable directions to the public servant or the public authority concerned as the case may be.

(b) Clause 7 - Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the Government authorities concerned.

(c) Clause 11 – In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.5.2 The Commission, after receipt of representation (s) from Whistle Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, State Government/UTs have appointed

Nodal Officers and details of such officers nominated by State Governments are furnished to the Commission from time to time by the Ministry of Home Affairs.

6.5.3 As regards protection against victimisation or harassment within the organisation, the Commission forwards such complaints of Whistle Blowers to the CVO of the organization concerned for appropriate action.

6.6 Supervision and Monitoring of Designated Authority

Clause 11A of PIDPI Resolution dated 14.08.2013 (amendments) provides that the Central Vigilance Commission shall supervise and monitor the complaints received by the Designated Authorities. A report on PIDPI complaints received by Designated Authorities, including cases of alleged harassment/victimisation received, are required to be sent to the Commission by the CVOs of the respective Ministries/ Departments.

CHAPTER-VII

Miscellaneous

7.1 Systemic Improvement

It should be ensured by the organisations concerned that each and every complaint and the resultant investigation report is scrutinized thoroughly to find out the possibility of systemic lacunae, that may have resulted in irregular acts being committed by the suspected officials. The outcome of such a scrutiny should be utilized to devise and implement systemic improvements to stop recurrence of such irregular acts. The organisation should prepare case-studies giving details of modus-operandi alongwith corrective measures and the same should be circulated in the organisation for educating/ alerting the officials/authorities. In case, it is felt that the systemic loopholes that have come to notice may have effect across the industry or among other organisations also, the permissible details may be shared with the administrative Ministry/ Department, the regulatory authorities concerned and also with the Commission, for issuing appropriate guidelines, as may be deemed fit.

7.2 Reporting and Review of complaints

It is the responsibility of the CVO to review all complaints pending for investigation in the Organisations at regular intervals, preferably in the first week of every month and take necessary steps for ensuring expeditious finalization of reports and further necessary action, as may be required in individual cases.

(Detailed guidelines may be seen in Para 4.2(c) of these guidelines).

7.3 Various timelines related to complaints

The Commission has been laying emphasis on timely/ prompt action on complaints in order to ensure that irregularities, if committed, are surfaced at the earliest possible and all preventive/ punitive measures can be taken expeditiously. For this purpose, the Commission has issued guidelines on various occasions, specifying the time limit for dealing with complaints. The same as summaries in the following table: -

Sr. No.	Description	Timeline
1	Timeline for seeking confirmation from complainant before initiating Investigation process.	15 days
2	If confirmation not received within 15 days reminder to be sent to complainant. (If no response received even after reminder, complaint may be filed treating as pseudonymous complaints.)	15 days
3	Timeline for submission of Investigation Report to the Commission on Complaints referred by it to the CVOs concerned for investigation.	3 months (or as may be specified by the Commission, in individual matter)
4	In case, it is felt that it would not be possible to complete the investigation within the specified period, time limit	15 days

	for approaching the Commission for seeking extension of time, with the approval of the competent authority.	
5	Timeline for submission of investigation report in PIDPI complaints, referred by the Commission.	12 weeks
6	Timeline for submitting response by CVOs to the Commission in respect of references made by it to CBI/ Ministries for clarification/comments in the matter of complaints.	6 weeks
7	Timeline for CVOs to scrutinize and decide about action to be taken on the complaints sent by the Commission for necessary action to the CVOs concerned.	1 month
8	Timeline for giving opinion by the Disciplinary Authority, about existence of vigilance angle in complaint, in case of difference of opinion with CVO	15 ays

7.4 Withdrawal of Complaints by Complainant

It is to be noted that once a complainant confirms the complaint and investigation has been initiated by the Commission/ Organisation, it is not permissible to withdraw/ stop the investigation, even if the complainant requests for withdrawal or for stopping the investigation. The allegations contained in the complaint have to be taken to their logical conclusion, once investigation has started.

7.5 Action against persons making false complaints

There are specific provisions in law to deal with false, frivolous, and motivated complaints. The same are not evoked ordinarily for the sake of genuine complainants. However, in cases where it can be established that the complaints were lodged with a malafide/ulterior motive to harass or harm an innocent Government servant, necessary action could be taken against such complainants as per law.

The following actions may be taken against persons making false complaints:-

(a) Under *Section 182 of the Indian Penal Code, 1860*, a person making false complaint can be prosecuted.

(b) Under section 195(1)(a) of *Code of Criminal Procedure, 1973* a person making a false complaint can be prosecuted on the basis of a complaint lodged with a court of competent jurisdiction by the public servant to whom the false Complaint was made or by some other public servant to whom he is subordinate.

(c) If the person making a false complaint is a public servant, departmental action may also be considered against him as an alternative to prosecution.

7.6 The Commission is responsible for advising Ministries/Departments in the matters related to integrity in administration as also to exercise a general check and supervision for overall effective Vigilance Administration. For this purpose, Commission has powers to call for reports, returns and statements. The Commission may, if deemed necessary, conduct inquiry/ investigation, of its own, as per its functions and powers.

(Section 8(1)(c), 8(1)(d) and Section 11 of CVC Act)

Annexure-I

PROFORMA

CVO-1

C.V.O. Register 1 of complaints to be maintained in separate columns for category A and Category B employees.

A. No.	Source of Complaint (See N.B.1)	Date of receipt	Name and designation of officers(s) complained against	Reference to file No.	Action taken (See N.B.2)	Date of action	Remarks (See N.B.3)
1	2	3	4	5	6	7	8

N.B:

1. A Complaint includes all types of information containing allegations of misconduct against public servants, including petitions from aggrieved parties, information passed on to the CVO by CVG, and CBI, press reports, findings in inspection reports, audit paras, PAC reports, etc. In the case of petitions the name and address of the complainants should be mentioned in Col. 2 and 1 and in other cases, the sources as clarified above should be mentioned.

2. Action taken will be of the following types: (a) filed without enquiry (b) Filed after enquiry (c) Passed on to other sections as having no vigilance angle (c) Taken up for investigation by Departmental vigilance agency.

3. Remarks Column should mention (a) and (b).

(a) If there were previous cases / complaints against the same officer, the facts should be mentioned in the "Remarks" column.

(b) Date of charge-sheet issued, wherever necessary.

Annexure-II

(Extracts from CENTRAL SECRETARIAT MANUAL OF OFFICE PROCEDURE, 14th Edition, May 2015)

CHAPTER-V

37. **Correspondence with Members of Parliament and VIPs—**

(i) Communications received from Members of Parliament and VIPs should be attended to promptly.

(ii) Where a communication is addressed to a Minister, it shall, as far as possible, be replied to by the Minister himself. In other cases, a reply should normally be signed by an officer of the rank of Secretary only.

(iii) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including Nationalised Banks, Division / Branch In charge in a Ministry / Department / Organisation, shall be replied to by the addressee himself. In routine matters, he may send an appropriate reply on his own. In policy matters, however, the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that the minimum level at which such replies are sent to Members of Parliament and VIPs is that of Under Secretary and that also in letter form only.

(iv) Normally information sought by a Member / VIP should be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.

(v) In case, a reference from an ex-Member of Parliament is addressed to a Minister or Secretary, reply to such reference may be sent by a Joint Secretary level officer after obtaining approval of the Secretary of the Ministry / Department. In case the reference is addressed to a lower-level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in a polite letter form only.

(vi) Each communication received from a Member of Parliament / VIP, shall be acknowledged within 15 days, followed by a reply within the next 15 days of acknowledgement sent.

(vii) Appropriate record shall be maintained in respect of communications received from Members of Parliament and VIPs and monitored by all concerned. A similar procedure may also be followed for judicial / quasi-judicial matters.

CHAPTER XI

CHECKS ON DELAYS

60. Timely Disposal of receipts and monitoring of Parliamentary Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, CAT / Court Cases, etc. –

Time Limits will be fixed for disposal of as many types of cases as possible handled in the Department through Departmental instructions. As a general rule, no official shall keep a case pending for more than 7 working days unless higher limits have been prescribed for specific types of cases through Departmental instructions. In case of a case remaining with an official for more than the stipulated time limit, an explanation for keeping it pending shall be recorded on the note portion by him. The system of exception reporting will be introduced to monitor the disposal of receipts. For timely disposal and monitoring of Parliament Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, Judicial / quasi-judicial, etc. each Department shall maintain separate records of such cases.

E-Governance methods, suiting to the requirements, should also be adopted for monitoring and tracking of Government work.

*****

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलेक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

स. / No. 021/VGL/051

दिनांक / Dated 03.11.2022

Circular No. 24/11/22

Sub: Amendment to Comprehensive guidelines for Complaint Handling Mechanism – reg.

Ref: Commission's Circular No. 25/12/21 dated 24.12.2021

Central Vigilance Commission, keeping in view the provisions contained under section 8(1) (c) & 8(1) (d) of CVC Act 2003, receives complaints from various sources. The Complaints are being processed through the Complaint Management System, which has been modified in order to provide end to end information to the complainants.

2. Accordingly, the comprehensive guidelines for Complaint Handling Mechanism issued by the Commission, vide Circular dated 24.12.2021, also stand amended to the following extant:-

A.) Para 2.2 of guidelines may be read as under: -

(i) Complaints can be lodged with the Commission online, on the Commission's portal i.e. www.portal.cvc.gov.in or through the Commission's website www.cvc.gov.in, under the link "Lodge Complaints", available on home page. For lodging complaint through the portal, it is mandatory for the complainant to provide Mobile Number, so that an auto generated OTP can be sent, on the mobile number of the complainant for authentication purpose. As soon as the complaint is registered on the portal, an SMS confirming the registration of the complaint and also containing the complaint reference number would be sent to the complainant. The status of complaints lodged through the portal, can be tracked through e-mode only.

(ii) Complaints can also be lodged with the Commission by addressing a written communication/letter to the Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, INA, New Delhi- 110023.

B.) Para 4.1 (ii) of guidelines stands deleted

C.) In para 4.1 of the guidelines, sub-para 4.1 (iv) has been added, which may be read as under: -

"Complaints in which the allegation are of administrative/Non-Vigilance in nature are also forwarded to the respective CVOs."

D.) Para 4.3.1(v) may be read as under: -

In case it has been decided to send the complaint to the CVO concerned for necessary action, the complainant will also be informed about the same. In such a scenario, the responsibility of informing the complainant about the outcome of the complaint would lie with the CVO of the organisation concerned, through the portal itself.

E). Para 4.3.2 (i) & (ii) stands deleted.

F). Para 6.3 (e) may be read as under: -

A reference number, generated for a particular PIDPI Complaint, would be communicated to the Whistle Blower, through physical mode, in order to enable him to track the status of that particular complaint. The PIDPI complainant can track the status of his complaint by entering the reference number, provided by the Commission.

G) Para 7.3 at Sl. No. (7) of table the timeline may be read as "2 months"

(Rajiv Verma)
Director

To

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iv) Website of CVC

केन्द्रीय सतर्कता आयोग
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Block A, INA, New Delhi-10023

सं./No...021/VGL/051.....

दिनांक / Dated.....06.04.2023....

Circular No. 03 /04/23

Subject: **Handling of Complaints in the Commission-seeking factual report-reg.**

Ref:- **Commission's Office Order No. 08/08/2020 dated 14.08.2020**

In partial modification of Commission's Office Order No. 08/08/20 dated 14.08.2020, the Commission has decided to forward complaints to the CVOs concerned for obtaining Factual Reports, if necessary.

2. Chief Vigilance Officers are required to submit the Factual Report to the Commission, on the basis of scrutiny of relevant records/documents only, within a period of 30 days of the receipt of the complaint/communication from the Commission. While forwarding the Factual Report, the CVOs should also give their recommendations/views in clear terms.

3. The above directions may be noted for strict compliance by the CVOs.

(Rajiv Verma)
Director

To

(i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(ii) Website of CVC

No. 104/76/2024-AVD-IA
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 9th October, 2024

OFFICE MEMORANDUM

Subject: **Revised Guidelines regarding handling of complaints in Ministries/Departments/Organizations of Government of India.**

The undersigned is directed to say that in partial modification of the guidelines issued vide DoP&T OM No. 104/76/2022-AVD-IA dated 28.09.2022, the Competent Authority has approved the following guidelines for handling of complaints received against officers/officials in Ministries/Departments/Organizations of Government of India.

2. Anonymous complaints, i.e. such complaints that do not carry both the name and address of the complainant, should be filed straightaway. No action is required to be taken on such complaints, irrespective of the nature of allegations, and they should be filed.

3. All complaints containing non-specific and unverifiable allegations as may be decided by the competent authority should also be filed without verification of identity of the complainant.

4. Complaints, other than anonymous complaints, containing specific allegation of corruption or attracting vigilance angle (as laid out in para 3(a)(I) of DoPT's OM No. 104/33/2024-AVD-IA dated 09.10.2024 shall be considered and processed by the Chief Vigilance Officer of the Ministry/Department/Organization concerned. All other complaints, containing matters of non-vigilance nature, would be considered by the Joint Secretary/Additional Secretary in-charge of Administration of the respective Ministry/ Department.

5. Complaints of both categories, i.e. vigilance and non-vigilance, including complaints received through e-mail, should be sent by the Ministry/Department/Organization concerned through Speed Post/Registered Post/authenticated electronic media to the complainant for owning/disowning the complaint and for confirming the veracity of the contents of the complaint.

If no response is received from the complainant within 15 days of sending the complaint for confirmation, a reminder should be sent. If the response is still not received within 15 days of sending the reminder, the said complaint should be filed as pseudonymous by the Ministry / Department /Organization concerned.

6. The decision to file the complaint or examine it further should be taken by the concerned Ministry/Department/Organization within a period of three months from the date of receipt of the complaint. Such further examination may be in the shape of a preliminary inquiry or an inquiry as decided by the Competent Authority.

7. Once the Ministry/Department/Organization concerned decides to examine the complaint further, as a vigilance or non-vigilance matter, a copy of the complaint should be made available to the officer(s) against whom the complaint has been made through speed post, within 15 days of the decision.

8. In case of complaints received in the Ministries/Departments of Government of India on matters pertaining to AIS officers or Central Government employees working in connection with the affairs of the State Governments, these shall be forwarded to the State Government concerned for action as appropriate. The State Governments may, in the first instance, carry out the exercise as envisaged in para-5 and para-6 above. Once the State Government decides to examine the complaint further, the State Government concerned may share a copy of such complaint forwarded to the officer(s) against whom the complaint has been made, within 15 days of the decision. Complaints received prior to issue of these guidelines may be disposed of accordingly with the approval of the competent authority.

9. In order to ensure that complaints are dealt with expeditiously within 3 months of the date of receipt of the complaint, a Review Committee shall be constituted in every Ministry/Department. The Review Committee shall be chaired by an officer not below the rank of Additional Secretary and shall include the CVO of the Ministry/ Department and the Joint Secretary/Additional Secretary in-charge of Administration of the respective Ministry/Department inter alia as members. This Committee shall meet on a monthly basis to monitor the disposal of complaints that are pending for a decision beyond two months from their date of receipt.

State Governments may also undertake a similar exercise for complaints forwarded to them as per para-8 above.

Rupesh Kumar

10. Complaints against Secretaries to the Government of India, whether pseudonymous or otherwise, received by the Cabinet Secretariat or the DoP&T or the Prime Minister's office, will be first scrutinized by the Group headed by the Cabinet Secretary.The composition of the group shall be as follows:-

(i) Cabinet Secretary
(ii) Principal Secretary to the Prime Minister.
(iii) Secretary (Coordination) in the Cabinet Secretariat
(iv) Secretary, DoP&T, and
(v) Secretary, CVC- Observer

a) This Group, after reviewing the complaints, would proceed as follows:-

- If there is no substance in the complaint or the complaint is frivolous in nature, the group would close the complaint and inform the relevant officer from where the complaint was received;

- In case the preliminary scrutiny of the complaint indicates that there is some substance in it or there are verifiable allegations, the Group could do one or more of the following:-

  (i) Seek the comments of the Secretary concerned;
  (ii) Call for the concerned file(s);
  (iii) Call for the relevant records, including annual property returns, other reports etc.

b) Having received appropriate inputs on the complaints, the group will then proceed in the following manner:-

- In case the records/comments indicate that there is no substance in the complaint, it will be closed.

- If after scrutiny, it is felt that there is some substance in the complaint, a view would have to be taken by the group regarding the nature of the investigation called for and an appropriate recommendation made in this regard.

- Thereafter, the recommendation would be submitted to the Disciplinary Authority, for action as deemed fit.

c) The Group constituted will also be looking into the complaints received by the Cabinet Secretary from CVC under the CVC Act or the Public Interest

Rajeev Verma

Disclosure Resolution. The CVC shall be kept informed at regular intervals about the status of the scrutiny/review undertaken by the group into complaints forwarded by the CVC.

d) The procedure to be followed for handling complaints against Secretaries to the Government of India as laid down in sub paras above shall also be adopted in respect of complaints against retired secretaries.

11. The complaints against officers who do not hold the post of the Secretary, but whose pay-scales are equivalent to that of Secretaries to the Government of India (Secretary Equivalent Position) and who are functioning under an administrative Ministry/ Department (i.e. where there is an administrative superior to such officers) shall be looked into by the concerned Ministry / Department and the matter may be referred to the Cabinet Secretariat (Group of Secretaries headed by Cabinet Secretary) only if it merits further action. This procedure shall be adopted in the case of those officers who have retired from Secretary-equivalent posts too.

12. Complaints against Chief Executives of Public Sector Enterprises and CMDs of Public Sector Banks and Financial Institutions will be considered by the Group of Officers constituted vide Department of Public Enterprises O.M. No. 15(1)/2010-DPE(GM) dated 11.3.2010/12.4.2010 as amended from time to time. The Group of Officers shall follow the procedures enunciated in these guidelines while considering the complaints referred to them.

Rupesh kumar

(Rupesh Kumar)
Under Secretary to Govt. of India

To,

1. All Ministries/Departments of Government of India
2. NIC with a request to upload the OM on the website of DoPT

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स / Fax : 24651186

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
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Block A, INA, New Delhi-110023

सं. / No. 98/DSP/09/461535

दिनांक / Dated 24th Sept., 2020

Circular No. 12/09/20

Sub: Action on anonymous/pseudonymous complaints.

Ref. (i) DoPT's OM No.104/76/2011-AVD.I dated 18/10/2013 & 18/06/2014.

(ii) Commission's Circular No.07/11/2014 dated 25/11/2014.

Attention is invited to the DoPT's OM and the Commission's Circular mentioned above wherein it was prescribed that 'no action would be taken on anonymous/pseudonymous complaints' by Ministries/Departments/Organisations and such complaints should be filed.

2. The Commission has observed instances wherein some Departments/Organisations are taking cognizance of anonymous complaints, despite strict guidelines issued by DoPT and the CVC. Such non-compliance/violation of guidelines by the concerned authorities would be viewed seriously.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.

(J. Vinod Kumar)
Director

To:

All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.

All Chief Vigilance Officers of Ministries/Departments/CPSEs/PSBs/PSICs/FIs/ Autonomous Organisations, etc.

रजिस्ट्री सं० डी० एल०-33004/99

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सत्यमेव जयते

भारत का राजपत्र
The Gazette of India

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कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 21 अप्रैल, 2004

सं.-371/12/2002-ए.वी.डी.-III.—जबकि सर्वोच्च न्यायालय ने श्री सत्येन्द्र दुबे की हत्या के संबंध में रिट याचिका (सी.) संख्या-539/2003 की सुनवाई करते समय यह इच्छा व्यक्त की कि उपयुक्त विधान के बनाए जाने तक "पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)" से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र व्यवस्था तैयार की जाए।

और जबकि विधि आयोग द्वारा तैयार किए गए लोकहित प्रकटीकरण और मुखबिर संरक्षण विधेयक, 2002 की जांच-पड़ताल चल रही है।

अत: अब, केन्द्र सरकार एतद्द्वारा निम्नलिखित संकल्प लेती है :—

1. केन्द्रीय सतर्कता आयोग को केन्द्रीय सरकार अथवा किसी केन्द्रीय अधिनियम के द्वारा अथवा इसके अंतर्गत स्थापित किन्हीं निगमों, केन्द्र सरकार के स्वामित्व वाली अथवा इसके द्वारा नियंत्रित सरकारी कम्पनियों, सोसाइटियों अथवा स्थानीय प्राधिकरणों के किसी कर्मचारी पर भ्रष्टाचार के किसी आरोप अथवा पद के दुरुपयोग के सम्बन्ध में लिखित शिकायतें प्राप्त करने अथवा प्रकटीकरण सम्बन्धी दस्तावेज प्राप्त करने के लिए एतद्द्वारा मनोनीत अभिकरण के रूप में प्राधिकृत किया जाता है। प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी।

2. मनोनीत अभिकरण यदि ऐसा उचित समझे तो वह प्रकटीकरण करने वाले व्यक्तियों से और जानकारी अथवा विवरण मंगवा सकता है। यदि शिकायत बेनामी है तो मनोनीत अभिकरण इस मामले में कोई कार्रवाई नहीं करेगा।

3. शासकीय गुप्त अधिनियम, 1923 में विहित किसी बात के बावजूद भी संविधान के अनुच्छेद 33 के खण्ड (क) से (घ) में संदर्भित व्यक्तियों से भिन्न कोई लोक सेवक अथवा किसी गैर-सरकारी संगठन सहित कोई अन्य व्यक्ति मनोनीत अभिकरण को लिखित प्रकटीकरण भेज सकता है।

4. यदि शिकायत में शिकायतकर्त्ता का ब्यौरा भी दिया गया है तो मनोनीत अभिकरण निम्नलिखित कदम उठाएगा :—

(i) मनोनीत अभिकरण शिकायतकर्त्ता से यह पता लगाएगा कि क्या यह वही व्यक्ति है अथवा नहीं है जिसने शिकायत की है।

(ii) शिकायतकर्त्ता की पहचान उद्घाटित नहीं की जाएगी जब तक कि शिकायतकर्त्ता ने स्वयं शिकायत का ब्यौरा सार्वजनिक न कर दिया हो अथवा किसी अन्य कार्यालय अथवा प्राधिकारी को अपनी पहचान नहीं बता दी हो।

(iii) शिकायतकर्त्ता की पहचान गुप्त रखने के पश्चात् मनोनीत अभिकरण प्रथमत: यह पता लगाने के लिए विवेकपूर्ण जांच-पड़ताल करेगा कि क्या इस शिकायत पर आगे कार्रवाई करने का कोई आधार बनता है। इस प्रयोजन हेतु मनोनीत अभिकरण एक समुचित तंत्र बनाएगा।

(iv) शिकायत की विवेकपूर्ण जांच-पड़ताल करने के परिणामस्वरूप अथवा बिना जांच-पड़ताल के केवल शिकायत के आधार पर ही यदि मनोनीत अभिकरण का यह मत होता है कि मामले की और जांच-पड़ताल करवाई जानी अपेक्षित है तो मनोनीत अभिकरण सम्बन्धित संगठन अथवा कार्यालय के विभागाध्यक्ष से सरकारी तौर पर उनकी टिप्पणियां/अथवा उनके स्पष्टीकरण मांगेगा। ऐसा करते समय मनोनीत अभिकरण मुखबिर की पहचान प्रकट नहीं करेगा और सम्बन्धित संगठन के अध्यक्ष को यह भी अनुरोध करेगा कि यदि उन्हें किसी कारणवश मुखबिर की पहचान का पता चल जाता है तो वे मुखबिर की पहचान गुप्त रखेंगे।

(v) सम्बन्धित संगठन का उत्तर प्राप्त होने के बाद यदि मनोनीत अभिकरण का यह मत होता है कि अन्वेषण से पद के दुरुपयोग अथवा भ्रष्टाचार के पुख्ता आरोपों का पता चलता है तो मनोनीत अभिकरण सम्बन्धित सरकारी विभाग अथवा संगठन को उपयुक्त कार्रवाई करने की संस्तुति करेगा। इनमें अन्य बातों के साथ-साथ निम्नलिखित शामिल होगा :—

(क) सम्बन्धित सरकारी कर्मचारी के विरुद्ध उपयुक्त कार्यवाहियां शुरू किया जाना।

(ख) भ्रष्टकृत्य अथवा पद के दुरुपयोग जैसी भी स्थिति हो, के परिणामस्वरूप सरकार को हुई हानि की पूर्ति के लिए उपयुक्त प्रशासनिक कदम उठाना।

(ग) मामले के तथ्यों और परिस्थितियों को देखते हुए यदि ऐसा न्यायसंगत हो तो उपयुक्त मामलों में आपराधिक कार्यवाहियां शुरू किए जाने के बारे में उपयुक्त प्राधिकारी/अभियोजन को सिफारिश करना।

(घ) भविष्य में ऐसी घटनाओं की पुनरावृत्ति रोकने के लिए सुधारात्मक उपाय किए जाने की सिफारिश करना।

5. पूर्ण जांच-पड़ताल करने अथवा सम्बन्धित संगठन से जानकारी प्राप्त करने के प्रयोजन से मनोनीत अभिकरण को प्राप्त शिकायत के अनुक्रम में जांच-पड़ताल को पूरी करने में सभी प्रकार की सहायता प्रदान करने के लिए यथावश्यक समझे जाने पर केन्द्रीय अन्वेषण ब्यूरो अथवा पुलिस अधिकारियों को सहायता देने के लिए प्राधिकृत किया जाएगा।

6. यदि कोई व्यक्ति किसी कार्रवाई से इस आधार पर व्यथित होता है कि उसे इस तथ्य के आधार पर पीड़ित किया जा रहा है कि उसने शिकायत दायर की है अथवा प्रकटीकरण किया है तो वह इस मामले के निवारण की प्रार्थना करते हुए मनोनीत अभिकरण के समक्ष एक आवेदन दायर कर सकता है जो यथावश्यक उपयुक्त समझी जाने वाली कार्रवाई करेगा। मनोनीत अभिकरण सम्बन्धित सरकारी सेवक अथवा सरकारी प्राधिकारी को जैसी भी स्थिति हो, उपयुक्त निदेश दे दे।

7. शिकायतकर्त्ता के आवेदन पर अथवा एकत्रित की गई जानकारी के आधार पर यदि मनोनीत अभिकरण का यह मत होता है कि शिकायतकर्त्ता अथवा गवाहों को संरक्षण दिए जाने की आवश्यकता है तो मनोनीत अभिकरण सम्बन्धित सरकारी प्राधिकारियों को उपयुक्त निर्देश जारी करेगा।

8. इस कार्य में प्रयुक्त तंत्र, मौजूदा कार्य तंत्र के अतिरिक्त होगा। तथापि, यदि शिकायत इस तंत्र के अन्तर्गत प्राप्त होती है तो पहचान को गुप्त रखा जाएगा।

9. यदि मनोनीत अभिकरण शिकायत को अभिप्रेरित अथवा कष्टप्रद स्वरूप की पाता है तो मनोनीत अभिकरण उपयुक्त कदम उठाने के लिए स्वतंत्र है।

10. मनोनीत अभिकरण निम्नलिखित स्वरूप के प्रकटीकरण पर कार्रवाई अथवा उसकी जांच-पड़ताल नहीं करेगा :—

(क) ऐसे किसी मामले जिसमें लोक सेवक जांच अधिनियम, 1850 के अन्तर्गत एक औपचारिक और सार्वजनिक जांच का आदेश दे दिया गया हो; अथवा

(ख) ऐसा कोई मामला जिसे जांच आयोग अधिनियम, 1952 के तहत जांच के लिए भेजा गया है।

11. मनोनीत अभिकरण के निदेशों के विपरीत मुखबिर की पहचान उद्घाटित हो जाने पर मनोनीत अभिकरण ऐसा प्रकटीकरण करने वाले किसी व्यक्ति अथवा अभिकरण के विरुद्ध मौजूदा विनियमों के अनुसार उपयुक्त कार्रवाई शुरू किए जाने के लिए प्राधिकृत है।

12. इस कार्य हेतु सृजित तंत्र, संसद द्वारा इस विषय में कानून बनाए जाने तक लागू रहेगा।

श्रीमती मंजुलिका गौतम, अपर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 21st April, 2004

No. 371/12/2002-AVD-III.—Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the Supreme Court desired that pending enactment of a suitable legislation, suitable machinery should be put in place for acting on complaints from "whistle-blowers".

And whereas the 'The Public Interest Disclosure and Protection of Informers' Bill, 2002, drafted by the Law Commission is under examination.

Now, therefore, the Central Government hereby resolves as under :

1. The Central Vigilance Commission (CVC) is hereby authorized, as the Designated Agency, to receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material.

2. The designateed agency may, if it deems fit call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter.

3. Notwithstanding anything contained in the Official Secrets Act, 1923, any public servant other than those referred to clauses (a) to (d) of Article 33 of the Constitution or any other person including any non-governmental organisation, may make a written disclosure to the designated agency.

4. If the complaint is accompanied by particulars of the person making the complaint, the designated agency shall take the following steps :

   (i) The designated agency will ascertain from the complainant whether he was the person who made the complaint or not.

   (ii) The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority.

   (iii) After concealing the identity of the complainant, the designated agency shall make, in the first instance, discreet inquiries to ascertain if there is any basis of proceeding further with the complaint. For this purpose, the designated agency shall devise an appropriate machinery.

   (iv) Either as a reslut of the discreet inquiry, or on the basis of the complaint itself without any inquiry, if the designated agency is of the opinion that the matter requires to be investigated further, the designated agency shall officially seek comments/or explanation from the Head of the Department of the concerned organisation or office. While doing so, the designated agency shall not disclose the identity of the informant and also shall request the concerned Head of the organisation to keep the identity of the informant secret, if for any reason, the concerned Head comes to know the identity.

   (v) After obtaining the response of the concerned organisation, if the designated agency is of the opinion that the investigations reveal either mis-use of office or substantiate allegations of corruption, the designated agency shall recommend appropriate action to the concerned Government Department or Organization. These shall, *inter alia,* include following :

      (a) Appropriate proceedings to be initiated against the concerned Government servant.

      (b) Appropriate administrative steps for redressing the loss caused to the Government as a result of the corrupt act or mis-use of office, as the case may be.

      (c) Recommend to the appropriate authority/agency initiation of criminal proceedings in suitable cases, if warranted by the facts and circumstances of the case.

      (d) Recommend taking of corrective measures to prevent recurrence of such events in future.

5. For the purpose of making discreet inquiry or obtaining information from the concerned organisation, the designated agency shall be authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.

6. If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency seeking redress in the matter, who shall take such action, as deemed fit. The designated agency may give suitable directions to the concerned public servant or the public authority as the case may be.

7. Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the concerned Government authorities.

8. The machinery evolved herein shall be in addition to the existing mechanisms in place. However, secrecy of identity shall be observed, only if the complaint is received under this machinery.

9. In case the designated agency finds the complaint to be motivated or vexatious, the designated agency shall be at liberty to take appropriate steps.

10. The designated agency shall not entertain or inquire into any disclosure :

    (a) in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850; or

    (b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952.

11. In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

12. The machinery created herein shall operate till Parliament passes a law on the subject.

SMT. MANJULIKA GAUTAM, Addl. Secy.

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The Gazette of India

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PART I—Section 1
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कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

शुद्धिपत्र

नई दिल्ली, 29 अप्रैल, 2004

सं. 371/12/2002-ए.वी.डी.-III.—भारत के असाधारण राजपत्र भाग-I, खण्ड 1 में दिनांक 21 अप्रैल, 2004 को प्रकाशित भारत सरकार के संकल्प संख्या 89 का आंशिक संशोधन करते हुए, उक्त संकल्प के प्रारंभिक पैरा तथा पैरा-2 में निम्नलिखित संशोधन किए जाते हैं :

(i) संकल्प के प्रारंभिक पैरा को निम्न प्रकार से प्रतिस्थापित किया जाता है :

"जबकि श्री सत्येन्द्र दुबे की हत्या के सम्बन्ध में रिट याचिका (सी.) संख्या 539/2003 की सुनवाई करते समय, 'पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)' से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र का प्रश्न उठा"।

(ii) संकल्प के अंग्रेजी पाठ के पैरा 2 में शब्द 'designateed' (डेजिगनेटीड) को शब्द 'designated' (डेजिगनेटिड) से प्रतिस्थापित किया जाता है।

श्रीमती मंजुलिका गौतम, अपर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 29th April, 2004

No. 371/12/2002-AVD.III.—In partial modification of the Government of India's Resolution No. 89, published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004, the following modifications are made in the opening para and para-2 of the said Resolution :

(i) The opening para of the Resolution is substituted as :

"Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the question of a suitable machinery for acting on complaints from 'whistle-blowers' arose."

(ii) In para 2 the word "designateed" is substituted as "designated".

Smt. MANJULIKA GAUTAM, Addl. Secy.

1396 GI/2004

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सत्यमेव जयते

भारत का राजपत्र
The Gazette of India

असाधारण
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No. 190] NEW DELHI, THURSDAY, AUGUST 29, 2013/BHADRA 7, 1935

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 14 अगस्त, 2013

सं. 371/4/2013/एवीडी-III.—भारत के असाधारण राजपत्र, भाग I, खण्ड 1 में प्रकाशित लोकहित प्रकटन तथा मुखबिरों की सुरक्षा के अंतर्गत शिकायत प्रबंधन हेतु केन्द्रीय सतर्कता आयोग (सीवीसी) को मनोनीत अभिकरण के रूप में प्राधिकृत करने वाले, इस मंत्रालय के संकल्प संख्या 371/12/2002/एवीडी-III दिनांक 21 अप्रैल, 2004 में निम्नलिखित संशोधन किए जाते हैं, अर्थात्:—

उक्त संकल्प में,—

(i) पैरा 2, 3, 4, 5, 6, 8, 9, 10 एवं 11 शब्द "मनोनीत अभिकरण" जहां कहीं भी प्रयोग में आए हों, को क्रमश: "मनोनीत अभिकरण अथवा मनोनीत प्राधिकरण" शब्दों से प्रतिस्थापित किया जाएगा;

(ii) पैरा 1 में शब्द "प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी" का लोप किया जाएगा;

(iii) पैरा 1 के बाद निम्नलिखित पैरा जोड़े जाएंगे, अर्थात्:—

"1क. भारत सरकार के मंत्रालय अथवा विभागों के मुख्य सतर्कता अधिकारियों को, उस मंत्रालय या विभाग, किसी केन्द्रीय अधिनियम के द्वारा या इसके अंतर्गत स्थापित किसी निगम अथवा केन्द्र सरकार के स्वामित्व या नियंत्रणाधीन सरकारी कंपनियों, संस्थाओं अथवा स्थानीय प्राधिकरणों जो उस मंत्रालय या विभाग के अधिकार क्षेत्र में आते हों, के किसी कर्मचारी पर भ्रष्टाचार अथवा पद के दुरुपयोग के किसी आरोप के संबंध में लिखित शिकायत या प्रकटन संबंधी शिकायत प्राप्त करने के लिए मनोनीत प्राधिकारी के रूप में भी प्राधिकृत किया गया है ।

1ख : प्रकटन या शिकायत में जितना संभव हो सम्पूर्ण विवरण समाहित होगा एवं इसके साथ समर्थित दस्तावेज या अन्य सामग्री होगी ।"

(iv) पैरा 7 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"7क. या तो शिकायतकर्ता के आवेदन पर या संग्रहित सूचना के आधार पर, यदि मनोनीत प्राधिकारी का मत हो कि शिकायतकर्ता या गवाह को संरक्षण की आवश्यकता है तो मनोनीत प्राधिकारी, संबंधित सरकारी प्राधिकारियों को समुचित दिशानिर्देश जारी करने के लिए इस मामले को केन्द्रीय सतर्कता आयोग के साथ उठाएगा ।"

(v) पैरा 11 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"11क. केन्द्रीय सतर्कता आयोग (सीवीसी) मनोनीत प्राधिकारी को प्राप्त शिकायतों का पर्यवेक्षण एवं निगरानी करेगा ।"

दीप्ति उमाशंकर, संयुक्त सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 14th August, 2013.

No.371/4/2013-AVD-III – In this Ministry's Resolution No.371/12/2002-AVD-III dated 21st April, 2004, published in the Gazette of India, Extraordinary, Part I, Section 1, authorising the Central Vigilance Commission (CVC) as the Designated Agency for handling of complaints under the Public Interest Disclosure and Protection of Informers, the following amendments are hereby made, namely:-

In the said Resolution,-

(i) in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 11, for the words "the designated agency" wherever they occur, the words "the designated agency or the designated authority" shall respectively be substituted;

(ii) in paragraph 1, the words "The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material." shall be omitted;

(iii) after paragraph 1, the following paragraphs shall be inserted, namely:-

"1A. The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

1B. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials.":

(iv) after paragraph 7, the following paragraph shall be inserted, namely:-

"7A. Either on the application of the complainant, or on the basis of the information gathered, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.";

(v) after paragraph 11, the following paragraph shall be inserted, namely:-

"11A The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.".

DEEPTI UMASHANKAR, Jt. Secy.

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GOI Resolution on Public Interest Disclosure and Protection of Informer

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government. **Personnel employed by the State Governments and activities of the State Governments or its Corporations etc. will not come under the purview of the Commission.**

3. In this regard, the Commission, which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

i) The complaint should be in a **closed / secured envelope**.

ii) The envelope should be addressed to Secretary, Central Vigilance Commission and should be **superscribed "Complaint under The Public Interest Disclosure"**. If the envelope is not superscribed and closed, it will not be possible for the Commission to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

iii) Commission will **not entertain anonymous/pseudonymous** complaints.

iv) The text of the complaint should be carefully drafted so as **not to give any details or clue as to his/her identity**. However, the details of the complaint should be specific and verifiable.

v) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are **advised not to enter into any further correspondence** with the Commission in their own interest. The Commission assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the Government of India Resolution mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.

4. The Commission can also take **action against complainants making motivated/vexatious complaints** under this Resolution.

5. A copy of detailed notification is available on the web-site of the Commission **http://www.cvc.nic.in**.

Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.

Sd/-
Secretary
Central Vigilance Commission

Important Features of the "Whistle-Blowers" Resolution

• The CVC shall, as the Designated Agency, receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of the Central Government or of any corporation established under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government.

• The designated agency will ascertain the identity of the complainant; if the complainant is anonymous, it shall not take any action in the matter. • The identity of the complainant will not be revealed unless the complainant himself has made either the details of the complaint public or disclosed his identity to any other office or authority.

• While calling for further report/investigation, the Commission shall not disclose the identity of the informant and also shall request the concerned head of the organisation to keep the identity of the informant a secret, if for any reason the head comes to know the identity.

• The Commission shall be authorised to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.

• If any person is aggrieved by any action on the ground that he is being victimised due to the fact that he had filed a complaint or disclosure, he may file an application before the Commission seeking redress in the matter, wherein the Commission may give suitable directions to the concerned person or the authority.

• If the Commission is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the concerned government authorities.

• In case the Commission finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps.

• The Commission shall not entertain or inquire into any disclosure in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850, or a matter that has been referred for inquiry under the Commissions of Inquiry Act, 1952.

• In the event of the identity of the informant being disclosed in spite of the Commission's directions to the contrary, it is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

No.004/VGL/26
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 17th May, 2004

Office Order No. 33/5/2004

Subject:- Govt. of India Resolution on Public Interest Disclosures & Protection of Informer.

The Government of India has authorised the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. A copy of the Public Notice issued by the Central Vigilance Commission with respect to the above mentioned Resolution is enclosed. All CVOs are further required to take the following actions with respect to the complaints forwarded by the Commission under this Resolution:

(i) All the relevant papers/documents with respect to the matter raised in the complaint should be obtained by the CVO and investigation into the complaint should be commenced immediately. The investigation report should be submitted to the Commission within two weeks.

(ii) The CVO is to ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/ suspicion of being "whistle blower."

(iii) Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any.

(iv) Contents of this order may be brought to the notice of Secy./CEO/ CMD.

All CVOs may note the above directions for compliance.

Sd/-
(Sujit Banerjee)
Secretary

To

All Chief Vigilance Officers

Central Vigilance Commission

Press Release:

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government. **Personnel employed by the State Governments and activities of the State Governments or its Corporations etc. will not come under the purview of the Commission.**

3. In this regard, the Commission, which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

i) The complaint should be in a closed / secured envelope.

ii) The envelope should be addressed to Secretary, Central Vigilance Commission and should be superscribed "Complaint under The Public Interest Disclosure". If the envelope is not superscribed and closed, it will not be possible for the Commission to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

iii) Commission will not entertain anonymous/pseudonymous complaints.

iv) The text of the complaint should be carefully drafted so as not to give any details or clue as to his/her identity. However, the details of the complaint should be specific and verifiable.

v) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. The Commission assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the Government of India Resolution mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.

4. The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

5. A copy of detailed notification is available on the web-site of the Commission http://www.cvc.nic.in.

TelegraphicAddress :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24651001 - 07

फैक्स/Fax : 24616286

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

004/VGL/26

Office Order No.04/02/12 सं./No.....

दिनांक / Dated 13th February, 2012

Sub: GoI Resolution on the Public Interest Disclosure & Protection of Informers (PIDPI)– Guidelines thereon.

The Government of India has authorized the Central Vigilance Commission (CVC) as the Designated Agency to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action under the Public Interest Disclosure & Protection of Informers (PIDPI) Resolution, 2004. Accordingly, Commission had also vide circular No.33/5/2004 dated 17/05/2004 issued guidelines and public notice on the procedure to be followed for filing whistle blower complaints under PIDPI Resolution for protecting identity of complainants/informers.

2. The Commission has noticed over the years that many complainants claiming to be 'Whistle Blowers' do not conform to the procedures prescribed by the Commission while filing the complaints to the Commission under PIDPI Resolution. The Commission would therefore emphasize the need for creating greater awareness among the public including employees of every Organization/Deptt. for lodging whistle blower complaints. The Commission would again suggest to all CVOs of Ministries/Departments/PSUs/Banks/ Insurance Companies/Local Authorities/Societies etc., to give wide publicity to PIDPI Resolution and the guidelines issued by the Commission through their website, especially intranet of the Organization, Internal Journals, publications and also organize seminars/sensitizations etc. to inculcate greater awareness so as to encourage the public especially insiders to come forward and lodge/report information of corrupt practices or misuse of office in the respective Organizations/Departments to the Central Vigilance Commission.

(J Vinod Kumar)
Officer on Special Duty

To

All CVOs of Ministries/Departments/Public Sector Undertakings/Public Sector Banks/Insurance Companies/Local Authorities/Societies.

No. 371/4/2013-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
North Block New Delhi
Dated the 3rd September, 2013

OFFICE MEMORANDUM

Subject: Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004(read with corrigendum dated 29th April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding

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In continuation of this Department's OM of even No. dated 14th August, 2013, the undersigned is directed to enclose herewith a copy of printed version of Extraordinary Gazette Notification on the above subject for information and necessary action.

Encl: As above.

(M.M. Maurya)
Under Secretary to the Government of India
Tel. No. 23094541

To,

All the Ministries/ Departments of the Government of India.

Copy to:

1. PMO, South Block, New Delhi.
2. The Secretary, Central Vigilance Commission, Satarkata Bhavan, New Delhi.
3. The Cabinet Secretariat, New Delhi, w.r.t. their I.D. No. 28/CM/2013(i) dated 8th August, 2013
4. PS to Hon'ble MOS(PP), PPS to Secretary(P)/EO&AS/AS(S&V), DOPT.
5. The CVO, Department of Personnel and Training, New Delhi.
6. Order Bundle/Guard file.

No. 371/4/2013-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block New Delhi
Dated the 16th June, 2014

OFFICE MEMORANDUM

Subject: Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004(read with corrigendum dated 29th April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding

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In continuation of this Department's OM of even No. dated 3rd September, 2013 on the above subject, the undersigned is directed to enclose herewith a copy of **Procedure for handling of complaints under Public Interest Disclosure and Protection of Informers (PIDPI) Resolution to be followed by the Chief Vigilance Officers of the Ministries/Departments of the Government of India** who have been authorized as the Designated Authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

2. The CVOs in the Ministries or Department, either on the application of the complainant or on the basis of the information gathered, is of the opinion that either the complainant or the witnesses need protection, they shall take up the matter with the Central Vigilance Commission(CVC), of issuing appropriate directions to the authorities concerned.

3. It is requested to give wide publicity to the Procedure for handling of complaints under PIDPI Resolution by placing it along with the name and designation of the designated authorities on the website of Ministries as well as of the organizations under the Ministries. A copy of the PIDPI Resolution No. 89 dated 21st April, 2004 and Amendment Resolution No. 190 dated 29.8.2013 is also enclosed

Encl: As above.

16/6/14
(M.M. Maurya)
Under Secretary to the Government of India
Tel. No. 23094541

To,

CVOs in the Ministries/Departments of the Government of India.
(By name as per enclosed list)

-----2/-

Copy for information to:

1. All the Ministries/ Departments of the Government of India.
2. The Cabinet Secretariat, New Delhi.
3. The Secretary, Central Vigilance Commission, Satarkata Bhavan, New Delhi. It is requested that the content of this OM may be uploaded on the website of the Commission and wide publicity may be given. The CVOs of the Ministries/Departments may also be addressed by the Commission.
4. PS to Hon'ble MOS(PP), PPS to Secretary(P)/EO&AS/AS(S&V), DOPT.
5. The CVO, Department of Personnel and Training, New Delhi.
6. NIC, DoP&T for uploading on DoP&T website.
7. Order folder/Guard file.

Procedure for handling of complaints under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004 to be followed by the designation authority (CVOs or Ministries/Departments).

1.	The 'Designated Authority' shall authorize an officer not below the level of Section Officer (SO) for receiving complaints under the PIDPI Resolution.
2.	All envelopes super-scribed with *'Complaint under The Public Interest Disclosure'* will be opened by the SO/In-charge, so authorized, in presence of the 'Designated Authority'.
3.	The identity of the complainant would be confirmed by the SO/In-charge by writing a letter to him/her. Sample of the letter is at Annexure-I.
4.	After the identity is confirmed, both, 'Designated Authority' and the SO/In-charge, will ensure that the identity of the complainant is removed from the body of the complaint and the dummy complaint given a number along with central registry diary number with which the original complaint can be traced back.
5.	The original complaint would be kept in a safe/almirah. The custody of the almirah will remain with the concerned Section Officer and at no time that complaint can be accessed without proper authority from the 'Designated Authority'.
6.	The dummy complaint so made would be submitted to the 'Designated Authority' who would take the decision whether the matter requires to be looked into further and report is to be called in the matter from any quarters. *(Separate files may be open for each complaint)*
7.	While considering the complaints the 'Designated Authority' would take no action on complaints relating to administrative matters like recruitment, promotion transfers and other related issues. However, in case of serious complaints of irregularity in these matters, the same could be brought to the notice of the Secretary/Head of the organization for taking appropriate action.
8.	In such cases where a decision has been taken to call for a report, a maximum time limit of 2 weeks may be given. In case no reply is received within two weeks, a reminder should be sent at the level of the "Designated Authority". If no reply is still received, the second reminder

	after 2 weeks should be sent at the level of the Secretary. If no reply is still received, the "Designated Authority' may call for an explanation and recommend administrative action for deliberate delay.
9.	On receipt of the report, the concerned SO/In-charge will put up the matter to the 'Designated Authority' who shall investigated into the complaint and prepare an investigation report within two weeks.
10.	The "Designated Authority" would submit the investigation report alongwith his recommendation to the Central Vigilance Commission for further direction.
11.	Meanwhile, the "Designated Authority" shall ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower".
12.	Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any.
13.	The Section Officer/In-charge should maintain a separate list for the complaints received under the 'PIDPI Resolution' and enter the information in the computer system and monitor their progress periodically and put up the same to the 'Designated Authority every 2 weeks.
14.	Wherever the complainant has alleged victimization/harassment the 'Designated Authority' should ensure that if the identity of the complainant somehow becomes known he/she should not be harassed/ victimized by way of frequent transfers etc.
15.	In case a complainant seeks protection and reports that his life is in danger, the 'Designated Authority' would examine the same and send his recommendation to the CVC to take up the matter with the Nodal Officers of respective States/UTs appointed by the Ministry of Home Affairs/State Governments for the purpose of providing security cover to the whistle blowers.

ANNEXURE-I

CONFIDENTIAL
Speed post/Registered post

F. No. Conf./ /...
Government of India
Ministry of .....

.....
New Delhi the 2014

To,

Sir,

Please refer to your complaint dated ..... received in this Ministry/Department on ..... under "Public Interest Disclosure & Protection of Informer Resolution (PIDPI)".

2. As per policy, a complainant is required to confirm that he/she has actually sent the said complaint to the Ministry/Department. You are, therefore, requested to confirm within 30 days of receipt of this letter, that you have sent the above-mentioned complaint.

3. You are also requested to furnish a certificate to the Ministry/Department as per format enclosed that you have not made similar/identical allegations of corruption/misuse of' office to any other authorities to qualify as a 'Whistle Blower' complainant.

4. The reply may be addressed to the undersigned by name.

Yours faithfully.

Under Secretary

Encl: Certificate.

CERTIFICATE

It is certified that I have not made similar/identical allegation of corruption/misuse of office to any other authorities to qualify as a Whistle Blower complainant.

Signature .....

Name of the Complainant .....

Address .....

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स / Fax : 24651186

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No. 004/VGL/026/396510

दिनांक / Dated 28.09.2018

Circular No.12/09/18

Subject: Government of India Resolution on Public Interest Disclosure & Protection of Informers' - reg.

Please refer to the Commission's Office Order No. 4/2/09 dated 27th February 2009 on the above subject wherein the CVOs of the Ministries /Departments/ Organizations were required to submit their investigation report on complaints/ disclosures forwarded by the Commission under PIDPI Resolution within a period of one month.

2. Central Vigilance Commission as the Designated Agency has reviewed the time limit regarding submission of investigation reports on PIDPI complaints and taking in view the inputs received from various quarters, has now decided to extend the time limit for submission of reports. Henceforth, CVOs of all organizations would submit their reports within a period of **12 weeks** from the receipt of reference seeking reports on PIDPI complaint/disclosure from the Commission.

3. The Chief Vigilance Officers of the Administrative Ministries /Departments of the Government of India who have been authorized as the 'Designated Authority' to receive written complaint or disclosure under PIDPI vide DoPT's amendment resolution No.190 dated 29.08.2013 may also take note of the revised time limit period for submission of report by the organizations in written complaints/disclosures received by the Designated Authorities concerned in the Ministry/Departments which is 12 weeks from receipt of reference of PIDPI complaint/disclosure from the concerned Designated Authority.

4. All CVOs may adhere to the Commission's above revised time limit for strict compliance.

(J.Vinod Kumar)
Director

To

All CVOs of Ministries/Deptts/CPSEs/PSBs/FIs/PSICs/Autonomous Organizations.

NIC to upload on the CVC's website

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स / Fax : 24651186

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No.CONF/MISC/19/02/412853

दिनांक / Dated 11.03.2019

Circular No. 02/03/2019

Subject:- **Applicability of provisions of Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution, 2004 and adoption of Whistle Blower Mechanism in the Public Sector Banks.**

As per Department of Personnel and Training's Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution dated 21.04.2004 the Central Vigilance Commission has been named *"as the **Designated Agency**, to receive written complaints or disclosure on any allegation of corruption or of misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government".*

2. Subsequently, vide Department of Personnel and Training's Resolution dated 14.08.2013, the Chief Vigilance Officers of the Ministries or Departments of the Government of India were also authorised as the **"Designated Authority"** to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

3. From the provisions of the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution dated 21.04.2004 and its amendment dated 14.08.2013, it is clear that:-

(i) The Central Vigilance Commission is the only **"Designated Agency"** to receive complaints from Whistle Blowers under the provisions of Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution and to supervise and monitor the progress of investigation into such complaints.

(ii) The Chief Vigilance Officers of the **Ministries or Departments of the Government of India** are declared as the **"Designated Authority"** to receive complaints against employees of that Ministry or Department or organization falling under the jurisdiction of that Ministry or the Department.

Contd...2...

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(iii) The Chief Vigilance Officer or any other authority of any Public Sector Bank has **not** been declared as the "Designated Authority" to receive complaints, under the provisions of Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution.

4. However, it has been observed that Public Sector Banks have, suo-moto, adopted the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution dated 21.04.2004 & its amendment dated 14.08.2013 and have suo-moto declared the CVOs of the respective banks as the **"Designated Authority"** to receive complaints under the provisions of Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution. Such action by the banks is a violation of the provisions of Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution, which does not envisage direct handling of PIDPI complaints by banks etc.

5. As far as the Whistle Blower Mechanism in Public Sector Banks is concerned, it is observed that the banks are governed by the provisions of Section 177 of the Companies Act, 2013; guidelines dated 17.04.2014 issued by Securities and Exchange Board of India (SEBI) regarding Clause 49 of Listing Agreement between the listed entity and the Stock Exchange; and guidelines/directions dated 01.07.2016 issued by Reserve Bank of India under Section 35 (A) of Banking Regulation Act etc.; as the case may be, which specifically provide for a **"Whistle Blower Mechanism"** for the **employees of the organizations**, to report allegations of corruption or misuse of office by the authorities of that organization.

6. From the Acts/guidelines, as quoted above, it is observed that:-

(i) Public Sector Banks etc. need to have an internal Whistle Blower Mechanism, through which the Directors and employees of the organizations can report about the unethical practices/irregularities/fraud etc.

(ii) This internal Whistle Blower Mechanism is available only to the employees of the organization and not to the general public.

(iii) Under the provisions of Companies Act and SEBI's guidelines, the Whistle Blower Complaints are to be made to the Audit Committee, which includes direct access to the Chairman of the Audit Committee by the Whistle Blower.

(iv) Under the provisions of RBI's directions, the Whistle Blowers Complaints are to be scrutinized by the Fraud Monitoring Group (FMG) of the bank concerned.

(v) The Chief Vigilance Officers of the organizations concerned is not authorized to receive complaints directly from the Whistle Blowers (employees of the organizations), as per the provisions contained in the Companies Act, 2013 and RBI directions dated 01.07.2016 mentioned above.

7. In view of the above, the Commission directs that:-

(i) The management of Public Sector Banks should not quote/mention the provisions of PIDPI Resolution dated 21.04.2004 and its amendment dated 14.08.2013, in its Whistle Blower Policy.

Contd...3...

(ii) The CVO of the respective bank or any other authority of the bank should not be declared as the Designated Authority to receive complaints under the provisions of PIDPI Resolution.

(iii) The management of Public Sector Banks should adopt a Whistle Blower Mechanism, which must be in accordance with the provisions of Companies Act/RBI guidelines and SEBI guidelines, as may be applicable to them.

8. Public Sector Banks, who have suo-moto adopted the Department of Personnel and Training's Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution, should, immediately modify the guidelines issued by them regarding Whistle Blower Mechanism in their respective organizations accordingly.

9. The Central Vigilance Commission may be intimated about the modified guidelines and a copy of the same may also be forwarded to it for its perusal.

(Rajiv Verma)
Officer on Special Duty

To,

(i) Chairman/MD & CEO of All Public Sector Banks.
(ii) CVOs of All Public Sector Banks
(iii) CVO, Department of Financial Services, to ensure that in the Whistle Blower Policy of the Public Sector Banks, there is no mention of the Department of Personnel and Training's Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution and the banks' Whistle Blower Mechanism should adhere to the specific guidelines issued by the agencies concerned.

C.V.C.
Received on: 15 MAR 2019
Time:

Department of Financial Services(Banking Division),
(Shri Ravi Mital, Additional Secretary & Chief Vigilance Officer),
Jeevandeep Building,
Parliament Street,
New Delhi- 110001.

D

o/c

C. V. C.
Received on :
Time :
15 MAR 2019

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ALLAHABAD BANK,
(SH. ARUN KUMAR VERMA, CVO),
2, NETAJI SUBHAS ROAD,
KOLKATA-700001.

ANHRA BANK,
(SH. ARVIND A, CVO),
HEAD OFFICE,
DR. PATTABHI BHAVAN SAIFABAD,
HYDERABAD-500004

BANK OF BARODA,
(SH. K N NAYAK, CVO),
BARODA CORPORATE CENTRE,
C-26, G-BLOCK, BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

BANK OF INDIA,
(SHRI DEVENDRA SHARMA, CVO),
STAR HOUSE, 1ST FLOOR,
C-5, G-BLOCK, BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

BANK OF MAHARASHTRA,
(SHRI LAXMINARAYAN RATH, CVO),
CENTRAL OFFICE, "LOKMANGAL", 1501,
SHIVAJINAGAR,
PUNE-411 005.

CANARA BANK,
SHRI B UMA SANKAR, CVO),
VIGILANCE WING, III FLOOR,
HEAD OFFICE, NO. 112, J C ROAD,
BANGALORE – 560002.

Received on : 15 MAR 2019

e/c

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CORPORATION BANK,
(SH. CH PRABHAKARA RAO, CVO),
P.B NO. 88, HEAD OFFICE MANGALADEVI TEMPLE ROAD,
PANDESHWAR, MANGALURU-575001.

CENTRAL BANK OF INDIA,
(SH. C.V. VENKATESH, CVO),
CENTRAL OFFICE, CHANDER MUKHI,
NARIMAN POINT,
MUMBAI-400021

DENA BANK,
(SH. PARSHURAM PANDA, CVO),
DENA CORPORATE CENTRE,
SECTT. C-10, G-BLOCK, 6TH FLOOR,
BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

EXIM BANK OF INDIA,
(SH. USHA RAVI, CVO),
MAKER CHAMBERS IV,
FLOOR 8, 222, NARIMAN POINT,
MUMBAI-400021.

INDIAN BANK,
(SHRI SUDHAKAR R IYER, CVO),
CORPORATE OFFICE,
254-260, AVVAI SHANMUGAM SALAIA,
ROYAPETTAH,
CHENNAI-600014.

INDIAN OVERSEAS BANK,
(SH. K. VENKATACHALAPATHY, CVO),
CENTRAL OFFICE, P.O-3765,763
ANNA SALAI,
CHENNAI-600 002.

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IDBI BANK,
(SMT. USHA RAVI, CVO),
IDBI TOWER, WTC COMPLEX,
CUFF PARADE,
MUMBAI-400005.

NATIONAL HOUSING BANK,
(SH. M V S N MURTHY, CVO),
INDIA HABITAT CENTRE
CORE-5A, LODHI ROAD,
NEW DELHI-110003.

NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT,
(SMT. S SRIMATHY, CVO),
PLOT NO. C-24,G-BLOCK,
PB 8121, BANDRA KURLA COMPLEX,
BANDRA, MUMBAI - 400 051.

ORIENTAL BANK OF COMMERCE,
(SH. ATUL SINHA, CVO),
PLOT NO. 5, INSTITUTIONAL AREA,
SECTOR-32,
GURGAON-122001.

PUNJAB NATIONAL BANK,
(SH. SATISH KUMAR NAGPAL, CVO),
HEAD OFFICE, 7, BHIKAJI CAMA PLACE,
NEW DELHI-110066.

PUNJAB & SIND BANK,
(SHRI SANJAY JAIN, CVO),
HO VIGILANCE DEPARTMENT,
BANK HOUSE 21, 4TH FLOOR,
RAJENDRA PLACE,
NEW DELHI-110008.

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STATE BANK OF INDIA,
(SMT. S. SRIMATHY, CVO),
CORPORATE CENTER, STATE BANK BHAVAN,
VIGILANCE DEPARTMENT, 8TH FLOOR,
MADAME CAMA ROAD,
MUMBAI-400021.

SYNDICATE BANK,
(SHRI PRABHAKAR RAO, CVO),
CORPORATE OFFICE, 2ND CROSS,
GANDHINAGAR,
BANGALORE-560009.

VIJAYA BANK,
(SH UMESH KUMAR SINGH, CVO),
41/2, M.G. ROAD,
TRINITY CIRCLE,
BANGLAORE-560001.

UNITED BANK OF INDIA,
(SH. ARUN KUMAR VERMA, CVO),
HEAD OFFICE, 16,
HEMANTA BASU SARANI,
KOLKATA-700001.

UNION BANK OF INDIA,
(SH. M V S N MURTHY, CVO),
UNION BANK BHAVAN,
239,VIDHAN BHAVAN MARG,
NARIMAN POINT,MUMBAI-400021

UCO BANK,
(SH. PRADEEP KUMAR, CVO),
HO, 10, BTM SARANI,
KOLKATA-700001.

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ALLAHABAD BANK,
(SHRI RAJNISH KUMAR, CHAIRMAN)
2, NETAJI SUBHAS ROAD,
KOLKATA-700001.

ANDHRA BANK,
(SHRI J PACKIRISAMY, MD & CVO)
HEAD OFFICE,
DR. PATTABHI BHAVAN SAIFABAD,
HYDERABAD-500004

BANK OF BARODA,
(SHRI P. S. JAYAKUMAR, MD & CEO)
BARODA CORPORATE CENTRE,
C-26, G-BLOCK, BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

BANK OF INDIA,
(SHRI DINA BANDHU MOHAPATRA, MD & CEO),
STAR HOUSE,
C-5, G-BLOCK, BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

BANK OF MAHARASHTRA,
(SHRI A S RAJEEV, MD & CEO),
CENTRAL OFFICE, "LOKMANGAL", 1501,
SHIVAJINAGAR,
PUNE-411 005.

CANARA BANK,
(SHRI T. N. MANOHARAN,CHAIRMAN),
VIGILANCE WING,
HEAD OFFICE, NO. 112, J C ROAD,
BANGALORE – 560002.

C.V.C.
Received on: 15 MAR 2019
Time: .....

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CORPORATION BANK,
(SHRI P V BHARATHI, MD & CEO),
P.B NO. 88, HEAD OFFICE MANGALADEVI TEMPLE ROAD,
PANDESHWAR, MANGALURU-575001.

CENTRAL BANK OF INDIA,
(SHRI PALLAV MOHAPATRA, MD & CEO)
CENTRAL OFFICE, CHANDER MUKHI,
NARIMAN POINT,
MUMBAI-400021

DENA BANK,
(SHRI KARNAM SEKAR, MD & CEO),
DENA CORPORATE CENTRE,
SECTT. C-10, G-BLOCK,
BANDRA KURLA COMPLEX,
BANDRA (EAST), MUMBAI-400051.

EXIM BANK OF INDIA,
(MD & CEO),
MAKER CHAMBERS IV,
FLOOR 8, 222, NARIMAN POINT,
MUMBAI-400021.

INDIAN BANK,
(SHRI PADMAJA CHUNDURU, MD & CEO),
CORPORATE OFFICE,
254-260, AVVAI SHANMUGAM SALAIA,
ROYAPETTAH,
CHENNAI-600014.

INDIAN OVERSEAS BANK,
(SHRI R. SUBRAMANIAKUMAR, MD & CEO),
CENTRAL OFFICE, P.O-3765,763
ANNA SALAI,
CHENNAI-600 002.

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IDBI BANK,
(SHRI RAKESH SHARMA, MD & CEO),
IDBI TOWER, WTC COMPLEX,
CUFF PARADE,
MUMBAI-400005.

NATIONAL HOUSING BANK,
(MD & CEO),
INDIA HABITAT CENTRE
CORE-5A, LODHI ROAD,
NEW DELHI-110003.

NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT,
(MD & CEO),
PLOT NO. C-24,G-BLOCK,
PB 8121, BANDRA KURLA COMPLEX,
BANDRA, MUMBAI - 400 051.

ORIENTAL BANK OF COMMERCE,
(SHRI MUKESH KUMAR JAIN, MD & CEO),
PLOT NO. 5, INSTITUTIONAL AREA,
SECTOR-32,
GURGAON-122001.

PUNJAB NATIONAL BANK,
(SHRI SUNIL MEHTA, MD & CEO),
HEAD OFFICE, 7, BHIKAJI CAMA PLACE,
NEW DELHI-110066.

PUNJAB & SIND BANK,
(SHRI S. HARI SHANKER, MD & CEO),
HO VIGILANCE DEPARTMENT,
BANK HOUSE 21,
RAJENDRA PLACE,
NEW DELHI-110008.

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STATE BANK OF INDIA,
(SHRI RAJNISH KUMAR, CHAIRMAN),
CORPORATE CENTER, STATE BANK BHAVAN,
VIGILANCE DEPARTMENT,
MADAME CAMA ROAD,
MUMBAI-400021.

SYNDICATE BANK,
(SHRI MRUTYUNJAY MAHAPATRA, MD & CEO),
CORPORATE OFFICE, 2ND CROSS,
GANDHINAGAR,
BANGALORE-560009.

VIJAYA BANK,
(SHRI R.A.SANKARA NARAYANAN, MD & CEO),
41/2, M.G. ROAD,
TRINITY CIRCLE,
BANGLAORE-560001.

UNITED BANK OF INDIA,
(SHRI ASHOK KUMAR PRADHAN, MD & CEO),
HEAD OFFICE, 16,
HEMANTA BASU SARANI,
KOLKATA-700001.

UNION BANK OF INDIA,
(SHRI RAJKIRAN RAI G, MD & CEO),
UNION BANK BHAVAN,
239,VIDHAN BHAVAN MARG,
NARIMAN POINT,MUMBAI-400021

UCO BANK,
(SHRI ATUL KUMAR GOEL, MD & CEO),
HO, 10, BTM SARANI,
KOLKATA-700001.

CENTRAL VIGILANCE COMMISSION

PUBLIC NOTICE

Sub: Processing of PIDPI complaints by the Screening Committee of the Commission - Reg.

As per the provisions of "Public Interest Disclosure and Protection of Informers Resolution" dated 21.04.2004, Government of India has declared the Central Vigilance Commission as the 'Designated Agency' to receive written complaints from Whistle Blowers for disclosure on any allegations of corruption or misuse of office and recommend appropriate action.

2. As per the provisions contained in Para 4(ii) of the PIDPI Resolution dated 21.04.2004, the Central Vigilance Commission has the responsibility of maintaining confidentiality about the identity of the complainant. Para 4(ii) of the PIDPI Resolution states that *"The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority"*. Thus, it is clear that **the complainant has also to ensure that he should not disclose his identity to any other office or authority**.

3. While processing the complaints received under the "Public Interest Disclosure and Protection of Informers Resolution", it has been observed that there are certain categories of complaints where it is not possible to maintain confidentiality about the identity of the complainants and "No Objection Certificate" is obtained from them before processing their complaints. On receipt of the No Objection Certificate, the complaints are processed and placed before the Screening Committee for consideration. Such complaints are considered as **Non Public Interest Disclosure and Protection of Informers (Non PIDPI) Complaints,** but before processing such complaints, the identity of the complainant is masked, thus taking adequate safeguard in an attempt to maintain confidentiality about the complainant's identity. Some categories of complaints, which one similarly dealt with are as under :-

(i) The complaint has been received in an open condition.

(ii) The complaint has been addressed/endorsed to several authorities.

(iii) The issues raised in the complaint had earlier been taken up with other authorities.

(iv) The information has been sought / obtained under the provisions of RTI Act, by the complainant himself.

Cont....2

(v) The complainant had earlier taken up the issue with this Commission in the form of an ordinary complaint, under the Commission's Complaint Handling Policy.

(vi) The complainant makes a complaint through email or seeks status/information regarding his earlier PIDPI Complaint by sending an email, thus making his identity public, which is violation of the guidelines issued by the Commission for making complaints under the provisions of PIDPI Resolution.

(vii) The complaint has been addressed/endorsed to many authorities of the Central Vigilance Commission, thus, disclosing his identity.

4. **Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.**

Dated: 24/04/2019

No. 31-01/2021-PO
Government of India
Ministry of Communications
Department of Posts
(PO Division)

Dak Bhawan, Sansad Marg
New Delhi -110 001

Dated: 31st March, 2021

To,

All Heads of Circles

Subject: Issuance of instructions for non-disclosure of the identity of the complainant under "Public Interest Disclosure and Protection of Informer"

This is regarding issuance of instructions for non-disclosure of the identity of the complainant at the time of posting of articles containing material of "Public Interest Disclosure and protection of informer" (PIDPI) compliant.

2. The Central Vigilance Commission has requested that the name and address of the sender should not be insisted on the letters that are marked as "PIDPI" or "Public Interest Disclosure and Protection of Informer" in order to address the issue of non-disclosure of name & address of the sender/ complainant while posting/ submitting the PIDPI complaints through posting of article in post office.

3. The competent authority has accepted the recommendation of the CVC and the following has been decided regarding acceptance of envelopes super scribed as "PIDPI" Or "Public Interest Disclosure and Protection of Informer" addressed to the CVC as well as CVOs.

"Any article, addressed to the CVC as well as CVOs, posted with the superscription "Complaint under The Public Interest Disclosure" or "PIDPI Complaint" on the outside of the envelope of the article, can be accepted for posting registration and speed post service, without the name and complete address including mobile number & email address of the sender."

Note 1: These instructions will compulsorily be followed in all the post offices viz. CSI Post Offices & Non-CSI Post Offices (Meghdoot Millennium Software).

Note 2: All the Postmasters, Assistant Postmasters/supervisors and Postal Assistants and Branch Postmasters and Assistant branch Postmasters will scrupulously follow these instructions.

Note 3: Counter PAs/BPMs/ABPMs should also be instructed not to insist for name and address of the sender on booking such articles the superscription "Complaint under The Public Interest Disclosure" or "PIDPI Complaint".

4. In the software, "PIDPI" will be entered against the Name & Address fields of the sender, at the time of booking of such Speed Post/Registered Articles.

5. It is requested to kindly circulate this order to all concerned for information, guidance and necessary action.

6. This issues with approval of the Competent Authority.

(Adnan Ahmed)
DDG (Postal Operations)
e-Mail: ddgpo.dte@indiapost.gov.in
Tel. No.- 011-23096179

Copy to:-

1. Sr. PPS to Secretary (Posts)
2. PS to Director General Postal Services.
3. PPS/ PS to Addl. DG (co-ordination)/Member (Banking)/ Member (O)/ Member (P)/ Member (Planning & HRD)/ Member (PLI)/ Member (Tech)/ AS& FA
4. Addl. Director General, APS, New Delhi
5. Chief General Manager, BD Directorate / Parcel Directorate / PLI Directorate
6. Sr. Deputy Director General (Vigilance) &CVO)
7. Director, RAKNPA / CGM. CEPT / Directors of all PTC's
8. Secretary, Postal Services Board/ All Deputy Directors General
9. Chief Engineer (Civil). Postal Directorate
10. All Sections of Postal Directorate
11. All recognized Federations / Unions/ Associations
12. CGM, CEPT for uploading the order on the India post website.
13. Guard File
14. Spare copy

IS Director (Vigilance)

CENTRAL VIGILANCE COMMISSION

****

File No. Conf/Misc/21/01 Dated : 30/07/2021

Public Notice

Sub: Processing of PIDPI Complaints by the Screening Committee of the Commission- Reg.

Ref.: Public Notice dated 24.04.2019 regarding - Processing of PIDPI Complaints by the Screening Committee of the Commission.

In supersession of the PUBLIC NOTICE notified by the Commission on 24.04.2019, the following procedure on the above subject is now being prescribed by the Commission:

2. The procedure as mentioned in Para-3 in the PUBLIC NOTICE dated 24.04.2019 has been reviewed by the Commission. It has been observed that the practice of obtaining NOC from the Whistle Blower/complainant is not in line with the main objective of Public Interest Disclosure and Protection of Informers Resolution 2004. Therefore, it has been decided to discontinue the practice of obtaining NOC from the Whistle Blower/complainant.

3. When a complaint is put up to the Screening Committee, if it is found that there are certain shortcomings due to which it does not **fulfil the eligibility criteria,** it will be returned to the complainant, clearly enumerating the reasons for not fulfilling the eligibility criteria. The complaint will then be closed in the Commission.

4. Thereafter, the complainant has the option of either sending a fresh regular complaint to the Central Vigilance Commission under its Complaint Handling Policy or may again lodge a fresh complaint if desired under PIDPI Resolution after removal of the deficiencies.

5. The complaints/disclosures already categorised as Non-Public Interest Disclosure and Protection of Informers (Non-PIDPI) complaints/cases where No Objection Certificate was received from the complainant before issuance of this Public Notice will continue to be processed as such as per our previous guidelines/Public Notice dated 24.04.2019.

6. All complaints received in the CVC on or after **16.08.2021** shall be governed by these guidelines.

7. Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.

VIG-01/1/2021-vigilance-DOP
Government of India
Ministry of Communications
Department of Posts
****

Dak Bhawan, Sansad Marg
New Delhi – 110001
Dated: 26.11.2021

To,

All the Heads of Circles

Subject: Non-disclosure of the identity of the sender under PIDPI.

Sir/ Madam,

I am directed to refer to the CVC D.O. letter No. Conf/Misc/21/02 dated 17.11.2021 and PO Division office letter No. 31-01/2021-PO dated 03.03.2021 and 03.11.2021 (copies enclosed) whereby instructions regarding acceptance of the envelopes addressed to CVC and marked as 'PIDPI' or 'Public Interest Disclosure and Protection of Informer' without insisting on the name and address of the sender were issued to all the Heads of Circles.

2. It has been observed that the aforesaid instructions have not percolated down to all those who are involved in the booking of Registered/ Speed Post articles. In this regard, concerns have been raised by the Central Vigilance Commission citing the gap in the implementation of the aforesaid instructions.

3. It is, therefore, reiterated that all the employees may be sensitized not to insist on the name and address of the sender and accept the envelopes marked as 'PIDPI' or 'Public Interest Disclosure and Protection of Informer' addressed to the CVC by entering 'PIDPI' in the name and address fields of Registered /Speed Post articles. It is also requested to display the poster (copy enclosed) at prominent places in Post Offices under your jurisdiction. It is suggested that in the BOs and smaller offices, the posters should be printed on A-4 size paper and displayed on the notice boards. It is also requested to give wide publicity to these instructions duly translated in local/ regional languages through the use of Circle websites and other social media platforms. PTCs may also be instructed to include these in the different training modules.

4. The matter may be accorded 'Top Priority'.

This issues with the approval of DG(PS).

Encl.: As above.

Yours faithfully,

(Jagdeep Gupta)
Director (Vigilance)

Copy to -
1. All Directors, PTCs for inclusion in appropriate training modules.
2. DDG(PO) for information.
3. Secretary, CVC for information.

CENTRAL VIGILANCE COMMISSION

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File No. Conf/Misc/21/01 **dated: 04/02/2022**

Public Notice

Sub: Regarding closure of complaints which does not qualify prima-facie as PIDPI complaints without submission to Screening Committee - Reg.

Ref.: Public Notice vide File No. Conf/Misc/21/01 Dated: 30/07/2021 Regarding processing of PIDPI Complaints by the Screening Committee of the Commission.

It is observed that a large number of complaints received under "Public Interest Disclosure and Protection of Informers (PIDPI) Resolution" do not fulfil the eligibility criteria to be dealt under PIDPI Resolution, as keeping the identity of the complainant a secret is not possible due to some deficiency or the other. In this regard, necessary guidelines have already been issued and uploaded on the CVC website, despite this such complaints are still received in a large number.

2. The current practice being followed in the Commission for such complaints is as per Public Notice issued on 30.07.2021 and as per process, the complainant is asked to give confirmation regarding a complaint and then the complaint is filed due to some deficiency, which is leading to delay in meaningful processing of complaints.

3. The complaints which at first glance clearly do not fulfil eligibility criteria for some reasons are such as:

a. Matter already addressed to other authorities,

b. Enclosed documents received under RTI Act which will reveal his identity,

c. Complaints received in open condition or vide email/online portal,

d. Complaints personally related to the complainant.

4. It has been decided that at the onset itself, at the level of Confidential Section, the matter may be returned to the complainant, explaining that the matter cannot be treated as a PIDPI complaint, clearly enumerating the reasons.

5. The complainant has the avenue of resubmitting the complaint, if he so desires, either under the Complaint Handling Policy as general complaint or after removing the deficiencies as a PIDPI complaint under the provisions of "Public Interest Disclosure and Protection of Informers (PIDPI) Resolution".

6. Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi

As amended upto 31.12.2014

[1]CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964 (Updated)

S. No.	Rule	Title of the Rules
1.	1	Short title, commencement and application
2.	2	Definitions
3.	3	General
4.	3-A	Promptness and Courtesy
5.	3-B	Observance of Government's policies
6.	3-C	Prohibition of sexual harassment of working women
7.	4	Employment of near relatives of Government servant in companies or firms
8	5	Taking part in politics and elections
9	6	Joining of association by Government servants
10	7	Demonstration and Strikes
11	8	Connection with Press or other media
12	9	Criticism of Government
13	10	Evidence before Committee or any other authority
14	11	Communication of official information
15	12	Subscriptions
16	13	Gifts
17	13-A	Dowry
18	14	Public demonstration in honour of Government servants
19	15	Private trade or employment
20	15-A	Subletting and vacation of Government accommodation
21	16	Investments, lending and borrowing
22	17	Insolvency and habitual indebtedness
23	18	Movable, immovable and valuable property
24	18-A	Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.
25	19	Vindication of acts and character of Government servants
26	20	Canvassing of non-official or other outside influence
27	21	Restriction regarding marriage
28	22	Consumption of intoxicating drinks and drugs
29	22-A	Prohibition regarding employment of children below 14 years of age
30	23	Interpretation
31	24	Delegation of Powers
32	25	Repeal and Saving

1. Short title, commencement and application

(1) These rules may be called the Central Civil Services (Conduct) Rules, 1964.

(2) They shall come into force at once.

(3) Save as otherwise provided in these rules and subject to the provisions of the Indian Foreign Service (Conduct and Discipline) Rules, 1961, these rules shall apply to every person appointed to a civil service or post (including a civilian in Defence Service) in connection with the affairs of the Union:

Provided that nothing in these rules shall apply to any Government servant who is –

(a) (i) a railway servant as defined in Section 3 of the Indian Railways Act, 1890 (9 of 1890);
(ii) a person holding a post in the Railway Board and is subject to the Railway Services (Conduct) Rules;
(iii) holding any post under the administrative control of the Railway Board or of the Financial Commissioner of Railways;

(b) a member of an All India Service;

(c) a holder of any post in respect of which the President has, by a general or special order, directed that these rules shall not apply:

Provided further that Rules 4,6,7,12,14, sub-rule (3) of Rule 15, Rule 16, sub-rules (1), (2) and (3) of Rule 18, Rules 19, 20 and 21 shall not apply to any Government servant who draws a pay which does not exceed Rs.500 per mensem and holds a non-gazetted post in any of the following establishments, owned or managed by the Government, namely:-

(i) ports, docks, wharves or jetties;
(ii) defence installations except training establishments;
(iii) public works establishments, in so far as they relate to work-charged staff;
(iv) irrigation and electric power establishments;
(v) mines as defined in clause (j) of Section 2 of the Mines Act, 1952 (35 of 1952);
(vi) factories as defined in clause (m) of Section 2 of the Factories Act, 1948 (63 of 1948); and
(vii) field units of the Central Tractor Organisation employing workmen governed by labour laws:

Provided further that these rules shall apply to any person temporarily transferred to a service or post specified in clause (a) of the first proviso to whom but for such transfer these rules would have otherwise applied.

EXPLANATION- For the purposes of the second proviso, the expression 'establishment' shall not include any railway establishment or any office mainly concerned with administrative, managerial, supervisory, security or welfare functions.

2. Definitions

In these rules, unless the context otherwise requires,-

(a) "The Government" means the Central Government;
(b) "Government servant" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;

EXPLANATION.–A Government servant whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government shall, for the purpose of these rules, be deemed to be a Government servant serving under the Government notwithstanding that his salary is drawn from sources other than the Consolidated Fund of India;

(c) "Members of family" in relation to a Government servant includes:-

(i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
(iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

3. General

(1) Every Government servant shall at all times--

(i) maintain absolute integrity;
(ii) maintain devotion to duty; and
(iii) do nothing which is unbecoming of a Government servant.
[44](IV) commit himself to and uphold the supremacy of the Constitution and democratic values;
(v) defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
(vi) maintain high ethical standards and honesty;
(vii) maintain political neutrality;
(viii) promote the principles of merit, fairness and impartiality in the discharge of duties;
(ix) maintain accountability and transparency;
(x) maintain responsiveness to the public, particularly to the weaker section;
(xi) maintain courtesy and good behaviour with the public;
(xii) take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;

(xiii) declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;

(xiv) not place himself under any financial or other obligations to any individual or organisation which may influence him in the performance of his official duties;

(xv) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;

(xvi) make choices, take decisions and make recommendations on merit alone;

(xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;

(xviii) refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;

(xix) maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;

(xx) maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;

(xxi) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

[23](ii) No Government servant 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;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

[26]Explanation I.- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected to him shall be deemed to be lacking in devotion to duty within the meaning the cause (ii) of sub-rule (1).

Explanation II.- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

[34]3A. Promptness and Courtesy

No Government servant shall

(a) in the performance of his official duties, act in a discourteous manner;
(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

[34]3B. Observance of Government's policies

Every Government servant shall, at all times-

(i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
(ii) observe the Government's policies regarding prevention of crime against women.

[36/43]3C. Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
(2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (I) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely : -
  (i) physical contact and advances; or
  (ii) a demand or request for sexual favours; or
  (iii) making sexually coloured remarks; or
  (iv) showing pornography; or
  (i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -
  (i) implied or explicit promise of preferential treatment in employment; or
  (ii) implied or explicit threat of detrimental treatment in employment; or
  (iii) implied or explicit threat about her present or future employment status; or
  (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  (v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes,-
  (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
  (ii) hospitals or nursing homes;

(iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
(iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
(v) a dwelling place or a house.'.

4. [17]Employment of near relatives of Government servant in Companies or firms-

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any [16]company or firm;

(2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant, to accept employment in any [16]company or firm with which he has official dealings or in any other [16]company or firm having official dealings with the Government:

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any [16]company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that [16]company or firm:

Provided that no such intimation shall be necessary in the case of a Class I officer if he has already obtained the sanction of, or sent a report to the Government under clause (i).

(3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any [16]company or firm or any other person if any member of his family is employed in that [16]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 Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

5. Taking part in politics and elections

(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of , or assisting in any other

manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

Provided that -

(i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

EXPLANATION.- The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. Joining of associations by Government servants

No Government servant shall join or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

7. Demonstration and strikes

No Government servant shall -

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike [10]or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant.

[34]8. Connection with press or other media

(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.

(2) Nothing in sub-rule (1) shall apply in case a Government servant in the bonafide discharge of his official duties publishes a book or participates in a public media.

(3) A Government servant publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of Government.

9. Criticism of Government

No Government servant shall, in [34]any radio broadcast, telecast through any electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion -

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government:

[34]Provided that in the case of any Government servant included in any category of Government servants specified in the second proviso to sub-rule (3) of rule 1, nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a trade union or association of Government servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

(ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

10. Evidence before Committee or any other authority

(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to-

(a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
(b) evidence given in any judicial enquiry; or
(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

[39]11. Communication of Official Information.-

Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder :

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is no authorized to communicate such document or classified information.

12. Subscriptions

No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

[32]13. Gifts

(1) Save as provided in these rules, no Government servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift.

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 personal friend having no official dealings with the Government servant.

NOTE (1) - A casual meal, lift or other social hospitality shall not be deemed to be a gift -

NOTE (2) - A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations, etc., having official dealings with him.

[35][(2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious and social practice, a Government servant may accept gifts from his near relatives or from his personal friends having no official dealings with him, but shall make a report to the Government, if the value of such gift exceeds;-

(i) [42]rupees twenty five thousand in the case of a Government servant holding any Group 'A' post;
(ii) rupees fifteen thousand in the case of a Government servant holding any Group 'B' post;
(iii) rupees seven thousand five hundred in the case of a Government servant holding any Group 'C' post; and

(3) In any other case of a Government servant shall not accept any gift without sanction of the Government if the value thereof exceeds.

(i) rupees one thousand five hundred in the case of a Government servant holding any Group 'A' or Group 'B' post; and
(ii) rupees five hundred in the case of a Government servant holding any Group 'C' or Group 'D' post.

(4) Notwithstanding anything contained in sub-rules (2), and (3) a Government servant, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.

(5) A Government servant shall not accept any gifts from any foreign firm which is either contracting with the Government of India or is one with which the Government servant had, has or is likely to have official dealings. Acceptance of gifts by a Government servant from any other firm shall be subject to the provisions of sub-rule (3).]

[16]13-A. Dowry

No Government servant shall-

(i) give or take or abet the giving or taking of dowry; or
(ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:- For the purposes of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961(28 of 1961).

14. Public demonstrations in honour of Government servants

No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to-

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or
(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

NOTE :- Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

[29]15. Private trade or employment

(1) Subject to the provisions of sub-rule (2), no Government servant shall, except with the previous sanction of the Government-

(a) engage directly or indirectly in any trade or business, or
(b) negotiate for, or undertake, any other employment, or
(c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
(d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
(e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any co-operative society for commercial purposes.

[35](f) participate in or associate himself in any manner in the making of-

(i) a sponsored media (radio or television) programme; or
(ii) a media programme commissioned by Government media but produced by a private agency; or
(iii) a privately produced media programme including video magazine:

Provided that no previous permission shall be necessary in case where the Government servant participates in a programme produced or commissioned by Government media in his official capacity.

(2) A Government servant may, without the previous sanction of the Government,-

(a) undertake honorary work of a social or charitable nature, or
(b) undertake occasional work of a literary, artistic or scientific character, or
(c) participate in sports activities as an amateur, or
(d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, or
(e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that: -

(i) he shall discontinue taking part in such activities, if so directed by the Government; and
(ii) in a case falling under clause (d) or clause(e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

(3) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(4) Unless otherwise provided by general or special orders of the Government, no Government servant may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

EXPLANATION- The term 'fee' used here shall have the meaning assigned to it in Fundamental Rule 9 (6-A).

[35]15 A. Sub-letting and vacation of Government accommodation.

(1) Save as otherwise provided in any other law for the time being in force, no Government servant shall sub-let, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him.

(2) A Government servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

16. Investment, lending and borrowing

[35](1) No Government servant shall speculate in any stock, share or other investment:

Provided that nothing in this sub-rule shall apply to occasional investments made through stock brokers or other persons duly authorised and licensed or who have obtained a certificate of registration under the relevant law.

Explanation - Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

[40](2) (i) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares out of the quotas reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to embarrass the Government servant.

(ii) No Government servant who is involved in the decision making process of fixation of price of an Initial Public Offering or Follow-up Public Offering of shares of a Central Public Sector Enterprise shall apply, either himself or through any member of his family or through any other person acting on his behalf, for allotment of shares in the Initial Public Offerings or Follow-up Public Offerings of such Central Public Sector Enterprise.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule(2), the decision of the Government thereon shall be final.

[9](4) (i) No Government servant shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf,-

(a) lend or borrow or deposit money, as a principal or an agent to, or from or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that a Government servant may, give to, or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

(ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

17. Insolvency and habitual indebtedness

A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

NOTE. - The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government servant.

18. Movable, immovable and valuable property

(1) (i) Every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding -

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
(b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
(c) other movable property inherited by him or similarly owned, acquired or held by him; and
(d) debts and other liabilities incurred by him directly or indirectly.

NOTE I.- Sub-rule (1) shall not ordinarily apply to Group 'D' servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

NOTE II.- In all returns, the values of items of movable property worth less than Rs.[33]10,000/- may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

NOTE III.- [20]Where a Government servant already belonging to a service or holding a post in appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

[18](ii) Every Government servant belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding 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.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

[27]Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealing with him.

[41](3) Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds two months' basic pay of the Government servant:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, 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 or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of Government servants belonging to Group 'C' or Group 'D' from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the [11]Cabinet Secretariat (Department of Personnel).

Explanation I. - For the purposes of this rule -

(1) the expression "movable property" includes-

(a) jewellery, insurance policies, the annual premia of which exceeds Rs. [42]'two months' basic pay of the Government servant , shares, securities and debentures;

[30](b) all loans, whether secured or not, advanced or taken by the Government servant;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios radiograms and television sets.

2. "Prescribed authority" means-

(a) (i) the Government, in the case of a Government servant holding any Group 'A' post, except where any lower authority is specifically specified by the Government for any purpose;

(ii) Head of Department, in the case of a Government servant holding any Group 'B' post;

(iii) Head of Office, in the case of a Government servant holding any Group 'C' or Group 'D' post;

(b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

[14]Explanation II.- For the purpose of this rule '*lease*' means, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

[14]18-A. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.-

Notwithstanding anything contained in sub-rule (2) of Rule 18, no Government servant shall, except with the previous sanction of the prescribed authority, -

(a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;

(b)dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;

(c) enter into any transaction with any foreigner, foreign Government , foreign organisation or concern,-

(i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property;

(ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

Explanation.- In this rule "prescribed authority" has the same meaning as in Rule 18.

19. Vindication of acts and character of Government servant

(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the Press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character.

[34]Provided that if no such sanction is received by the Government servant within a period of three months from the date of receipt of his request by the Government, he shall be free to assume that the permission as sought for has been granted to him.

(2) Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

20. Canvassing of non-official or other outside influence

No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

[5]21. [12]Restriction regarding marriage-

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (1) or clause(2), if it is satisfied that-

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and
(b) there are other grounds for so doing.

[12](3) A Government servant who has married or marries a person other than of India Nationality shall forthwith intimate the fact to the Government.

22. Consumption of intoxicating drinks and drugs

A Government servant 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) [8]not be under influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

[13](bb) refrain from consuming any intoxicating drink or drug in a public place;

(c) not appear in a public place in a state of intoxication;

(d) not [8]use any intoxicating drink or drug to excess.

[13]Explanation: For the purposes 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.

[37]22-A. Prohibition regarding employment of children below 14 years of age.

No Government servant shall employ to work any child below the age of 14 years.

23. Interpretation

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

24. Delegation of Powers

The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these rules (except the powers under Rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

25. Repeal and Saving

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

[6]Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.

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Hyperlinks for all the Amendments

1. S.O. No. 4177 dated the 12th December, 1964
2. Notification No. 25/46/64-Ests(A) dated 22nd June, 1965
3. Notification No. 25/3/66-Ests (A) dated 3rd March, 1966
4. Notification No. 25/10/67-Ests(A) dated 23rd November, 1967
5. S.O. No. 3424 dated 28th September, 1968
6. S.O. No. 951 dated 15th March, 1969
7. S.O. No. 1511 dated 24th April, 1969
8. S.O. 482, dated the 14th February, 1970
9. S.O. 1207, dated the 4th April, 1970
10. S.O. 2683, dated the 15th August, 1970
11. S.O. 3129, dated the 26th September, 1970
12. S.O. 3943, dated the 19th December, 1970
13. S.O. 3643, dated the 4th November, 1972;
14. S.O. 83, dated the 13th January, 1973
15. S.O. 2099, dated the 4th August, 1973
16. S.O. 846, dated the 28th February, 1976;
17. S.O. 2563, dated the 17th July, 1976;
18. S.O. 2691, dated the 24th July, 1976
19. S.O. 3385, dated the 25th September, 1976
20. S.O. 4663, dated the 11th December, 1976
21. S.O. 2859, dated the 17th September, 1977
22. S.O. 2859, dated the 30th September, 1978
23. S.O. 3, dated the 6th January, 1979
24. S.O. 1270, dated the 10th May, 1980
25. S.O. 4812, dated the 19th October, 1985;
26. S.O. 935, dated the 8th March, 1986;
27. S.O. 1124, dated the 22nd March, 1986;
28. S.O. 3159, dated the 20th September, 1986;
29. S.O. 3280, dated the 27th September, 1986;
30. S.O. 1965, dated the 8th August, 1987;
31. S.O. 1454, dated the 14th May, 1988;
32. S.O. 2582, dated the 6th October, 1990;
33. S.O. 3132, dated the 26th December, 1992;
34. GSR 355, dated the 29th July, 1995;
35. GSR 367, dated the 31st August, 1996;
36. GSR 49, dated the 7th March, 1998;
37. GSR 342, dated the 23rd October, 1999;
38. GSR 458, dated the 27th December, 2003;
39. GSR 376, dated the 22nd October, 2005;
40. GSR 8, dated the 31st January, 2009;
41. GSR 370(E), dated the 9th May, 2011;
42. GSR 149(E), dated the 4th March, 2014 and
43. GSR 823(E), dated the 19th November, 2014
44. GSR 845(E), dated the 27th November, 2014

RULES IN THE CCS (CONDUCT) RULES, 1964 AND THEIR RESPECTIVE AMENDMENTS

S.No.	Rule No.	Amendments
1.	1	Nil
2.	2	Nil
3.	3	1. S.O. No. 3 dated 6th January, 1979 2. S.O. No. 935 dated 8th March, 1986 3. G.S.R No845(E)dated 27th November, 2014
4.	3-A	G.S.R. No. 355 dated 29th July, 1995
5.	3-B	G.S.R. No. 355 dated 29th July, 1995
6.	3-C	1. G.S.R. No.49 dated 7th March, 1998 2. G.S.R. 823(E) dated 19th November, 2014
7	4	1. S.O. No. 846 dated 28th February, 1976 2. S.O. No. 2563 dated 17th July, 1976
8	5	Nil
9.	6	Nil
10.	7	S.O. No. 2683 dated 15th August, 1970
11.	8	1. Notification No. 25/10/67-Ests(A) dated 23.11.1967 2. G.S.R. No. 355 dated 29th July, 1995
12.	9	G.S.R. No. 355 dated 29th July, 1995
13.	10	Nil
14.	11	1. Notification No. 25/3/66-Ests(A) dated 3.03.1966 2. G.S.R. 376 dated 22nd October, 2005
15.	12	Nil
16.	13	1. S.O. No. 846 dated 28th February, 1976 2. S.O. No. 4812 dated 19th October, 1985 3. S.O. No. 2582 dated 6th October, 1990 4. G.S.R. 367 dated 31st August, 1996 5. G.S.R. 458 dated 27th December, 2003 6. G.S.R. 149(E) dated 4th March, 2014
17.	13-A	S.O. No. 846 dated 28th February, 1976
18.	14	Nil
19.	15	1. S.O. No. 2099, dated 4th August, 1973 2. S.O. No. 2859 dated 30th September, 1978 3. S.O. No. 1270 dated 10th May, 1980 4. S.O. No. 3280 dated 27th September, 1986 5. G.S.R. 367 dated 31st August, 1996
20.	15-A	G.S.R. 367 dated 31st August, 1996
21	16	1. Notification No.25/46/64-Ests(A) dated 22.06.1965 2. S.O. 1207 dated 4th April, 1970 3. G.S.R. 367 dated 31st August, 1996

		4. G.S.R. 8 dated 31st January 2009
22	17	Nil
23.	18	1. Notification No.25/46/64-Ests(A) dated 22.06.1965 2. S.O. No. 3129 dated 26th September, 1970 3. S.O. No. 83 dated 13th January, 1973 4. S.O. No. 2099 dated 4th August, 1973 5. S.O. No. 2691 dated 24th July, 1976 6. S.O. No. 4663 dated 11th December, 1976 7. S.O. No. 1124 dated 22nd March, 1986 8. S.O. 3159 dated 20th September, 1986 9. S.O. No. 1965 dated 8th August, 1987 10. S.O. 1454 dated 14th May, 1988 11. S.O. 3132 dated 26th December, 1992 12. G.S.R. 367 dated 31st August, 1996 13. G.S.R. 458 dated 27th December, 2003 14. G.S.R. No. 370(E) dated 9th May, 2011
24.	18-A	S.O. No. 83 dated 13th January, 1973
25.	19	G.S.R. No. 355 dated 29th July, 1995
26.	20	Nil
27.	21	1. S.O. No. 3424 dated 28th September, 1968 2. S.O. No. 3943, dated 19th November, 1970
28.	21- _____	1. S.O. 3385, dated the 25th September, 1976 2. S.O. No. 2859 dated 17th September, 1977
29.	22	1. S.O. No. 482 dated 14th February, 1970 2. S.O. No. 3643 dated 4th November, 1972
30.	22-A	G.S.R. 342 dated 23rd October, 1999
31.	23	Nil
32.	24	Nil
33	25	1. S.O. No. 951 dated 15th March, 1969 2. S.O. No. 1511 dated 24th April, 1969

AMENDMENTS AND THEIR RESPECTIVE RULES

S.No.	Amendment	Rules
1.	S.O. No. 4177 dated 12th December, 1964 (**Principal Rules**)	1 to 25
2.	Notification No. 25/46/64-Ests(A) dated 22nd June, 1965	
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CENTRAL CIVIL SERVICES

(LEAVE) RULES, 1972.

(UPDATED AS ON 24.09.2024)

CCS RULES.IN

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CENTRAL CIVIL SERVICES

LEAVE RULES

CHAPTER I- Preliminary

1. Short title and commencement

(1) These rules may be called the Central Civil Services (Leave) Rules, 1972.

(2) They shall come into force on the 1st day of June, 1972.

2. Extent of application

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union, but shall not apply to-

(a) Railway servants;
(b) persons in casual or daily-rated or part-time employment;
(c) persons paid from contingencies;
(d) workmen employed in industrial establishments;
(e) persons employed in work-charged establishments;
(f) members of the All India Services;
(g) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
(h) persons employed on contract except when the contract provides otherwise;
(i) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;
(j) persons governed, for purposes of leave, by the Fundamental Rules or the Civil Service Regulations;
(k) persons serving under a Central Government Department, on deputation from a State Government or any other source, for a limited duration.

3. Definitions

(1) In these rules, unless the context otherwise requires-

(a) Administrator means an Administrator of a Union Territory;
(b) Audit Officer means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the Government servant is situated;
(c) Authority competent to grant leave means the authority specified in Column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in Column (2) of the said Schedule;

(d) Completed years of service or one year's continuous service|| means continuous service of specified duration under the Central Government and includes the period spent on duty as well as on leave including extraordinary leave;

(e) Date of retirement or date of his retirement in relation to a Government servant, means the afternoon of the last day of the month in which the Government servant attains the age prescribed for retirement under the terms and conditions governing his services.
(MOF Notification No. 5(7)-E.IV(A)/75 dated 02.12.1975)

(f) Department of the Central Government means a Ministry or aDepartment of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President's Secretariat, the Vice-President's Secretariat, the Cabinet Secretariat and the Prime Minister's Secretariat;

(fa) "disability" means "specified disability", "benchmark disability" and "disability having high support needs" as referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016).
(DOPT Notification No. No. 18017/l/2014-Estt. (L), dated 03.04.2018)

(g) Foreign service means service in which a Government servant receiveshis pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State [or the Consolidated Fund of a Union Territory];

(h) Form means a Form appended to the Second Schedule to these rules;

(i) Government servant in quasi-permanent employ|| means-

(A) an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the ministerial Services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that that vacancy is expected to become permanent but is not confirmed after completion of three years continuous service;

(B) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1965.

(j) Government servant in permanent employ means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;

(k) Head of Mission means Ambassador, Charge d' Affaires, Minister, Consul-General, High Commissioner or any other authority declared as such by the Central Government, in the country in which the Government servant undergoes a course of study or training;

(l) Military Officer means an officer of the Armed Forces who is-

(i) a Commissioned Officer of the Army, the Navy or the Air Force, or

(ii) (a) a Junior Commissioned Officer (including an honorary commissioned officer), or an other rank' of the Army, or
(b) a Branch List Officer or rating of the Navy, or
(c) an airman including a Master Warrant Officer of the Air Force;

(m) Vacation Department means a department or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules and Supplementary Rules shall have the meanings respectively assigned to them in the Fundamental Rules and Supplementary Rules.

4. Government servants on temporary transfer or on foreign service

(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Indian Railways or to a State Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with UN agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

5. Transfer from services or posts governed by other leave rules

Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply –

(a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

Provided that where a Military Officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as per the provisions under these rules:

Provided further that in the event of his release/discharge from the Armed Forces, he shall carry forward the annual leave due to him with effect from the date of such release/discharge.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

(b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Rule 26. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the (Department or the Government from which the Government servant proceeds on leave):

(DOPT Notification No. 14028/4/91-Estt.(L) dated 18.09.95)

Provided that in the case of Military Officer, half pay leave equal to the number of days of furlough shall also be carried forward in addition to the earned leave equal to the number of days of annual leave on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

6. Transfer to industrial establishment

If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the authority competent to grant leave shall, suo motu, issue an order granting cash equivalent of leave salary in respect of earned leave and half pay leave at his credit subject to a maximum of 300 days and the cash so granted shall be a sum equal to the leave salary as admissible for earned leave and leave salary as admissible for half pay leave plus dearness allowance admissible on that leave salary at the rate in force on the date the Government servant ceases to be governed by the provisions of the said rules:—

Provided that in the event of his return to a post or service to which the Central Civil Services (Leave) Rules, 1972 apply, the benefit of cash equivalent of leave salary payable under Rule 39 shall be modified as under—

(a) On superannuation.— encashment of leave shall be subject to the condition that the number of days of both earned leave and half pay leave for which encashment has already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on superannuation does not exceed 300 days;

(b) On premature retirement.— cash equivalent of unutilized earned leave and half pay leave should be subject to the condition that the number of days of earned leave and half pay leave for which encashment had already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on premature retirement shall not exceed 300 days.

(DOPT Notification No. 11012/1/2009-Estt.(L) dated 01.12.2009)

CHAPTER II- General Conditions

7. Right to leave

(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

Provided that leave applied under Rule 20, shall not be refused or revoked without reference to the Medical Authority, whose advice shall be binding.

[DOPT Notification No. No. 18017/1/2014-Estt. (L), dated 03.04.2018]

8. Regulation of claim to leave

A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

9. Effect of dismissal, removal or resignation on leave at credit

(1) Except as provided in Rule 39 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

10. Commutation of one kind of leave into another

(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Government servant cannot claim such commutation as a matter of right.

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned Government servant joining his duty on the expiry of the relevant spell of leave availed of by him.
[DOPT Notification No. 140 15/2/97-Estt. (L), dated31.12.1997]

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE.- Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 31.

11. Combination of different kinds of leave

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

EXPLANATION.- Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

12. Maximum amount of continuous leave
(DOPT Notification No. No. 13026/2/20 10- Estt. (L), dated 29.03.2012)

(1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years

(2) Unless the President, in view of the exceptional circumstances of the case, otherwise determines, a Government servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Government service:

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to that Government servant before provisions of sub-rule (2) are invoked.

Provided that this rule shall not apply to a case where leave is applied on medical certificate, in connection with a disability.
(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

13. Acceptance of service or employment while on leave

(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of -

(a) the President, if the proposed services or employment lies elsewhere than in India; or

(b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2)(a) No Government servant while on leave, other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

(c) A Government servant while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment with a Public Sector Undertaking or a body referred to in Clause (a)of sub-rule (2) of Rule 38 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Rule 40.

(3)(a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under Clause (a) shall be allowed to be encashed in the manner provided in sub-rule (2) of Rule 39.

(c) Deleted.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

(d) Deleted.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

CHAPTER III- Grant of and return from leave

14. Application for leave

Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

Provided that where a Government servant is unable to submit an application or medical certificate on account of a disability, such application or medical certificate may be signed and submitted by

(a) the spouse of the Government servant; or
(b) the parents in case of an unmarried Government servant; or
(c) the child including adopted child or brother or sister of the Government servant, who has attained the age of majority; or
(d) any person who has been assigned limited guardianship of the Government servant in terms of Section 14 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), and the same shall be deemed to have been made and submitted by the Government servant himself.

(DOPT Notification No. 18017/1/2014-Estt. (L), dated03.04.2018)

15. Leave account

Except as provided in the Note below, a leave account shall be maintained in Form 2 for each Government servant by the Audit Officer in the case of Gazetted Government servants and by the Head of Office or an officer authorized by him in the case of non-Gazetted Government servants.

NOTE.- In the case of Gazetted Government servants whose pay and allowances are drawn and disbursed by the Head of Office, the leave account shall be maintained by that Head of Office.

(MOF Notification No. 4(7)-E.IV(A)/72 dated 30.04.1973)

16. Verification of title to leave

(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

NOTE.- The order sanctioning leave shall indicate the balance of earned leave/half pay leave at the credit of the Government servant.

(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979

(2)(a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding sixty days.

(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued, where necessary.

(c) In the case of Gazetted Government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding sixty days.

NOTE.- In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Rule 39, an undertaking for recovery of the leave salary, if any, paid in excess, shall be taken from the Government servant.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

17. Leave not to be granted in certain circumstances

Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

18. Deleted.

19. Grant of leave on medical certificate to Gazetted and non- Gazetted Government servants

(1) An application for leave on medical certificate made by—
(DOPT Notification No. 13026/1/2002-Estt. (L), dated15/16.01.2004)

(i) a Gazetted Government servant, shall be accompanied by a Medical Certificate in Form 3 given by a doctor in a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by a Government Hospital or by an Authorized Medical Attendant if he is not a Central Government Health Scheme beneficiary and by an Authorized Doctor of the private hospital recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment in respect of any particular kind of disease like heart disease, cancer, etc., for the treatment Of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the Gazetted Government servant who is a Central Government Health Scheme beneficiary, if at the time of illness, is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters will produce Medical Certificate or Fitness Certificate in Form 3 and Form 5, as the case may be, given by an Authorized Medical Attendant;

(ii) a non-Gazetted Government servant, shall be accompanied by a Medical Certificate in Form 4 given by a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by Government Hospital or by an Authorized Medical Attendant if he is not a Central Government Health Scheme beneficiary; and by an Authorized Doctor of the private hospital, recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment duly approved by the Competent Authority in respect of particular kind of disease like heart disease, cancer, etc., for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the non-Gazetted Government servant who is a CGHS beneficiary, if at the time of illness is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters will produce Medical Certificate or Fitness Certificate in Form 4 or Form 5, as the case may be, given by an Authorized Medical Attendant or by Registered Medical Practitioner if there is no Authorized Medical Attendant available within a radius of eight kilometers from his residence or place of temporary stay outside his Headquarters and also in the circumstances when he finds it difficult to obtain Medical Certificate or Fitness Certificate from a Doctor in a Central Government Health Scheme Dispensary or an Authorized Medical Attendant; defining clearly the nature and probable duration of illness.

NOTE.— In the case of non-Gazetted Government servant, a certificate given by a registered Ayurvedic, Unani or Homoeopathic medical practitioner or by a registered Dentist in the case of dental ailments or by an honorary Medical Officer may also be accepted, provided such certificate is accepted for the same purpose in respect of its own employees by the Government of the State in which the Central Government servant falls ill or to which he proceeds for treatment.
(DOPT Notification No. 13015/11/82-Estt. (L), dated 25.05.1984)

(2) In case of a Government servant who has acquired disability, the Medical Authority shall certify, in Form 3-A,-
(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

(a) the nature and extent of the disability;

(b) the date from which such disability has occurred or manifested, to the extent it may be medically possible to indicate the same;

(c) whether there are reasonable prospects for the Government servant to be fit to resume duties, and if not, categorically state that such Government servant is completely and permanently incapacitated for further service.

(2-A) For the purposes of these rules, a doctor in Central Government Health Scheme *or* a Government Hospital, *or* a specialist in Government Hospital in cases requiring specialized treatment, *or* a Medical Board in a Government Hospital in the case of multiple disabilities shall, in addition to the authority certifying specified disability under the provisions contained in Chapter X of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), be the Medical Authorities competent to issue certificate of disability in Form 3-A.

(2-B) Notwithstanding anything in these rules, no reference from the Head of Office or any other authority may be required for issue of medical certificate of disability.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(5) The grant of medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

20. Leave to a Government servant who is unlikely to be fit to return to duty

(1)(a) When a Medical Authority has reported that there is no reasonable prospect that the Government servant will even be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:—.

(i) if the Medical Authority is unable to say with certainty that the Government servant, who has acquired a disability, will never again be fit for service, leave not exceeding twelve months at a time may be granted and such leave shall not be extended without further reference to a Medical Authority;

(ii) if a Government servant is declared by the Medical Authority, as specified in Rule 19, as to have acquired such disability which may prevent him from discharging further service, leave or an extension of leave may be granted to him after the certificate of the Medical Authority has been received in Form 3-A:

Provided that any leave debited for the period(s) granted under sub-clause (i) of Clause (b), after receipt of the certificate of disability of the Medical Authority, shall be remitted back into the leave account of the Government servant:

Provided further that any leave granted to regulate the period of absence under sub-clause (ii) of Clause (b), after receipt of the certificate of the Medical Authority, shall not be debited to the leave account of the Government servant.

(2) In the case of a Government servant who is granted leave in accordance with the provisions of Clause (b) of sub-rule (1), the provisions of Section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) shall, *suo motu*, apply.

(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

21. Commencement and termination of leave

Except as provided in Rule 22, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

22. Combination of holidays with leave

(1)(i) When the day, immediately preceding the day on which a Government servant's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of series of holidays, the Government servant shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays, provided that–

(a) his transfer or assumption of charge does not involve the handling or taking over of securities or moneys other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(ii) In the case of leave on medical certificate-
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(a) When a Government servant is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave; and

(b) When a Government servant is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.
(DOPT Notification no. 11012/2/80-Estt.(L) dated 24.08.1981)

(2) On condition that the departing Government servant remains responsible for the moneys in this charge, the Head of Department may, in any particular case, waive the application of Clause (a) of the proviso to sub- rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs -

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE.- A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

23. Recall to duty before expiry of leave

(1) Deleted.

(2) Deleted.
(MOF Notification No. 11012/1/77-E.IV(A) dated 21.11.1979)

(3) In case a Government servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Government servant shall be entitled-

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw -

(i) travelling allowance under rules made in this behalf for the journey; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive-

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter;

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

24. Return from leave

(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3)(a) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.

(b) If the Government servant is a gazetted officer the certificate under clause (a) shall be obtained from a Medical Board, except in the following cases:-

(i) Cases in which the leave is for not more than three months;
(ii) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the medical Board states, at the time of granting the original certificate or the certificate for extension, that the Government servant need not appear before another Medical Board for obtaining the certificate of fitness.

(c) In cases falling under clause (b) the certificate may be obtained from the Chief Medical Officer, the District Medical Officer, a Civil Surgeon, a Staff Surgeon or a Medical Officer of equivalent status including a Medical Officer of the Central Government Health Scheme or in a case covered by sub-rule (6) of 18, from the Authorised Medical Attendant or the Medical Superintendent of the hospital concerned.

(d) In the case of a non-Gazetted Government servant, the authority under which the Government servant is employed on return from leave may, in its discretion, accept a certificate signed by a Registered Medical Practitioner.

(4)(a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE.- A Government servant who had been suffering from Tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

25. Absence after expiry of leave

(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

CHAPTER IV – Kinds of leave due and Admissible

26. Earned leave for Government servants serving in Departments other than Vacation Departments

(1)(a)(i) The leave account of every Government servant (other than a military officer) who is serving in a Department other than a Vacation Department, shall be credited with earned leave, in advance, in two installments of 15 days each on the first day of January and July of every calendar year.
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(ii) When a Government servant joins a new post without availing full joining time by reasons that -
[GSR No. 198 vide DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989]

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled,

or

(b) he proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming traveling allowance for the family,

the number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central Civil Services (Joining Time) Rules, 1979, subject to the maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave:

Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 300days.
("240 days substituted with 300 days" vide DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)

(b) The leave at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 300 days.

Provided that where the earned leave at the credit of Government servant as on the last day of December of June is 300 days or less but more than 285 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (i) of Clause (a) of sub-rule (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the Government servant takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

(225 days substituted with 285 days vide DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)
(DOPT Notification No. 11012/1/2009-Estt.(L) dated 01.12.2009)
(DOPT Notification No. 13026/2/1990-Estt.(L) dated 22.10.1990)

(c)(i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi permanent, his leave account shall be credited with the earned leave which would have been admissible, if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of extraordinary leave since the date of permanent appointment or quasi-permanent appointment, such leave may, subject to the provisions of rule 10, be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

EXCEPTION.- The earned leave admissible to a Government servant of non-Asiatic domicile recruited in India, who is in continuous service from a date prior to the 1st February, 1949 and is entitled to leave passage, is one-seventh of the period spent on duty and he ceases to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of Rules 7 and 39 and sub-rules (1) and (3) of the rule, the maximum earned leave that may be granted at a time shall be -

(i) 180 days in the case of any Government servant employed in India, or
(DOPT Notification No. 11014/3/89-Estt.(L) dated 02.05.1991)

(ii) 150 days, in the case of any Government servant mentioned in the Exception to sub-rule (1)

(3) Earned leave may be granted to a Government servant in Class I of Class IIservice or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 180 days but not exceeding 300 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

27. Calculation of Earned Leave

(1) Earned leave shall be credited to the leave account of Government servant at the rate of 2½ days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

(2)(a) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of 2½ days per completed calendar month up to the date of retirement or resignation.
(MOF Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

(b) When a Government servant is removed or dismissed from service, credit of earned leave shall be allowed at the rate of 2½ days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service;

(c) When a Government servant dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed month of service up to the date of death of the Government servant.
(DOPT Notification No. F. No. 13026/1/2010-Estt. (L), dated 12.05.2011)

(3) If a Government servant has availed of extraordinary leave and/or some period of absence has been treated as dies non in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/or dies non subject to maximum of 15 days.
(MOF Notification No. 11012/1/77-E.IV(A) dated 21.11.1979)

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.
(DoE Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

28. Earned leave for persons serving in Vacation Departments

(DOPT Notification. No. 11020/01/2017- Estt. (L), dated 11.12.2018)

(1)(a) The leave account of every Government servant (other than a military officer) who is serving in a Vacation Department shall be credited with earned leave, in advance in two instalments of five days each on the first day of January and July of every calendar year.

(b) In respect of any year in which a Government servant avails a portion of the vacation, he shall be entitled to additional earned leave in such proportion of twenty days, as the number of days of vacation not taken bears to the full vacation, provided the total earned leave credited shall not exceed thirty days in a calendar year.

(c) If, in any year, the Government servant does not avail any vacation, earned leave will be as per Rule 26 instead of Clauses (a) and (b).

EXPLANATION.— For the purpose of this rule, the term "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.

NoTE 1.— A Government servant entitled to vacation shall be considered to have availed a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE 2.— When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference, to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

(2) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government at a time under Rule 26.

(3) The earned leave under this rule at the credit of a Government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year shall not exceed the maximum limit of 300 days.

NOTE.— The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments, in accordance with the provisions of sub-clause (ii) of Clause (a) of sub-rule (1) of Rule 26.
(DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989)

29. Half pay leave
(DOPT Notification No. 11020/01/2017-Estt (L), dated 11.12.2018)

(1) The half pay leave account of every Government servant (other than a military officer and a Government servant serving in a Vacation Department) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year].

(2)(a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service.
(DOPT Notification No. 13026/01/2010-Estt (L), dated 12.05.2011)

(ca) When a Government servant dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed month of service up to the date of death of the Government servant.
(DOPT Notification No.13026/1/2010-Estt. (L), dated 12.05.2011)

(d) Where a period of absence or suspension of a Government servant has been treated as dies non in a half-year, the credit to be afforded to his half pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of dies non subject to a maximum of ten days.
(DOPT Notification No. 13014/1/87-Estt.(L) dated 16.06.1987)

(3) A Government servant who is eligible for Departmental leave under Rule 49, shall be entitled to half pay leave of twenty days on completion of twelve months of actual duty.

(4) The leave under this rule may be granted on medical certificate or on private affairs.
(DOPT Notification No. 13014/1/85-Estt.(L) dated 03.12.1985)

(5) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day:
(DOPT Notification No. 13014/1/87-Estt.(L) dated 16.06.1987)

30. Commuted leave

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions:-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry:

(b) Deleted.

(c) Deleted.

(d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

(e) Deleted.
(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)

(1-A) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE.- Commuted leave may granted at the request of the Government servant even when earned leave is due to him.

31. Leave not due

(1) Save in the case of leave preparatory to retirement, Leave Not Due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-

(a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) Leave Not Due shall be limited to the half pay leave he is likely to earn thereafter;

(c) Leave Not Due shall be debited against the half pay leave the Government servant may earn subsequently.

(1-A) Leave Not Due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental Illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions in Clauses (a) to (c) of sub-rule (1) and subject to the following conditions, namely:-
(DOPT Notification No. 11012/1/85-Estt.(L) dated 06.06.1988)

(i) that the Government servant has put in a minimum of one year's service;

(ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and

(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in Clauses (c) and (d) of sub- rule (2) of Rule 32.
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(2)(a) Where a Government servant who has been granted Leave Not Due resigns form service or at his request permitted to retire voluntarily without returning to duty, the Leave Not Due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of Leave Not Due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

Provided further that no leave salary shall be recovered under Clause (a) or Clause (b), if the Government servant is compulsorily retired prematurely under Rule 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56(j) or Fundamental Rule 56(l)
(MHA Notification No. 6(9)-E.IV(A)/76 dated 31.12.1980)

32. Extraordinary leave

(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances-

(a) when no other leave is admissible:

(b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits:-

(a) three months;

(b) six months where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;

(c) Deleted.

(d) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for -

(i) Pulmonary Tuberculosis or Pleurisy of tubercular origin, in a recognized sanatorium;

NOTE.- The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon or Staff Surgeon; or

(iii) Leprosy in a recognized leprosy institution or by a Civil Surgeon or Staff Surgeon or a Specialist in leprosy hospital recognized as such by the State Administrative Medical Officer concerned;

(iv) Cancer or for mental illness, in an institution recognized for the treatment of such disease.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

(e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a).

(3)(a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in Clause (e) of sub-rule(2), shall be required to execute a Bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The Bond shall be supported by Sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled tribes may, for the purpose of attending the Pre-Examination Training Course at the centers notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. Leave to probationer, a person on probation and an apprentice

(1)(a) A probationer shall be entitled to leave under these rules if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend -

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to-

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under Rule 32.

34. Persons re-employed after retirement

In the case of a person re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

36. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

37. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

38. Leave preparatory to retirement

(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 300 days together with half pay leave due, subject to the condition that such leave extends up to and includes the date of retirement.
("240 days substituted with 300 days" vide DOPT Notification No. 13026/1/2002-Estt. (L), dated the 15/16.01.2004)

NOTE.- The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2)(a) Where a Government servant who is on foreign service in or under any Local Authority or a Corporation or Company wholly or substantially owned or controlled by the Government or a Body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under Central Government.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

(b) The Government servant on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of Rule 39.

(c) Deleted. (DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

(3) Where a Government servant is on foreign service in or under a local body other than the one mentioned in Clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government servant continues in service under such foreign employer, the Government servant shall not be eligible for grant of cash payment in lieu of leave under Rule 39.

38-A. Encashment of Earned Leave along with Leave Travel Concession while in service.-
(DOPT Notification No. 14028/1/20 10- Estt. (L), dated 26.08.2011)

(1) A Government servant may be permitted to encash earned leave up to ten days at the time of availing of Leave Travel Concession while in service, subject to the conditions that—

(a) a balance of at least thirty days of earned leave is available to his credit after taking into account the period of encashment as well as leave being availed of:

(b) the total leave so encashed during the entire career does not exceed sixty days in the aggregate;

(2) The cash equivalent for encashment of leave under sub-rule (1) shall be calculated as follows, namely:—

Cash equivalent =	Pay admissible on the date of availing of the Leave Travel Concession plus Dearness Allowance admissible on that date. / 30	X	Number of days EL subject to the maximum 10 days at one time

(3) No House Rent Allowance shall be included in the cash equivalent calculated under sub-rule (2);

(4) The period of earned leave encashed shall not be deducted from the quantum of leave that can normally be encashed by the Government servant under Rules 6,39,39-A, 39-B, 39-C and 39-D.

(5) If the Government servant fails to avail the Leave Travel Concession within the time prescribed under the Central Civil Services (Leave Travel Concession) Rules, 1988, then he shall be required to refund the entire amount of leave so encashed along with interest at the rate of two per cent above the rate of interest allowed by the Government as applicable to Provident Fund balances and shall also be entitled for credit back of leave so debited for leave encashment.

39. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service

(1) No leave shall be granted to a Government servant beyond-

(a) the date of his retirement, or
(b) the date of his final cessation of duties, or
(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
(d) the date of his resignation from service.

(2)(a) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall, *suo motu*, issue an order granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement subject to a maximum of 300 days;

(b) The cash equivalent of leave salary under Clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one- time settlement,—

(i)

Cash equivalent for earned leave =	Pay admissible on the date of retirement plus Dearness Allowance admissible on that date / 30	X	Number of days of unutilized earned leave at credit subject to the total of earned leave and half pay leave not exceeding 300 days

(ii)

Cash payment in lieu of half pay leave component =	Half pay leave salary admissible on the date of retirement plus Dearness Allowance admissible on that date / 30	X	Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days

NOTE.— The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

(c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.]

(DOPT Notification No. 11012/1/2009- Estt. (L), dated 01.12.2009)

(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him on conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.
(DOPT Notification No. 14028/6/81 -Estt. (L), dated 17.10.1983)

(4)(a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted—

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180 days / 300 days as the case may be, as prescribed in Rule 26.
(DOPT Notification No. 14028/9/80 -Estt. (L), dated 01.10.1981)
(DOPT Notification No. 11014/3/89-Estt.(L) dated 02.05.1991)

(ii) after expiry of the period of extension, cash equivalent in the manner provided in Clause (b) of sub-rule (2) in respect of both earned leave and half pay leave at credit on the date of retirement, plus the earned leave and half pay leave earned during the period of extension reduced by the earned leave and half pay leave availed of during such period, subject to a maximum of 300 days.]
(DOPT Notification No. 11012/1/2009-Estt. (L), dated 01.12.2009)

(b) The cash equivalent payable under sub-clause (ii) of Clause (a) of this sub-rule shall be calculated in the manner indicated in Clause (b) of sub-rule (2) above.

(5) A Government servant who retires or is retired from service in the manner mentioned in Clause (c) of sub-rule (1), may be granted *suo motu*, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both earned leave and half pay leave at his credit subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.]
(DOPT Notification No. 1101211/2009-Estt. (L), dated 01.12.2009)

(5-A) deleted.
(DOPT Notification no.14028/18/86-Estt.(L) dated 23.03.1988)
(DOPT Notification 14028/1/2004-Estt.(Leave) dated 13.02.2006)

(6)(a)(i) where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39].

(DOPT Notification No. 11012/l/2009-Estt. (L), dated 01.12.2009)

(ii) If a Government servant resigns or quits service, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

(DOPT Notification No. 14028/9/80 -Estt. (L), dated 01.10.1981)
("120 days substituted with 150 days" vide DOPT Notification No. 13026/1/99- Estt. (L), dated 18.04.2002)

(iii) A Government servant, who is re-employed after retirement may, on termination of his re-employment, be granted, *suo motu*, by an authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date of termination of re-employment subject to a maximum of 300 days including the period for which encashment was allowed at the time of retirement and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

(DOPT Notification No. 11012/l/2009-Estt. (L), dated 01.12.2009)

(b) The cash equivalent payable under Clause (a) shall be calculated in the manner indicated in Clause (b) of sub-rule (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of Clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the Dearness Allowance appropriate to that pay.

(DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

39-A. Cash equivalent of leave salary in case of death in service

In case a Government servant dies while in service, the cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the deceased Government servant on the date of his death, not exceeding 300 days shall be paid to his family in the manner specified in Rule 39-C and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

NOTE.- In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of Dearness Allowance only as per orders issued in this behalf separately.

(Notification No. F. No. 11012/1/2009-Estt. (L), dated the 1st December, 2009)

39-B. Cash equivalent of leave salary in case of invalidation from service

(1) A Government servant who is declared by a Medical Authority to be

completely and permanently incapacitated for further service may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of both earned leave and half pay leave, if any, at the credit of the Government servant on the date of invalidation from service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

(2) A Government servant not in permanent employ or quasi permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

[DOPT Notification No. 11012/1/2009-Estt. (L), dated 01.12.2009]

39-C. Payment of cash equivalent of leave salary in case of death, etc., of Government servant

In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 39,39-A and 39-B, such amount shall be payable-

(DOPT Notification No. 14028/1/81-Estt.(L) dated 19.07.1984)

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

EXPLANATION.- The expression —eldest surviving widow|| shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;

(iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;

(v) failing (i) to (iv) above, to the father;

(vi) failing (i) to (v) above, to the mother;

(vii) failing (i) to (vi) above, to the eldest surviving married daughter;

(DOPT Notification No. 11012/I/2009-Estt. (L), dated 01.12.2009)

(viii) failing (i) to (vii) above, to the eldest surviving brother below the age of eighteen years;

(ix) failing (i) to (viii) above, to the eldest surviving unmarried sister;
(x) failing (i) to (ix) above, to the eldest surviving widowed sister;
(xi) failing (i) to (x) above, to the eldest child of the eldest predeceased son.

39-D. Cash equivalent of leave salary in case of permanent absorption in Public Sector Undertaking/Autonomous Body wholly or substantially owned or controlled by the Central/State Government

(DOPT Notification No. 13026/2/90-Estt. (L), dated 22.10.1990)

A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government shall be granted *suo motu* by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days. This will be calculated in the same manner as indicated in Clause (b) of sub-rule (2) of Rule 39.

(DOPT Notification No. 13026/2/90-Estt.(L), dated 20.04.1993)

NOTE.— The expression 'permanent absorption' used in Rule 39-D shall mean the appointment of a Government servant in a Public Sector Undertaking or an Autonomous Body, for which he had applied through proper channel and resigns from the Government service to take up that appointment.

(DOPT Notification No. 13026/3/2011-Estt.(L), dated 28.03.2012)

40. Leave Salary

(1) Except as provided in sub-rule (7), a Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

NOTE :- In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(2) deleted

(MoF Notification No. F. 6 (3)-E. IV (A)/75, dated the 07.10.1976)

(3) A Government servant on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1).

(4) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under (sub-rule (1).

(5) A Government servant on extraordinary leave is not entitled to any leave salary.

(6) Deleted.

(7) (a) Deleted.

(b) Deleted.
(DOPT Notification No. 14028/9/80 -Estt.(L) dated 1.10.1981)

(c). In the case of a Government servant who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.
(DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

(8) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) If, in the case of a Government servant who retires or resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by a Government servant who is dismissed or removed from service or who die while in service is in excess of the leave credit under Clause (b) of sub-rule (2) of Rule 27,the over payment of leave salary shall be recovered in such cases.
(MOF Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

41. Drawal of leave salary

The leave salary payable under these rules shall be drawn in rupees in India.

42. Advance of Leave salary

A Government servant, including a Government servant on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary up to a month's pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, Recovery of Advances, etc.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

CHAPTER V – Special kinds of leave other than study leave

43. Maternity Leave

(1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of (180 days) from the date of its commencement.

(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)
("135 days substituted by 180 days" vide DOPT Notification No. 1101 2/1/2009-Estt.(L), dated 01.12.2009).

(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE :- In the case of a person to whom Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(3) Maternity leave not exceeding 45 days may also be granted to a female Government servant (irrespective of the number of surviving children) during the entire service of that female Government in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19:
(DOPT Notification No. 13018/7/94-Estt (L), dated 31.03.1995)

Provided that the maternity leave granted and availed of before the commencement of the CCS(Leave) Amendment Rules, 1995, shall not be taken into account for the purpose of this sub-rule.

(4) (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of two year may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.
(MOF Notification No. 16(3).E.IV(A)/74 dated 20.12.1974)
(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

(6) In case of surrogacy, the surrogate, as well as the commissioning mother with less than two surviving children, may be granted maternity leave of 180 days, in case either or both of them are Government servants.
(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

Note 2:-The expression 'surrogate mother' shall mean the woman who bears the child on behalf of the commissioning mother.

43-A. Paternity leave
(DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)

(1) A male Government servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The paternity Leave may be combined with leave of any other kind.

(4) The paternity leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

(6) In case of a child begotten through surrogacy, the commissioning father who is a male Government servant with less than two surviving children may be granted paternity leave of 15 days within the period of 6 months from the date of delivery of the child.
(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

NOTE:- the Paternity Leave shall not normally be refused under any circumstances.

Note 3:- The expression 'commissioning father' in this rule shall mean the intending father of the child born through surrogacy.

43-AA. Paternity Leave for Child Adoption
(DOPT Notification No. 110 I2/l/2009-Estt. (L), dated 01.12.2009)

(1) A male Government servant (including an apprentice) with less than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year, may be granted Paternity Leave for a period of 15 days, within a period of six months, from the date of accepting the child in pre-adoption foster care or on valid adoption, as the case may be:

Provided that in a case where the pre-adoption foster care is not followed by valid adoption of the child, the Paternity Leave already availed shall be debited from any other kind of leave available to the credit of such male Government Servant.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) The Paternity Leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE 1. — The Paternity Leave shall not normally be refused under any circumstances.

NOTE 2. — "Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that ofa natural born child.

(DOPT Notification No. 13026/5/2011-Estt. (L), dated 04.04.2012)

43-B. Child Adoption Leave

(DOPT Notification No. 13018/4/2004- Estt. (L), dated 31.03.2006)

(1) A female Government servant, with fewer than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year, may be granted child adoption leave, by an authority competent to grant leave, for a period of 180 days, immediately after accepting the child in pre-adoption foster care or on valid adoption, as the case may be:

Provided that in a case where the pre-adoption foster care is not followed by valid adoption of the child, the leave already availed shall be debited from any other kind of leave available to the credit of such female Government Servant.

(2) During the period of child adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) (a) Child adoption leave may be combined with leave of any other kind.

(b) In continuation of the child adoption leave granted under subrule (1), a female Government servant on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period up to one year reduced by the age of the adopted child on the date of valid adoption, without taking into account child adoption leave.

Provided that this facility shall not be admissible in case she is already having two surviving children at the time of adoption.

(4) Child adoption leave shall not be debited against the leave account.

NOTE.— "Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a

member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that of a natural born child.
(DOPT Notification No. 13026/5/2011-Estt. (L), dated04.04.2012)

43-C. Child Care Leave

(DOPT Notification No. 13018/4/2011-Estt. (L), dated 27.08.2011)

(1) Subject to the provisions of this rule, a female Government servant and single male Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.
(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)

(2) For the purposes of sub-rule (1), "child" means—

(a) a child below the age of eighteen years: or

(b) an offspring of any age with a minimum disability of forty per cent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No. 16-18/97-N 1.1, dated the 1st June, 2001.
(DOPT Notification No. 13018/6/2013- Estt. (L), dated 06.06.2018)

(3) Grant of child care leave to a female Government servant and a single male Government servant under sub-rule (1) shall be subject to the following conditions, namely:- *(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)*

(i) it shall not be granted for more than three spells in a calendar year;
[As a welfare measure, it has now been decided that, the leave sanctioning authorities in the Ministries or Departments under the Government of India are bestowed with the power to relax up to a maximum of three spells beyond the existing three spells of Child Care Leave in a calendar year, under Rule 43-C(3)(i) of the CCS(Leave) Rules 1972, to female Central Government employees and single male Central Government employees in case their child is admitted in a hospital as inpatient. vide DoPT's OM No. A-24011/5/2024-ESTT-Leave dated 29.07.2024.]

(ii) in case of a single female Government servant, the grant of leave in three spells in a calendar year shall be extended to six spells in a calendar year.

(iii) it shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of child care leave to the probationer, provided that the period for which such leave is sanctioned is minimal.

(iv) child care leave may not be granted for a period less than five days at a time.

(4) During the period of child care leave, a female Government servant and a single male Government servant shall be paid one hundred per cent of thesalary for the first three hundred and sixty-five days, and at eighty per cent of the salary for the next three hundred and sixty-five days.

EXPLANATION.— Single Male Government servant' means — an

unmarried or widower or divorcee Government servant.

(5) Child care leave may be combined with leave of any other kind.

(6) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including Commuted Leave not exceeding sixty days and Leave Not Due) up to a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).

(7) Child care leave shall not be debited against the leave account.

(8) In case of surrogacy, the commissioning mother with less than two surviving children may be granted child care leave.

Note 1:- The expression 'commissioning mother' shall mean the intending mother of the child born through surrogacy.
(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

44. Work Related Illness and Injury Leave
(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)

The authority competent to grant leave may grant Work Related Illness and Injury Leave (hereinafter referred to as WRIIL) to a Government servant (whether permanent or temporary), who suffers illness or injury that is attributable to or aggravated in the performance of her or his official duties or in consequence of her or his official position subject to the provisions contained in sub-rule (1) of Rule 19 of these rules, on the following conditions, namely:

(1) Full pay and allowances shall be granted to all employees during the entire period of hospitalization on account of WRILL.

(2) Beyond hospitalization, WRIIL shall be governed as follows:-

(a) A Government servant (other than a military officer) — full pay and allowances for the six months immediately following hospitalization and Half Pay for twelve months beyond the said period of six months. The Half Pay period may be commuted to full pay with corresponding number of days of Half Pay Leave debited from the employees leave account.

(b) For officers of Central Armed Police Forces — full pay and allowances for six months immediately following the hospitalization and full pay only for the next twenty-four months.

(c) For personnel below the rank of officer of the Central Armed Police Forces — full pay and allowances, with no limit regarding period.

(3) In the case of persons to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under WRIIL shall be reduced by the amount of compensation paid under the Act.

(4) No Earned Leave or Half Pay Leave shall be credited during the period that employee is on WRIIL.

45. Omitted.

46. Omitted.

47. **Seamen's sick leave**

(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks:

Provided that such shall not be granted if a Government Medical officer certifies that the Government servant is malingering or that his ill- health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

(a) a Government Medical Officer must certify the disability;

(b) the disability must not be due to the seaman's own carelessness or inexperience'

(c) the vacancy cause by his absence must not be filled.

(3)(a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under Clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

48. **Special Leave connected to inquiry of sexual harassment**
(DOPT Notification No. 13026/2/2016-Estt.(L), dated 15.03.2017.)

Leave up to a period of 90 days may be granted to an aggrieved female Government servant on the recommendation of the Internal Committee or the Local Committee, as the case maybe, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government servant under this rule shall not be debited against the leave account.

49. Departmental Leave

(1) Departmental leave may be granted to :-

(a) Class III Government servants (other than Division I staff and Clerks) and to Class IV Government servants in the Survey of India, attached to Survey Parties with field and recess duties:

(b) members of the seasonal staff in the Posts and Telegraphs Department, whose duties are not continuous but are limited to certain fixed period in each year.

(2) In addition to leave due and admissible, departmental leave may be granted only to Government servants whose services are temporarily not required.

(3)(a) Departmental leave with leave salary may be granted during the recess by the Head of the Party or Office to which the Government servant belongs in the Survey of India or an authority not lower than the Divisional Superintendent of Post Offices in the Posts and Telegraphs Department, as the case may be provided the authority granting the leave considers in the case of a Class IV Government servant that it is desirable to re-employ the Government servant in the ensuing season.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, up to a maximum of eighteen months in all.

(4) (a) Departmental leave with leave salary may be granted at times other than the recess, for not more than six months at a time, by directors in the Survey of India, provided the leave is granted in the interests of Government and not at the request of the Government servant.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General up to a maximum of one year in all.

(c) Leave on medical certificate shall not be regarded as granted in the interest of Government.

(5) Where the President by general or special order so authorizes, departmental leave without leave salary may be granted by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, in continuation of the departmental leave with leave salary.

(6)(a) A Government servant on Departmental Leave with leave salary shall be paid leave salary equal to 25 per cent of the said salary admissible during the earned leave under sub-rule (1) of Rule 40. No allowance, other than Dearness Allowance, shall be admissible on such leave salary.

(DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989)

(b) A Government servant while on departmental leave with leave salary shall be paid leave salary at the end of each month up to first six months and thereafter it shall be paid when the Government servant returns to duty:

(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)
(DOPT Notification no.14028/18/86-Estt.(L) dated 23.03.1988)

Provided that where a Government servant dies while on departmental leave, his leave salary up to the date of his death, or the last day of such leave with leave salary, whichever is earlier, shall be paid to his heirs.

(7) Departmental leave does not count as duty and such leave shall not be debited to his leave account.

(8) Departmental leave may be granted when no leave is due.

(9) Departmental leave may be combined with any other kind of leave which may be due.

(10)(a)When a Government servant to whom these rules apply, holds a post in which the Surveyor-General or the Postmaster-General or the Director pf {posts and Telegraphs, as the case may be (hereinafter in this sub-rule referred to as the authority) considers that he is unlikely to be eligible fordepartmental leave in future, the authority may, by order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the authority may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled.

(b) All leave earned after such date shall be credited as due in the Government servant's leave account and all leave taken after such date, including departmental leave with leave salary, if any, shall be debited in it.

NOTE :- this sub-rule applies to cases of Government servants who have debit balance in their leave account due to their availing of departmental leave before the 1st November, 1973, when departmental leave with leave salary used to be debited to leave account.

(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)

CHAPTER VI – Study Leave

50. Conditions for grant of study leave

(1) Subject to conditions specified in this Chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

(i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave;

(iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

NOTE.- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless-

(i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;

(ii) it is for prosecution of studies in subjects other than academic or literary subject:

Provided that an officer of the Indian Economic Service or Indian Statistical Service may be granted study leave for prosecuting a course of study for obtaining Ph.D., on a research thesis, subject to the conditions that-

(a) the subject of research and the institution at which such research is to be undertaken are got approved by the Chief Economic Adviser to the Government of India, in case the applicant is a member of the Indian Economic Service, or by the Director, Central Statistical Organization, in case the applicant is a member of the Indian Statistical Service;

(b) the applicant obtains a certificate from the said authority to the effect that such study will be valuable in the matter of increasing the efficiency of the officer in the performance of his duties as a member of the Indian Economic Service or the Indian Statistical Service, as the case may be; and

(c) in cases where the study is to be undertaken at a foreign university, the Applicant obtains a further certificate that the facilities for research on the particular subject chosen for study are not available at any University or other Institution in India:

Provided further that a Medical Officer may be granted study leave for prosecuting a course of postgraduate study in Medical Sciences if the Director-General of Health Services certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties:

Provided also that a specialist or a technical person may be granted study leave, on merits of each case for prosecuting a postgraduate course of study directly related to the sphere of his duty in case the Head of the Department or the Secretary to the Department or Ministry concerned certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep barest with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Department or Ministry.
(DoE Notification No. 16(8)-E.IV(A)/74 dated 26.05.1975)

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India:

Provided that in releasing foreign exchange to Government servants proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such Government servant comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.
(DoE Notification No. 4(9)-E.IV(A)/76 dated 14.03.1977)

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to a Government servant—

(i) who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Government;

(ii) who is not due to reach the age of superannuation from the Government service within [three years (five years in the case of Central Health Service Officer who has been granted thirty six months study leave under sub- rule (2) of Rule 51) from] the date on which he is expected to return to duty after the expiry of the leave; and

(iii) who executes a Bond as laid down in Rule 53 (4) undertaking to serve the Government for a period of [three years (five years in the case of Central Health Service Officer who has been granted thirty-six months' study leave under sub-rule (2) of Rule 51)] after the expiry of the leave.
(DOPT Notification No. 13023/20/84-Estt.(L) dated 11.12.1986) *(Notification No. 13026/5/20 10- Estt. (L), dated 05.08. 2011)*

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

51. Maximum amount of study leave
(DOPT Notification No. 13023/3/98-Estt. (L), Vol. 11, dated.26.10.2007)

(1) The maximum amount of study leave, which may be granted to a Government servant, other than Central Health Service Officers, shall be—

(a) ordinarily twelve months at any one time, and

(b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

(2) In respect of Central Health Service Officers, study leave may be granted for thirty-six months for acquiring postgraduate qualification, subject to the condition that a Central Health Service Officer who has been granted such study leave shall execute a bond under sub-rule (4) of Rule 53 to serve the Government for a period of five years after completion of the study course.

52. Applications for study leave

(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

53. Sanction of study leave

(1) A report regarding the admissibility of the study leave shall be obtained from the Audit Officer:

Provided that the study leave, if any, already availed of by the Government servant shall be included in the report.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before the leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave, provided that where such leave has been granted by an Administrator, the intimation shall be sent through the Ministry concerned.

NOTE :- The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

(4)(a)Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a Bond in Form 7 or Form 8, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10 as the case may be, before the study leave or extension of such study leave granted to him commences.

(c) The Authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the Government servant referred to in Clause (a) or Clause (b) has executed the requisite bond.

5(a) On completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken,indicating the date of commencement and termination of the course withthe remarks, if any, of the authority in charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

54. Accounting of study leave and combination with leave of other kinds

(1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave involve a total absence of more than twenty eight months generally and thirty-six months for the courses leading to PhD. degree from the regular duties of the Government servant.

Explanation:-the limit of twenty-eight months/thirty six months of absence prescribed in this sub-rule includes the period of vacation.
(DOPT Notification No. 13026/2/1990-Estt.(L) dated 22.10.1990)

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave.
(DOPT Notification No. 13023/1/2017-Estt.(L), dated 01.01.2018)

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

55. Regular of study leave extending beyond course of study

When the course of study fall short of study leave granted to a Government servant, he shall resume duty on the conclusion of the courseof study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

56. Leave Salary during study leave
(DOPT Notification. No. 13026/1/2002-Estt. (L), dated 15/16.01.2004)

(1) Except as provided in sub-rule (6), during Study Leave availed of outside India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance.

(2) Except as provided in sub-rule (6), during Study Leave availed of in India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance as admissible in accordance with the provisions of Rule 60.

(3) Payment of leave salary at full rate under sub-rule-(2) shall be subject to furnishing of a certificate by the Government servant to the effect that he, is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(4) The amount, if any, received by a Government servant during the period of Study Leave as scholarship or stipend or remuneration in respect of any part-time employment, shall be adjusted against the Leave Salary payable under this sub-rule subject to the condition that the Leave Salary shall not be reduced to an amount less than that payable as Leave Salary during half-pay leave.

(5) *Omitted.*

(6) During the currency of Study Leave within or outside India on or after 1st day of January, 1996, a Central Government servant shall draw benefits of Revised Pay from the date such revision took place.

57. Omitted.

58. Omitted.

59. Omitted.
(DOPT Notification No. 13023/1/2017-Estt. (L), dated01.01.2018)

60. Admissibility of allowances in addition to Study Allowance

(1) For the first (180) days of the Study Leave, House Rent Allowance shall be paid at the rates admissible to the Government servant from time to time at the station from where he proceeded on study leave. The continuance of payment of House Rent Allowance beyond (180) days shall be subject to the production of a certificate as prescribed in Para.8 (d) of Ministry of Finance, O.M. No.2 (37)-E.II (B)/64, dated 27-11-1965, as amended from time to time.
(DOPT Notification No. 13023/1/82-Estt. (L), dated 16.04.1983)
(DOPT Notification No. 11014/3/89-Estt. (L), dated 21.01.1992)

(2) Except for house rent allowance as admissible under sub-rule (1) and the Dearness Allowance, where admissible, no other allowance shall be paid to a Government servant in respect of the period of study leave granted to him.
(DOPT Notification No. 13023/1/2017-Estt.(L), dated01.01.2018)

61. Travelling Allowance during study leave

A Government servant to whom study leave has been granted shall not ordinarily be paid Travelling Allowance but the President may in exceptional circumstances sanction the payment of such allowance.

NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of Travelling Allowance.

62. Cost of fees for study

A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

63. Resignation or retirement after study leave or non-completion of the course of study.

(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of [three years (five years in the case of Central Health Service Officer who has been granted thirty-six months' leave under sub-rule (2) of Rule 51) after] such return to duty or fails to complete the course of study and is thus unable to furnish the certificates as required under sub-rule (5) of Rule 53, he shall be required to refund—

(DOPT Notification No. 1302615/2010-Estt. (L), dated 05.08.2011)

(i) the actual amount of leave salary, cost of fees, travelling and other expenses, if any, incurred by the Government of India; and

(DOPT Notification No. 13023/1/2017-Estt.(L), dated 01.01.2018)

(ii) the actual amount, if any, of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply—

(a) to a Government servant who, after return to duty from study leave,-is permitted to retire from service on medical grounds; or

(b) to a Government servant who, after return to duty from study leave, is deputed to serve in any Statutory or Autonomous Body or Institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or Autonomous body or Institution in the public interest.

(2)(a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

CHAPTER VII - Miscellaneous

64. Interpretation

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India in the Ministry of Personnel, Public Grievances and Pensions for decision.

(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

65. Power to relax

Where any Ministry or Department of Government of India is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, maybe order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Ministry of Personnel, Public Grievances and Pensions.

(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

66. Repeal and saving

(1) On the commencement of these rules, every rule, regulation or order, including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of a Government servant, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

CGSLRULES.IO

THE FIRST SCHEDULE

[See Rule 3 (c)]

AUTHORITIES COMPETENT TO GRANT LEAVE

Sl. No. (1)	Kind of leave (2)	Authority competent to grant leave (3)
1.	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave, Maternity Leave, Hospital Leave, Seamen's Sick Leave, [Paternity Leave, Child Adoption Leave, Paternity Leave for Child Adoption and Child Care Leave.]	(i) Ministry/ Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. (iv) Head of Department. (v) Any other authority which is the appointing authority. (vi) Any subordinate authority to which the authority at (i) to *(v)* may delegate the power, subject to any condition that may be specified in the delegation. NOTE 1.—If the Government servant is in foreign service,— (i) the authority which sanctioned the transfer to foreign service. (ii) Foreign employer — Power to be exercised only in respect of earned leave not exceeding 120 days and while taking decision to grant or refuse leave preparatory to retirement, prior concurrence of the lending authority under the Central Government shall be obtained as provided in sub-rule (2) of Rule 38.

		NOTE 2.—. If the Government servant is serving with a State Government, the State Government or such authority as may be specified by that Government: (a) While taking decision to grant or refuse leave preparatory to retirement prior concurrence of lending authority under the Central Government shall be obtained: (b) * Not printed. In case the lending authority under the Central Government is not agreeable to the refusal of leave preparatory to retirement, it shall be granted to the Government servant and if the State Government needs the services of the officer during that period, the Government servant may be re-employed by that Government concurrently with the leave preparatory to retirement and leave salary regulated in accordance with the provisions of sub-rule (6) of Rule 40.
2.	Special Disability Leave	(i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. (iv) Head of Department. (v) Any other authority which is the appointing authority.
3.	Study Leave	(i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General.

THE SECOND SCHEDULE

[See Rule 3 (h)]

FORM 1

[See Rule 14]

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name of applicant ... ...
2. Post held ... ...
3. Department, Office and Section ... ...
4. Pay ... ...
5. House Rent and other Compensatory Allowances drawn in the present post ... ...
6. Nature and period of leave applied for and date from which required ... ...
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave ... ...
8. Grounds on which leave is applied for ... ...
9. Date of return from last leave, and the nature and period of that leave ... ...
10. I propose/do not propose to avail myself of leave travel concession for the block years ..... during the ensuing leave ... ...
11. Address during leave period ... ...

Signature of Applicant
(with date)

12. Remarks and/or recommendation of the Controlling Officer

Signature (with date)
Designation

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

13. Certified that .....(nature of leave) for..... (period) from .....to .....is admissible under Rule .....of the Central Civil Services (Leave) Rules, 1972.

Signature (with date)
Designation

*14. Orders of the authority competent to grant leave ...

Signature (with date)
Designation

* If the applicant is drawing any compensatory allowance, it should also be indicated in the orders on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying similar allowance.

FORM 2

[*See* Rule 15]

FORM OF LEAVE ACCOUNT

Name of Government servant ..... Date of Birth .....

Date of commencement of continuous service .....

Date of Quasi-Permanent / Permanent employment ..... Date of retirement / resignation .....

EARNED LEAVE											HALF PAY LEAVE							
Particulars of service in the calendar half-year		Completed months of service in the Calendar half-year	E.L. credited at the beginning of half-year	No. of days of E.O.L. (Col. 36) availed of during the previous calendar half-year	E.L. to be deducted (1/10th of the period in Col. 5)	Total E.L. at credit in days (Cols. 4 + 11 — 6)	LEAVE TAKEN			Balance of E.L. on return from leave (Cols. 7 — 10)	Completed month of service in the half-year of a calendar year	H.P.L. credited at the beginning of half-year	No. of days treated as *dies non* during the previous half-year	H.P.L. to be deducted (1/18th of the period in Col. 14)	Total H.P.L. at credit in days (Cols. 13 + 35 — 15)	LEAVE Against the earnings on half pay		
From	To						From	To	No. of days							From	To	No. of days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

(On Private Affairs and on Medical Certificates including Commuted Leave and Leave Not Due)

TAKEN							Leave Not Due limited to 360 days in entire service									
Commuted leave on Medical Certificate on full pay			Commuted Leave without M.C. for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave in entire service)			Commuted leave converted into half pay leave (Twice of Cols. 22 & 25)	On Medical Certificate			Otherwise than on Medical Certificates limited to 180 days			Total of Leave Not Due (Cols. 29 + 32)	Total of Half Pay Leave taken (Cols. 19 + 26 + 33)	Balance of Half Pay Leave on return from leave (Cols. 16 — 34)	Other kinds of Leave taken
From	To	No. of days	From	To	No. of days		From	To	No. of days	From	To	No. of days				
20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36

NOTE 1. — The Earned Leave due should be expressed in days.

NOTE 2. — When a Government servant is appointed during the course of a particular half-year, E.L. should be credited @ $2\frac{1}{2}$ days for each completed month and the fraction of a day will be rounded off to the nearest day.

NOTE 3. — The entries in Col. 11 should be in complete days. Fraction of a day will be rounded off to the nearest day.

NOTE 4. — The period of extraordinary leave should be noted in red ink.

FORM 3

(See Rule 19)

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS RECOMMENDED LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

Signature of the Government Servant.....

I.....after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari.....whose signature is given above, is suffering from .....and I consider that a period of absence from duty of ..... with effect from .....is absolutely necessary for the restoration of his/her health.

Civil Surgeon / Staff Surgeon /
Authorized Medical Attendant

Dated .....

.....Dispensary

NOTE 1.—Deleted.

NOTE 2.—This form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a 2[Civil Surgeon/Staff Surgeon/Authorized Medical Attendant/to decide the question of his / her fitness for service.

NOTE 3.— No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

FORM 3-A

(See Rules 19 and 20)

MEDICAL CERTIFICATE FOR GOVERNMENT SERVANTS WHO ARE TO BE RECOMMENDED LEAVE UNDER RULE 20

Signature / thumb impression of the Government servant.....

It is certified that Shri / Shrimati / Kumari..... (designation and place of work may also please be indicated) is under my medical supervision since..... and is suffering from.....*.

2. The aforesaid medical condition can be reasonably estimated to have manifested itself with effect from.....and that-

(i) it cannot be said with certainty that the Government servant will never again be fit for service; or

(ii) there is no reasonable prospect that the Government servant will ever be fit to return to duty.

#3. In view of the fact that it cannot be said with certainty as to when the Government servant shall be fit for service, I recommend that Shri/Shrimati/ Kumari..... may be granted leave on medical grounds with effect from .....to .....(up to a period of one year).

[#Please strike out if a certificate is being issued under 2 (ii) above]

FORM 4

[See Rule 19]

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

Signature of the Government servant.....

I, ... after careful personal examination of the case hereby certify that Shri / Shrimati / Kumari..... whose signature is given above, is suffering from .....and I consider that a period of absence from duty of .....with effect from .....is absolutely necessary for the restoration of his / her health.

Authorized Medical Attendant
.....Hospital / Dispensary
or other Registered Medical
Practitioner

Dated.....

NOTE 1- The nature and probable duration of the illness should be specified.

NOTE 2- This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

NOTE 3.- Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, who shall express an opinion both a regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a Medical Officer nominated by himself.

NOTE 4.- No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

FORM 5

[See Rule 24 (3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of the Government servant .....

We, the members of Medical Board

I, ... Civil Surgeon/Staff Surgeon.
Authorized Medical Attendant of....
Registered Medical Practitioner

do hereby certify that we / I have carefully examined Shri / Shrimati I Kumari .....whose signature is given above, and find that he/she recovered from his I her illness and is now fit to resume duties in Government service. We / I also certify that before arriving at this decision, we If have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our / my decision.

Members of the Medical Board
(1).....
(2).....
(3).....
Civil Surgeon / Staff Surgeon
Authorized Medical Attendant
Registered Medical Practitioner

Dated.....

NOTE.- The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

FORM 6

[See Rule 32 (3)

BOND FOR TEMPORARY GOVERNMENT SERVANTS GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF RULE 32 (2) (e) FOR STUDY

KNOW ALL MEN BY THESE PRESENTS THAT WE ..... residents..... of in the District of..... at present employed as .....in the Ministry/Office of..... (hereinafter called "the Obligor") and Shri / Shrimati / Kumari.....son/daughter of.....of..... and Shri / Shrimati / Kumari .....son/daughter of..... of..... (hereinafter called "the Sureties"), do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs..... (Rupees ..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Government has at the request of the above bounden Shri / Shrimat / Kumari.....employed as a....., granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of..... months..... days with effect from..... in order to enable him / her to study at.....

AND WHEREAS the Government has appointed / will have to appoint a substitute to perform the duties of..... during the period of absence of ..... Shri/Shrimati/Kumari ..... on extraordinary leave.

AND WHEREAS for the better protection of the Government, the Obligor has agreed to execute this bond with two Sureties with such condition as hereunder written:

AND WHEREAS the said Sureties have agreed to execute this Bond as sureties on behalf of the bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounden, Shri/Shrimati/Kumari..... failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him I her and serve the Government after rejoining for such period not exceeding a period of..... years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he / she would be entitled under the rules, the said Shri/Shrimati/Kumari... or his/ her executors

and administrators shall forthwith pay to the Government on demand the said sum of ..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the Obligor Shri/Shrimati/Kumari..... and or Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari.....the Sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary for the Government to sue the Obligor before suing the Sureties Shri/Shrimati/Kumari .....and Shri/Shrimati/Kumari.....or any of them for amounts due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this..... day of .....two thousand and.....

Signed and delivered by the Obligor
above named Shri/Shrimati/ Kumar
.....
in presence of.....

Witnesses: 1.....
2.....

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of .....

Witnesses: 1.....
2.....

Signed and delivered by the Surety
above named Shri/Shrimati/Kumari
.....
in the presence of .....

Witnesses: 1.....
2.....

ACCEPTED
for and on behalf of the
President of India

FORM 7

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I,..... resident of..... in the District of..... at present employed as..... in the Ministry/Office of do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country of India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I.....am granted study leave by Government.

AND WHEREAS for the better protection of the Government, I have agreed to execute this Bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time within a period of three years/five years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me during the currency of the bond period.

AND upon my making such payment, the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts of India.

Signed and dated this..... day of..... two thousand and.....

Signed and delivered by .....
.....
In the presence of.....

Witnesses 1.....
2.....

ACCEPTED

For and on behalf of the
President of India

EXPLANATION. — The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS (P) Rules, 1972

FORM 8

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I..... resident of..... in the District of .....at present employed as .....in the Ministry/Office of.....do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I..... was granted study leave by Government for the period ..... to..... in consideration of which I executed a Bond, dated..... for (Rupees..... only) in favour of the President of India.

AND WHEREAS the extension of study leave has been granted to me at my request until.....

AND WHEREAS for the better protection of the Government, I have agreed to execute this Bond with such conditions as hereunder are written.

NOW, THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty of resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years/five years after my return to duty. I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating, putting in service for the period as specified above, after expiry of the study leave availed by me, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period.

AND upon my making, such payments, the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

Signed and dated this.....day of..... two thousand and.....

Signed and delivered by.....
.....

In the presence of .....

Witnesses 1.....
2.....

ACCEPTED

For and on behalf of the
President of India

EXPLANATION.— The 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS RULES 1972

FORM 9

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT NOT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN, BY THESE PRESENTS THAT WE..... residents of .....in the District of..... at present employed as..... in the Ministry / Office of..... (hereinafter called "the Obligor") and Shri /Shrimati/Kumari..... son/daughter of and Shri/ Shrimati/Kumari..... son/daughter of and Shri/Shrimati/Kumari .....son/daughter of..... (hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs.....(Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country, converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor is granted study leave by the Government:

AND WHEREAS for the better protection of the Government, the Obligor has agreed to execute this Bond with such condition as hereunder is written.

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT, in the event of the Obligor Shri /Shrimati/Kumari..... failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of Study or at any time within a period of three years/five years after his return to duty, the Obligor and the Sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees ..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, the period of bond, mandating putting in service by the Obligor for the period as specified above, after expiry of the study leave availed by him or her, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by him or her during the currency of the bond period.

AND upon the Obligor Shri/Shrimati / Kumari ..... and or Shri / Shrimati / Kumari..... and or Shri / Shrimati / Kumari....., the Sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force by virtue.

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary, for the Government to to sue the Obligor before suing the Sureties Shri / Shrimati / Kumari .....and Shri / Shrimati / Kumari..... or any of them for amounts due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this..... day of..... two thousand and.....

Signed and delivered by the Obligor .....
Above-named Shri / Shrimati / Kumari
.....
In the presence of .....

Witnesses 1. .....
2. .....

Signed and delivered by the Obligor
above-named Shri/Shrimati/Kumari
.....
In the presence of.....

Witnesses 1. .....
2. .....

Signed and delivered by the Obligor
above-named Shri / Shrimati / Kumari
.....
In the presence of.....

Witnesses 1. .....
2. .....

ACCEPTED
For and on behalf of the
President of India

EXPLANATION.— The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS (CCA) RULES

FORM 10
[See Rule 53 (4)]
BOND TO BE EXECUTED BY A GOVERNMENT, SERVANT NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT WE.....residents of ..... in the District of..... at present employed as..... in the Ministry/Office of.....(hereinafter called "the Obligor") and Shri/ Shrimati/Kumari ..... Son/daughter of..... of .....and Shri/Shrimati/Kumari.....son/daughter of.....(hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor was granted study leave by the Government from the period from..... to..... in consideration of which he executed a Bond, dated... for Rs.....(Rupees..... only) in favour of the President of India:

AND WHEREAS the extension of study leave has been granted to the Obligor at his request until.....

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this Bond with such condition as hereunder is written:

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the Obligor Shri/Shrimati/Kumari .....failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years / five years after his return to duty, the Obligor and the Sureties shall forthwith pay to the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT the period of bond, mandating putting in service by the Obligor for the period as specified above, after expiry of the Study Leave availed by him or her, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by him or her, during the currency of the bond period.

AND upon the Obligor Shri/ Shrimati/Kumari..... and, or Shri/Shrimati /Kumari..... and, or Shri/Shrimati/Kumari.....the Sureties aforesaid making

such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue;

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary, for the Government to sue the Obligor before suing the Sureties Shri/Shrimati/Kumari .....and Shri/Shrimati/Kumari ..... or any of them for amounts due hereunder.

The Bond shall in all respect be government by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this.....day of..... two thousand and.....

Signed and delivered by the Obligor
above named Shri/Shrimati/ Kumar
.....
in presence of.....

Witnesses: 1.....
2.....

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of .....

Witnesses: 1.....
2.....

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of .....

Witnesses: 1.....
2.....

ACCEPTED
for and on behalf of the
President of India

Explanation. — The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

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CCS (LEAVE) RULES 1972

राष्ट्रीयफ़ैशनप्रौद्योगिकीसंस्थान
National Institute of Fashion Technology
स्थापना-I विभाग,निफ़्टमुखयालय
Establishment-I Department, NIFT Head Office
हौज़ख़ास,नईदिल्ली
HauzKhas, New Delhi

No. NIFT/HO/Foreign Visit/2018/Part-I/(15) Date : 03.09.2024

OFFICE MEMORANDUM

Sub: Standard Operating Procedure for processing requests for travel outside India on private tours or official visits - regarding

NIFT BoG in its 62nd meeting held on 16th July 2024 has approved that all NIFT employees intending to travel abroad while on leave are required to seek permission from the Director General (DG), NIFT. In pursuance of the decision of the BoG and in partial modification of DOP, the DG-NIFT shall be the competent authority to approve personal as well as official visits to foreign country(ies) in respect of all employees of NIFT. DG-NIFT shall be the competent authority to approve all kinds of leave on file during which the employee is at the foreign country or intends to visit any foreign country.

2. The responsibilities and the flow of procedure at various stages are enumerated below:

(a) **Responsibilities of the concerned employee**

Employees posted at campuses as well as those posted at Head Office and intending to travel outside India and visiting any foreign country must submit an application at their respective campus or Head of the Department, as the case may be, shall seek permission as such by attaching four documents, namely (1) Application, (2) Part A of the prescribed format, (3) Leave Application in hard copy and (4) Forwarding letter vide which vigilance clearance has been sought.

(1) Application. An application requesting permission from DG-NIFT. The application must carry brief details of the travel, purpose of the visit, itinerary, dates, places to be visited and details of persons accompanying the employee, if applicable.

(2) Part A of the prescribed Format. The employee must fill Part A of the standard prescribed format, providing details of any foreign visits (official as well as personal) undertaken in the last five years.

Cont..02

03.09.2024

(3) Leave Application. A leave application in the requisite format on hard copy duly recommended by the Campus Director or the HoD, as the case may be. The Campus Director or the HoD (at NIFT-HO) shall only record his/her recommendation on the leave application from. DG-NIFT shall be the leave sanctioning authority in such cases.

(4) Vigilance Clearance Application. No employee is authorised to travel outside India without a valid vigilance clearance. Accordingly, vigilance clearance shall be sought as per the standard procedure by forwarding application to the Designated Vigilance Officer (DVO). A copy of the forwarding letter by the DVO to the Chief Vigilance Officer (CVO) at NIFT Head Office is sufficient.

(b) **Responsibilities of the Campus / Department**. The Establishment Branchat Campus or the concerned Department of employee at HO, after ensuring the completeness of the employee's leave application in hard copy along with all required documents, shall obtain the recommendations of the Campus Director or the HoD, as the case may be, forward the application Establishment Department of NIFT Head Office without waiting for final Vigilance clearance. It is the responsibility of the NIFT Head Office Establishment Department to obtain the Vigilance clearance from CVO.

(c) **Responsibilities of the Campus Director**. The Campus Director or the HoD, as the case may be, must review the employee's application and record his/her recommendation on the leave application. He/She shall forward the application to the Establishment Department of NIFT Head Office along with the recommendation and the copy of the Vigilance clearance forwarding letter at least 3 weeks prior to intended date of travel.

(d) **Responsibilities of NIFT Head Office Establishment Department**.

(i) Process the application received in hard copy from the Campus Establishment Branch or HoD of HO.

(ii) Obtain the vigilance clearance from CVO.

(iii) Submit the complete application along with necessary recommendations and vigilance clearance to the DG-NIFT for approval.

(iv) Communicate to the concerned employee through Campus Director / HoD.

Cont..03

03.09.2024

3. The above provisions shall come into force with immediate effect and supersede any instructions/orders/guidelines concerning visit to foreign country or leave for visit to any country(ies) outside India.

This is issued with the approval of the competent authority.

03.09.2024

गौरव मिश्रा/ Gaurav Mishra
संयुक्त निदेशक (स्था.) / Joint Director (Estt.)

To,

1. CVO
2. Dean(A)/ Director (IT)/ Director (F&A)/Director (HO)
3. All Campus Directors
4. All Joint Directors
5. All DD(F&A), HO/Campuses
6. Head (AA)/Head (Projects)
7. All CPs
8. ABS&LO
9. PS to DG
10. Guard File

राष्ट्रीय फैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ़्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.1271(0101)/NIFT-HO/Estt.-Misc.(All Campuses)/2025 Date:15.04.2025

OFFICE MEMORANDUM

Subject: Instructions on booking of Air Tickets on Government Account in respect of Leave Travel Concession (LTC) – regarding

NIFT had issued OM of even No. dated 13th June, 2022, 19th September, 2022, 6th January, 2023, 13th September, 2023 and 24th September, 2024 on the subject mentioned above. As deviations have been observed at campuses, the instructions booking of air tickets on account of LTC are being reiterated for strict implementation. Some of the common discrepancies/issues observed during inspections which need to be particularly addressed were as follows:

(a) The screenshot of mandatory three hours booking slot not provided by the employees.

(b) Booking of flight tickets under **"Corporate fare"** instead of **"LTC fare"**

(c) Tickets not booked from the Authorized Travel Agents, viz IRCTC, Balmer Lawrie & Company Limited and Ashok Travels & Tours

(d) The DoPT rules/guideline not followed while granting of LTC Advance/settlement of bill(s).

(e) Utilization of Camus funds for booking of LTC tickets instead of seeking reimbursement.

(f) Prior approval from the controlling officer before commencement of the journey not obtained.

(g) Proper entries of LTC in service books & personal file not maintained.

2. All Campuses are requested to ensure strict compliance of the prescribed guidelines in respect of LTC and circulate the same to all officials.

3. This issues with the approval of the Competent Authority

Mishra 15.04.25

(गौरव मिश्रा /Gaurav Mishra)
संयुक्त निदेशक (स्थापना)

Encl: As above

Copy to:

1. All Campus Directors with a request to circulate the above in respective Campus.
2. Chief Vigilance Officer
2. All Officer/Faculties/Staff to Head Office
3. Director (IT) with a request to upload the same on NIFT Website.

राष्ट्रीय फ़ैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ़्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.NIFT/HO/Estt.-I/Misc. file (All Campus)/2021 Date:24.09.2024

OFFICE MEMORANDUM

Sub : Grant of Advance in respect of Leave Travel Concession (LTC) – regarding

This office has issued OMs of even numbers dated 19th September 2022, 6th January 2023 and 24th July 2023 regarding LTC to NIFT employees. However, from various cases that are referred to this office, certain discrepancies have been observed. Some of the discrepancies/issues are:-

(a) 3 hour booking slot not being adhered to

(b) Tickets booked beyond 10% price band from the cheapest fare available in the time slot

(c) Tickets were booked under other types of fares instead of "LTC fare"

(d) Grant of more than 90% advance by providing full fare of air ticket as advance

2. The air tickets are to be booked by individuals themselves through Authorised Travel Agencies (ATAs) by utilizing self-booking tool / online booking website / portal of these three ATAs only. Booking through campus is not to be resorted to as the individuals are entitled for 90% advance only. Providing tickets through campus funds would mean 100% advance and likely to invite adverse audit remarks.

4. Campus Directors are requested to ensure strict compliance of the prescribed guidelines in respect of LTC and circulate the same to all officials.

5. This issues with the approval of the Competent Authority

24.09.2024

गौरव मिश्रा/Gaurav Mishra
संयुक्त निदेशक(स्थापना)

To,

1. All Campus Directors / Joint Directors
2. Director (F&A), NIFT Head Office
3. Director (IT) : with request to upload the same on NIFT Website
4. PS to DG NIFT

राष्ट्रीय फ़ैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ़्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.NIFT/HO/Estt.-I/Misc. file (All Campus)/2021 Date:13.09.2023

OFFICE MEMORANDUM

Subject: Instructions on booking of Air Tickets on Government Account in respect of Leave Travel Concession (LTC) – regarding

1. In continuation to OM of even no. dated 19th September, 2022 and 6th January, 2023 respectively on the subject mentioned above. It has been observed that despite clear instructions on booking of air tickets on account of LTC, still some employees do not follow the procedure resulting in forfeiture of claim. Some of the common discrepancies/issues noted are:-

a) Three hrs booking slot at the time of advance & booking of tickets to be provided.
b) Book flight tickets at least 21 days prior to the intended date of travel on LTC, to avail the most competitive fares and minimize burden on the exchequer.
c) Ticket at lowest price available in the time slot to be booked only and screen shot be attached in the claim.

2. It is requested all concerned be sensitized that by not adhering to above points the LTC claim is liable to be forfeited. However, in case due to some pressing, compelling or genuine reason the above conditions cannot be fulfilled, it is the bounden duty of employee to take prior approval from the controlling officer before commencement of the journey.

3. The employees be sensitized to show print out of the screen shots of fares/flights available to dealing assistant in the establishment department of the concerned campus prior to booking the ticket itself for safety and surety of correctness of passing the of claim.

4. In view of the above, it is once again requested to educate all the employees under you to spread awareness for compliance of the aforesaid OM and circulate the same among all officials of your Campus for it's wide publicity.

Lakhanpal

कर्नल विक्रांत लखनपाल / **Col Vikrant Lakhanpal**
पंजीयक / **Registrar**

Copy to:

1. All campus Director with a request to circulate the above in respective Campus.
2. All Officer/Faculties/Staff to Head Office
3. Director (IT) with a request to upload the same on NIFT Website.

राष्ट्रीय फ़ैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ़्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.NIFT/HO/Estt.-I/Misc. file (All Campus)/2021 Date 06.01.2023

OFFICE MEMORANDUM

Subject: Instructions on booking of Air Tickets on Government Account in respect of Leave Travel Concession (LTC) – regarding

In continuation to OM of even no. dated 19th September, 2022 on the subject mentioned above. It has been observed that the instructions on booking of air tickets on account of LTC are not followed diligently which creates hurdle in processing the cases of LTCs. Some of the discrepancies/issues noted are:-

a) Three hrs booking slot at the time of advance & booking of tickets to be provided.
b) Request for LTC to be submitted 21 days prior to the intended day of travel.
c) Ticket at lowest price available in the time slot to be booked only, etc.

2. Therefore, it is once again requested to ensure strict compliance of the aforesaid OM and circulate the same among all officials of your Campus for its vide publicity.

कर्नल विक्रांत लखनपाल / **Col Vikrant Lakhanpal**
पंजीयक / **Registrar**

Copy to:

1. All campus Director with a request to circulate the above in respective Campus.
2. All Officer/Faculties/Staff to Head Office
3. Director (IT) with a request to upload the same on NIFT Website.

राष्ट्रीयफैशनप्रौद्योगिकीसंस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.NIFT/HO/Estt.-I/Misc. file (All Campus)/2021 Date: 19.09.2022

Office Memorandum

Subject: Instructions on booking of Air Tickets on Government Account in respect of Leave Travel Concession (LTC) – regarding

In pursuance of O.M. No. 31011/12/2022-Estt.A-IV dated 29th August, 2022 issued by Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training (Estt. A-IV Desk), Govt. of India, New Delhi, (Copy enclosed) on the subject cited above wherein it has been decided that:

i) In all cases of air travel in respect of LTC, air tickets shall be purchased only from the three Authorized Travel Agents (ATAs), namely:

(a) M/s Balmer Lawrie & Company Limited (BLCL)
(b) M/s Ashok Travels & Tours (ATT),
(c) Indian Railways Catering and Tourism Corporation Ltd. (IRCTC).

ii) The choice of the travel agent for booking of ticket from the three authorized travel agents is left open to the Ministry/Department and the official in case of self booking, based on convenience and service quality. No agency charges/convenience fees will be paid to these ATAs.

iii) Government employees are to choose flight having the Best Available Fare on their entitled travel class which is the Cheapest Fare available, preferably for Non-stop flight in a given slot, mentioned below, at the time of booking. They are to retain the print-out of the concerned webpage of the ATAs having flight and fare details for the purpose of the settlement of the LTC claims.

(a) On the day of travel in the desired 3 hours' slot of following time band -

00:00 hours to 03:00 hours, 03:00 hours to 06:00 hours, 06:00 hours to 09:00 hours, 09:00 hours to 12:00 hours, 12:00 hours to 15:00 hours,15:00 hours to 18:00 hours, 18:00 hours to 21:00 hours, 21:00 hours to 24:00 hours.

(b) With provision of optimizing within a 10% price band, for convenience and comfort.

iv) Employees are encouraged to book flight tickets at least 21 days prior to the intended date of travel on LTC, to avail the most competitive fares and minimize burden on the exchequer.

Cont. 2/-

v) Employees are also encouraged to avoid unnecessary cancellations. Cancellations made less than 24 hours before intended travel on LTC, will require the submission of a self-declared justification by the employee. All the three ATAs have been directed to provide zero/nil cancellation charges. Till then, cancellation charges are to be reimbursed for all cases where cancellation was due to the circumstances/reasons beyond the control of Government employee.

vi) Employees should preferably book only one ticket for each leg of intended travel on LTC. Holding of more than one ticket is not allowed.

vii) While tickets may be arranged by the office through the travel agent, employees are encouraged to make ticket booking digitally through the Self Booking Tool/online booking website/portal of these 3 ATAs only. Employees must register their official Government Email-Id with these three agencies to book their air tickets digitally through above modes for travel by any airlines.

viii) In case of unavoidable circumstances, where the booking of ticket is done from unauthorized travel agent/website, the Financial Advisors of the Ministry/Department and Head of Department not below the rank of Joint Secretary in subordinate/attached offices are authorized to grant relaxation.

ix) No Mileage Points will be generated against travel on Government account.

Provisions for Advances

(i) Government employees entitled for air travel, may apply for LTC advance with the print-out of the concerned webpage of authorized travel agency having suitable flight and fare details while tracking the fare of the flight under the three hour time slot, as mentioned at Para 1 (iii) (a) above, at least 30 days prior to the intended date of journey.

(ii) Government employees not entitled for air travel and wish to travel by air but not under the Special Dispensation Scheme, may apply for LTC advance with reference to Rail/Bus fare.

(iii) Those Government employees who are not entitled for air travel but who wish to travel by air under the Special Dispensation Scheme, may apply for LTC advance with reference to Rail/Bus fare from their Headquarters/place of posting up to Kolkata/ Guwahati/ Chennai/ Visakhapatnam / Delhi/Amritsar plus air fare (indicated in print-out of the concerned webpage of authorized travel agency having suitable flight and fare details) from the relevant railhead in Kolkata/ Guwahati/ Chennai/ Visakhapatnam/ Delhi/ Amritsar till the place of visit in North East Region/Union Territory of Jammu & Kashmir / Union Territory of Andaman & Nicobar/Union Territory of Ladakh.

Cont....3/-

Provisions for Reimbursements

(i) In case, at the time of actual booking of the ticket after receiving the advance, there is any difference in fare owing to the time gap between request for advance and grant of advance, the difference in fare will be adjusted at the time of settlement of LTC claim.

(ii) In all cases wherein the non-entitled Government employees travel by air under Special Dispensation Scheme directly from their Headquarters/place of posting to the place of visit in NER/J&K/A&N/Ladakh, the Government employees must take the print-out of the concerned webpage having flight and fare details of the flight for relevant railhead viz. Kolkata/ Guwahati/ Delhi/ Amritsar/ Chennai/ Vishakhapatnam to the place of visit viz. NER or UT of J&K or UT of Ladakh or UT of A&N within the same time-slot where the direct flight has been booked for the purpose of reimbursement. In case the flight tickets are not available in the same slot, the print out of the details of the flights available in the next slot may be retained.

In such cases, the reimbursement will be restricted to the actual air fare for the direct journey or the fare entitled under Special Dispensation Scheme, whichever is less.

(iii) Government employees not entitled for air travel and wish to travel by air but not under the Special Dispensation Scheme, are also required to book their air ticket through only the three ATAs mentioned above irrespective of booking time limit. However, the reimbursement will be restricted to the actual air fare or the entitled train/bus fare for the shortest route, whichever is less.

2. Campus Director is requested to ensure the strict compliance of the aforesaid OM and circulate the same to all officials of respective Campus.

कर्नल विक्रांत लखनपाल/Col Vikrant Lakhanpal
पंजीयक / Registrar

Copy to:

1. All campus Director with a request to circulate the above in respective Campus.
2. All Officer/Faculties/Staff to Head Office
3. Director (IT) with a request to upload the same on NIFT Website.

राष्ट्रीयफ़ैशनप्रौद्योगिकीसंस्थान
National Institute of Fashion Technology
स्थापना-I विभाग, निफ़्ट मुख्यालय
Establishment-I Department, NIFT Head Office

No.NIFT/HO/Estt.-I/Misc. file (All Campus)/2021 Date:13.06.2022

OFFICE MEMORANDUM

In pursuance of OM No.19024/03/2021-E-IV dated 31st December, 2021 and 16th February, 2022 issued by Department of Expenditure, Ministry of Finance, Govt. of India (copy attached), it has been decided that in all cases of air travel (including LTC) where the Government of India bears the cost of air passage, air tickets shall be purchased from the following three Authorized Travel Agents viz.

i) M/s. Balmer Lawrie & Company Limited (BLCL),
ii) M/s. Ashok Travel & Tours (AA) and
iii) Indian Railways Catering and Tourism Corporation Ltd (IRCTC).

2. Campus Director is requested to ensure strict compliance of the aforesaid OM and circulate the same to all officials of respective Campus.

कर्नल विक्रांत लखनपाल / **Col Vikrant Lakhanpal**
पंजीयक / **Registrar**

Copy to:

1. All campus Director with a request to circulate the above in respective Campus.
2. All Officer/Faculties/Staff to Head Office
3. Director (IT) with a request to upload the same on NIFT Website.

No.DOPT-1714455840135
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. A-IV)
******

(Dated 30 April, 2024)

OFFICE MEMORANDUM

Leave Travel Concession (LTC)

Subject:- Guidelines on Leave Travel Concession (LTC)

Leave Travel Concession (LTC) scheme is a concessional travel facility for the Government employees to visit their Home Town or to visit any place in India during a block of four years. In terms pf provisions of the Scheme, the Government employees have the option either to avail Home town LTC twice in a block of two years each or to visit home town once in a period of two years and to visit any place in India in another block of two years. The current block of four years is 2022-2025 with two years block of 2022-2023 and 2024-2025. The travel expenses in terms of the employees and their eligible family members are borne by the Government. A Government employee and his family members while availing of Leave Travel Concession may travel in different groups at different times during that block. Further, they may visit different places of their choices while availing Any Place in India LTC.

2. Various instructions regarding Leave Travel Concession have been issued by the Government from time to time. The instructions still in vogue have been consolidated under easily comprehensible headings for the facility of reference. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned. While due care has been taken to compile this document, however, if any contradictions and imprecision therein are noticed, the provisions envisaged in the relevant OMs/Orders/etc. shall prevail, and the same may be brought to the notice of the Department of Personnel & Training.

Applicability of LTC Rules [Rule 1(3)&1(4)]:-

I. **Subject to the provisions of sub-rule 1(4), applicable to all persons – [Rule 1(3)]**
   (i) who are appointed to civil services and posts including civilian Government servants in the Defence Services in connection with the affairs of the Union;
   (ii) who are employed under a State Government and who are on deputation with the Central Government;
   (iii) who are appointed on contract basis; and
   (iv) who are re-employed after their retirement.

II. **Not applicable to – [Rule 1(4)]**
   a) Government servants not in whole-time employment;
   b) persons in casual and daily rated employment;
   c) persons paid from contingencies;
   d) Railway servants*;
   e) members of the Armed Forces;
   f) local recruits in Indian Missions abroad; and

g) person eligible to any other form of travel concession available during leave or otherwise.

*However, the Railway employees may be allowed to avail "All India LTC" once in a block of four years under CCS(LTC) Rules, 1988, subject to the certain conditions.

[O.M. No. 31011/15/2017-Estt.A-IV dated 27.03.2018]

Note:-

1. The officers of autonomous bodies deputed to Central Government will be treated as temporary Government servants during the period of their deputation with the Central Government and allowed Leave Travel Concession accordingly.

2. Industrial and work-charged staff who are entitled to regular leave will also be eligible to avail of the Leave Travel Concession in the same manner as other Central Government employees. The first block in their case would be 1960-61.

Special provisions regarding certain categories of employees (Rule 2)–

(1) In the case of persons belonging to categories mentioned in Clauses (ii), (iii) and (iv) of sub-rule (3) of Rule 1, the Leave Travel Concessions shall be admissible on completion of one year's continuous service under the Central Government, provided that it is certified by the appropriate administrative authority that the employee concerned is likely to continue to serve under the Central Government for a period of at least two years in the case of Leave Travel Concession to hometown and at least four years in the case of Leave Travel Concession to any place in India to be reckoned from the date of his joining the post under the Central Government.

(2) In the case of officers appointed on contract basis, where the initial contract is for one year but is later extended, the total duration of the contract will be taken into account for the purpose of Leave Travel Concession.

(3) In the case of persons re-employed, immediately after retirement without any break, the period of re-employed service will be treated as continuous with the previous service for the purpose of Leave Travel Concession and the concession allowed for the re-employed period, provided that the Leave Travel Concession would have been admissible to the re-employed officer had he not retired but had continued as serving officer.

Illustration: - If an officer has availed of the concession to visit any place in India in respect of a block of four years before his retirement and he is re-employed without any break, he cannot avail this concession till the expiry of the particular block of four years.

Scope - The Leave Travel Concession will cover the Government servant himself and his family **(Rule3)**.

Definitions - In these Rules, unless the context otherwise requires (Rule 4): -

(a) "*a place in India*" will cover any place within the territory of India, whether it is on the mainland India or overseas;

(b) "*Controlling officer*" means an officer declared as such under Supplementary Rule 191;

(c) "*Disciplinary Authority*" shall have the same meaning as assigned in Clause (g) of Rule 2 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965;

(d) "*Family*" means:-

(i) the Government servant's wife or husband, as the case may be, and two surviving unmarried children or stepchildren wholly dependent on the Government servant, irrespective of whether they are residing with the Government servant or not;

(ii) married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the Government servant and are wholly dependent on the Government servant;

(iii) parents and/or stepparents (stepmother and stepfather) who are wholly dependent on the Govt. employees, irrespective of whether they are residing with the Government employee or not.

(iv) unmarried minor brothers as well as unmarried, divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependent on the Government servant, provided their parents are either not alive or are themselves wholly dependent on the Government servant.

Explanation:-

1. The restriction of the concession to only two surviving children or step children shall not be applicable in respect of:-

(i) those employees who already have more than two children prior to the coming into force of this restriction i.e. 20.10.1997;

(ii) children born within one year of the coming into force of this restriction;

(iii) where the number of children exceeds two as a result of second child birth resulting in multiple births.

2. Not more than one wife is included in the term "Family" for the purpose of these Rules. However, if a Government servant has two legally wedded wives and the second marriage is with the specific permission of the Government, the second wife shall also be included in the definition of "Family".

3. Children of divorced, abandoned, separated from their husbands or widowed sisters are not included in the term "Family".

Note:-

1. The definition of dependency will be linked to minimum family pension prescribed in Central Government and dearness relief thereon. The extant conditions in respect of other relations included in the family including married/divorced/abandoned/separated/widowed daughters shall continue without any change.

[O.M. No. 31011/4/2008-Estt.(A) dated 23.09.2008]

2. Condition of dependency is not applicable on the husband and wife as they serve as one unit for the purpose of LTC.

3. When a female Govt. servant proceeds to her hometown availing the Leave Travel Concession and gets married in the hometown, LTC may be allowed also to the husband of the female Govt. servant, for the journey performed by him from the hometown to the headquarters of the female Govt. servant. A newly married wife coming from home town to headquarters station is also allowed.

[O.M. No. 48/2/65-Estt.(A), dated 02.04.1965 & 43/10/58- Estt.(A) dated 11.12.1958]

4. LTC to visit hometown in a block of two years and to any place in India once in four years will be allowed both ways during leave preparatory to retirement provided the return journey is completed before the expiry of the leave preparatory to retirement.

[O.M. No. 31011/1/77-Ests.(A) dated 01.10.1977]

5 (i) In cases where the Government servant has left his/her spouse and the dependent children at place other than his/her Headquarters, he may be allowed LTC in respect of them from the place of their residence to hometown in a block of 2 years or any place in India in a block of 4 years, as the case may be.

[O.M. No. 31011/14/86-Est.(A), dated 08.05.1987]

(ii) Full reimbursement as per the entitlement of the Government servant shall be allowed for journey(s) performed on LTC by the family members from any place in India to Headquarters/place of posting of the Government servant and back.

[O.M. No. 31011/5/2015-Estt.(A-IV), dated 31.10.2017]

(e) *"hometown"* means the town, village or any other place declared as such by the Government servant and accepted by the controlling officer;

(f) *"shortest direct route"* shall have the same meaning as given in Supplementary Rule 30 and orders issued thereunder from time to time.

Change of Hometown (Rule 5).-

(i) The hometown once declared and accepted by the controlling officer shall be treated as final. In exceptional circumstances, the Head of the Department (HoD) or if the Government servant itself is the HoD, the Administrative Ministry, may authorise a change in such declaration provided that such a change shall not be made more than once during the service of a Government servant.

[O.M. No. 43/5/57-Est.(A), dated 11.02.1958]

(ii) The current test to determine whether a place declared by a Government servant may be accepted as his home town or not is to check whether it is the place where the Government servant would normally reside but for his absence from such a station for service under Government.

[O.M. No. 43/15/57-Ests.(A) dated 24.06.1958]

Declaration of place of visit under Leave Travel Concession to any place in India (Rule 6):-

When the concession to visit any place in India is proposed to be availed of by a Government servant or any member of the family of such Government servant, the intended place of visit shall be declared by the Government servant in advance to his controlling officer. The declared place of visit may be changed before the commencement of the journey in exceptional circumstances where it is established that the request for change could not be made before the commencement of the journey owing to circumstances beyond the control of the Govt. servant. This relaxation may be made by the Administrative Ministry/Department or by the Head of the Department, as the case may be.

Admissibility of Leave Travel Concession (Rule 7):-

(1) The Leave Travel Concession shall be admissible to persons of the categories specified in clauses (i) and (iii) of sub-rule (3) of Rule 1 only, if they have completed one year's continuous service under the Central Government on the date of journey performed by him or his family, as the case may be, to avail of the concession.

(2) The leave travel concession shall be admissible during any period of leave, including casual leave and special casual leave.

Note:-

1(i). In the case of a Government servant serving in a vacation department, vacation will be treated as regular leave for the purpose of this concession.

(ii). The class of railway accommodation to which a Government servant and his family will be entitled is the class to which he is entitled under the normal rules at the time the journeys are undertaken.

(iii). The Government servants should inform the Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey.

(iv). The authority responsible for the maintenance of the service record shall ensure that on every occasion a Government servant proceeds on leave which is entered in that record, the fact whether or not he availed of the travel assistance under these orders is indicated.

[O.M. No. 43/1/55-Estt.(A) –Part-II dated 11.10.1956]

2. Not admissible for journeys during the weekend holidays without any leave.

3. LTC also admissible during CCL and study leave.

[O.M. No. 13018/6/2013-Estt(L) dated 03.04.2018 and O.M. No.31011/1/88-Estt.(A) dated 30.03.1988]

4. Entitlement of LTC may be carried forward in case of a Central Government servant who joins another post after having submitted technical resignation. Government servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, will be treated as a fresh recruit from the date of his initial appointment.

[O.M. No. 28020/1/2010-Estt.(C) dated 17.08.2016]

5. A Government servant who declares, subject to the satisfaction of the Controlling Officer, that his hometown is outside India, will also be entitled to the Leave Travel Concession for visiting his hometown, but with limited government's assistance.

6. Cases wherein reimbursement in r/o of outward journey only and return journey only is allowed.

[O.M. No. 43/10/58-Ests.(A), dated 11.12.1958]

7. The India-based Government offices and members of staff serving in India Missions / Posts abroad when they come to India on home leave or home leave-cum-transfer are entitled for availing LTC.

8. The Home Town LTC and All India LTC in combination with (i) transfer journey and (ii) tour journey shall be regulated.

[O.M. No. 43/15/59-Ests. (A), dated 19.07.1960]

[O.M. No. 31011/3/2006 dated 07.02.2007]

9. In case, the officer is deputed for training, the place of training automatically becomes the headquarters of the Government servant and he is entitled to claim LTC for self and members of the family. Where the competent authority changes the headquarters of a Government servant deputed for training either in India or abroad, under SR 59 for the purpose of travelling allowances on tour, the new headquarters to be reckoned for the purpose of LTC also.

10(i) The deputationists have an option either to choose the Leave Travel Concession admissible to the corresponding employees of the Public Sector Undertakings or under the Central Government Rules, whichever is more favourable to them

(ii) Fresh option may be allowed in a case where the rules relating to LTC are revised by the Undertaking concerned after the Government servant had joined it on deputation and had exercised his option in terms of Office Memorandum dated 7-7-1971.

11. When a Central Government employee is deputed to a top-level post in a Public Sector Undertaking (PSU), where LTC is not available, then he will be eligible for the LTC as in the case of other Central Government employees, provided that provision for its admissibility has been incorporated in the orders placing the employee on foreign service with the Undertaking concerned.

In those PSUs where the concession is available, the deputationist Government employees will be entitled only to those concessions. In PSUs, where concession is not available action may be taken in consultation with PSU concerned to modify the terms and conditions of the deputation so as to make the Govt. employee eligible for the concession.

12. The point of commencement/ end of the forward/return journey in India for the purpose of Leave Travel Concession in respect of the staff of the Indian Aid Mission in Nepal and other personnel sent to Nepal under India's Aid Programme will be the nearest Railway Station in India to the place of posting of the staff in Nepal from which they actually commence their onward journeys/complete their return journeys.

13. Fresh recruits to Central Government allowed to travel to their home town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. This facility available

only for the first two blocks of four years applicable after joining the Government for the first time.

[O.M. No. 31011/4/2008-Estt. (A), dated 23.09.2008]

FAQ's on LTC entitlements for fresh recruits with illustrations.

[O.M. No. 31011/7/2013-Estt. (A-IV), dated 26.09.2014]

14(i). A civilian Central Government servant serving in North-Eastern Region, Ladakh region of State of Jammu and Kashmir, Andaman and Nicobar Islands and Lakshadweep groups of Islands, who leaves his family behind at the old headquarters or another selected place of residence and has not availed of transfer travelling allowance for family, shall be provided with some options for the purpose of LTC.

[O.M. No. 31011/12/2015-Estt.(A-IV) dated 24.04.2018]

(ii). "Emergency Passage Concession" on two additional occasions during the entire service career to enable the Government employees and/or their families also allowed.

[O.M. No. 31011/12/2015-Estt. (A-IV), dated 28.02.2020]

15. Both husband and wife who are Government servants and are residing together can claim the concession separately subject to some conditions.

[OM No. 31011/8/89-Estt.(A), dated 08.05.1990]

16. LTC facility for an escort accompanying single handicapped Government servant allowed subject to certain conditions.

[OM No. 31011/4/91-Estt.(A), dated 09.07.1991]

17. Suspended Government servant can not avail LTC, however, his family members are entitled.

Types of leave travel concession (LTC) (Rule 8):-

(a) LTC to hometown shall be admissible irrespective of the distance between the headquarters of the Government servant and his hometown, once in a block of two calendar years, such as 1986-87, 1988-89 and so on.

(b) LTC to any place in India admissible irrespective of the distance of the place of visit from the headquarters of the Government servant, once in a block of four calendar years, such as 1986-89, 1990-93 and so on:

Provided that in the case of a Government servant to whom Leave Travel Concession to hometown is admissible, the Leave Travel Concession to any place in India availed of by him shall be in lieu of, and adjusted against, the Leave Travel Concession to hometown available to him at the time of commencement of the journey;

(c) A Government servant whose family lives away from him at his hometown may, in lieu of all concessions under this scheme, *including the Leave Travel Concession* to visit any place in India once in a block of four years which would otherwise be admissible to him and members of his family, choose to avail of leave travel concession for self only to visit the hometown every year.

Counting of leave travel concession against particular blocks (Rule 9)-

A Government servant and members of his family availing of LTC may travel in different groups at different times during a block of two of four years, as the case may be. The concession so availed of will be counted against the block of two years or four years within which the outward journey commenced, even if the return journey was performed after the expiry of the block of two years or four years. This will apply to availing of leave travel concession carried forward in terms of Rule 10.

Carry over of leave travel concession (Rule 10)-

A Government servant who is unable to avail of the leave travel concession within a particular block of two years or four years, may avail of the same within the first year of the next block of two years or four years. If a Government servant is entitled to leave travel concession to home town, he can carry forward the leave travel concession to any place in India for a block of four years only if he has carried forward the leave travel concession to home town in respect of the second block of two years within the block of four years.

Place to be visited by Government servant and members of his family under leave travel concession to any place in India (Rule 11)-

A Government servant and each member of his family may visit different places of their choice during a block of four years. It shall not be necessary for members of family of a Government servant to visit the same place as that visited by the Government servant himself at any time earlier during the same block.

Entitlement (Rule 12):

The travel entitlements of Government servants for the purpose of LTC shall be the same as TA entitlements notified vide Ministry of Finance's O.M., dated 13-7-2017, except the air travel entitlement for Level 6 to Level 8 of the Pay Matrix, which is allowed in respect of TA only and not for LTC.

[O.M. No. 31011/8/2017-Estt.(A-IV),dated 19.09.2017]

Note:-

1. Use of own/hired taxi for LTC journey on account of disability of the Government servant or dependent family member after obtaining certain papers to avoid misuse of such relaxation may be allowed.

[O.M. No. 31011/3/2009-Estt.(A), dated 28.10.2009]

2(i). The tours conducted by India Tourism Development Corporation (ITDC)/ State Tourism Development Corporations (STDCs) either in their own buses or buses hired or chartered by them from outside will qualify for the purpose of availing LTC facilities.

[O.M. No. 31011/6/2002-Estt. (A), dated 30.07.2002]

(ii). The tours conducted by IRCTC will also qualify for the purpose of availing LTC on the lines of ITDC/STDCs subject to certain conditions.

[O.M. No. 31011/6/2002-Estt. (A), dated 26.03.2008]

(iii). The reimbursement of air fare along with rail and road fare in the case of LTC journey of Government servants in tours offered by IRCTC is allowed.

[O.M. No. 31011/6/2002-Estt. (A), dated 02.12.2009]

3(i). No reimbursement shall be made in respect of the air journey performed by children, aged less than 5 years, of the Government servants who are not entitled to travel by air on LTC.

[O.M. No. 31011/3/2016-Estt. (A-IV), dated 16.05.2018]

(ii). The actual rail fare LTC in respect of children of 5-12 years age group shall be reimbursed for LTC, as per the choice of rail tickets purchased by the Government servant.

[O.M. No. 31011/3/2016-Estt.(A.IV), dated 29.04.2016]

4(i). Flexi-fare (dynamic fare) applicable in Rajdhani / Shatabdi / Duronto trains shall be admissible for the journey(s) performed by these trains on LTC. This dynamic fare component shall not be admissible in cases, where a non-entitled Government servant travels by air and claims reimbursement for the entitled class of Rajdhani / Shatabdi / Duronto trains.

[O.M. No. 31011/3/2016-Estt. (A-IV), dated the 17.04.2017]

(ii). Admissibility of travel by Tejas Rajdhani Express trains while availing of LTC.

[O.M. No. 31011/01/2024-Pers. Policy A-IV, dated the 12.01.2024]

5. The tour packages conducted by SPORTS (Society for Promotion of Nature Tourism and Sports) to Lakshadweep Island on the ships owned and operated by Lakshadweep Administration shall be allowed for the purpose of LTC journey subject to certain conditions.

[O.M. No. 31011/10/2017-Estt. (A-IV), dated the 11th October, 2018]

6(i). In all cases of air travel in respect of LTC, air tickets to be purchased only from the three Authorized Travel Agents (ATAs), namely (a) M/s Balmer Lawrie & Company Limited (BLCL), (b) M/s Ashok Travels & Tours (AYI') and (c) Indian Railways Catering and Tourism Corporation Ltd. (IRCTC).

(ii). Government employees to choose flight having the Best Available Fare on their entitled travel class which is the Cheapest Fare available, preferably for Non-stop flight in a given slot at the time of booking.

(iii). In case of unavoidable circumstances, where the booking of ticket is done from unauthorized travel agent/website, the Financial Advisors of the Ministry/Department and Head of Department not below the rank of Joint Secretary in subordinate/attached offices are authorized to grant relaxation.

[O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]

7. (i) The Government employees not entitled for air travel but wish to travel by air, are no longer required to mandatorily book their air tickets through the three authorised travel agencies (ATAs) viz. M/s Balmer Lawrie & Company Limited (BLCL), M/s Ashok Travels & Tours (AU), Indian Railways Catering and Tourism Corporation Ltd. (IRCTC), as the reimbursement is restricted to the actual air fare or the entitled train/bus fare for the shortest route, whichever is less.

(ii) In case of cancellation of tickets, cancellation charges shall be borne by the Government employees concerned. However, in case of Special Dispensation Scheme, the Government employees not entitled for air travel under LTC, but wish to travel by air to the intended place of visit in NE region, UTs of J&K, Ladakh, A & N, are required to book their air ticket through three ATAs only.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

8. All the three ATAs have been directed to allow the registration of those employees who do not have official email accounts, provided their administrative office sends their details depicting their names, employee code no., private email IDs and mobile numbers, etc. to the travel agents for the purpose of booking the air tickets in respect of LTC journey.

[O.M. No. 31011/11/2023-Estt.A-IV dated 20.10.2023]

9. The scheme allowing Government servants to travel by air to North East Region (NER), Union Territory of Jammu and Kashmir (J&K), Union Territory of Ladakh and Union Territory of Andaman & Nicobar Islands (A&N) is extended for a further period of two years, w.e.f. 26 September, 2022 till 25th September, 2024.

[O.M. No. 31011/15/2022-Estt. (A-IV), dated 11.10.2022]

Reimbursement of LTC claim (Rule 13) -

Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route.

Note:-

1. When a Government servant or any member of his family performs the journey by a longer route (which is not the cheapest) in two different classes of railway accommodation, the entitled class rate will be admissible for the

corresponding proportion of the shortest or the cheapest route and the lower-class rate for the remaining mileage by such route.

[OM No. 43/10/58-Ests.(A) dated 11.04.1958]

2. In a case where a Govt. servant and/or his family avail(s) of the concessional circular tour ticket offered by the Railways in conjunction with the LTC, the fare at the normal rate for the entitled/lower class actually used between headquarters and declared place of visit by the shortest route of the to and fro journey should be reimbursed.

[O.M. No.31011/2/77-Ests.(A), dated 03.02.1979]

3. A Govt. servant and members of his family are eligible for the reimbursement of sleeper/reservation charges while performing a journey by availing of the Leave Travel Concession, in Second Class and for reservation charges while performing the journey in First Class.

4. The reimbursement of charges for booking of rail tickets through Internet / e-ticketing, booked through the website of Indian Railways, may be allowed only for Railway journeys undertaken for official tours and LTC.

5. Reimbursement of service charges paid to the recognized Traveller's Service Agents for booking of tickets on Leave Travel Concession shall not be allowed.

6. The element of Service Tax, Education Cess and other similar levies being charged by Government on travel by Air/Road/Rail/Steamer on tour/transfer or LTC are reimbursable to the individual officer.

7. Following time-limits while processing the LTC applications/claims of the Government servants to be followed: -

Sl. No.	Course of action	Time-Limit
1	Leave Sanction	5 working day + 3 working days*
2	Sanction of LTC advance/Leave encashment	5 working day + 3 working days*
3	Time taken by Administration for verification of LTC claim after the LTC bill is submitted by the Government employee for settlement.	10 working days + 3 working days*
4	Time taken by DDO	5 working days + 3 working days*
5	Time taken by PAO	5 working days + 3 working days*

*Additional 3 days transit time may be allowed in cases where the place of posting of the Government employees is away from their Headquarters.

[O.M. No. 31011/3/2015-Estt.(A.IV), dated 18.02.2016]

8. Wherever employees opt for catering services while booking the tickets for the eligible trains for the purpose of LTC, the reimbursement of catering charges shall be allowed.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

9. Both types of the cancellation charges, viz. (i) cancellation charges levied by the airlines & (ii) cancellation charges levied by the three authorized travel agents for utilization of their portals/platforms, if any, shall be reimbursed on the ground of official exigencies only.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

10. The cases where a Government servant travels on LTC upto the nearest airport/railway station/ bus terminal by authorized mode of transport and undertakes rest of the journey to the declared place of visit by

private transport/ own arrangement (such as personal vehicle or private taxi etc.), may be dealt with as follows: -

(i) If a public transport is available in a particular area, the Government servant will be reimbursed the fare admissible for journey by otherwise entitled mode of public transport from the nearest airport/railway station/bus terminal to the declared place of visit by shortest direct route.

(ii) In case, there is no public transport available in a particular stretch of journey, the Government servant may be reimbursed as per his entitlement for journey on transfer for a maximum limit of 200 Kms (100 kms each side) covered by the private/personal transport based on a self-certification from the Government servant. Beyond this, the expenditure shall be borne by the Government servant.

[OM No. 31011/3/2015-Estt.(A.IV) dated 09.02.2017]

[O.M. No. 31011/18/2023-Estt.A-IV dated 04.02.2021]

Forfeiture of claim (Rule 14)-

A claim for reimbursement of expenditure incurred on journey under LTC shall be submitted within three months after the completion of the return journey, **if no advance** had been drawn. **Failure to do so will entail forfeiture of the claim and no relaxation shall be permissible in this regard.**

However, the Ministry/Department concerned with the concurrence of Financial Advisor can admit the claims within six months, if no advance has been drawn without reference to DoP&T.

[O.M. No. 31011/3/2015-Estt.A-IV dated 21.12.2023]

Grant of advance and adjustment thereof (Rule 15)-

- Advance may be granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to four-fifths of the estimated amount, which Government would have to reimburse in respect of the cost of the journey both ways.
- If the family travels separately from the Government servant, the advance may also be drawn separately to the extent admissible.
- The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Government servant or the period of anticipated absence of the members of the family does not exceed three months or ninety days. If this limit is exceeded, then the advance may be drawn for the outward journey only.
- If the limit of 3 months or ninety days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded to the Government forthwith.
- The advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. However, in cases where reservations can be made sixty days before the proposed date of the outward journey and advance is granted accordingly, the Government servant should produce the tickets within ten days of the drawal of advance, irrespective of the date of commencement of the journey.

Where an advance has been drawn by a Government servant, the claim for reimbursement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On a Government servant's failure to do so, he shall be required to refund the entire amount of advance forthwith in one lump sum. No request for recovery of the advance in instalments shall be entertained.

Note:-

1. The Ministry/Department concerned with the concurrence of Financial Advisor can admit the claims, provided the entire advance amount is returned within three months subject to a clause that the entire amount would be recovered within one lumpsum and interest will be charged on the entire amount of advance from the date of drawal to the date of recovery of amount.

[O.M. No. 31011/18/2023-Estt.A-IV dated 21.12.2023]

2. The Government servant is required to produce the outward journey tickets to the Competent Authority within ten days of drawal of advance in order to verify that he has actually utilised the amount to purchase the tickets.

[O.M. No. 31011/8/2015-Estt. (A-IV), dated 13.05.2016]

3. Procedure for grant of advance for Leave Travel Concession to an officer on deputation who, immediately on reversion to his parent office, wishes to proceed on leave and to join the parent office on the expiry of such leave.

4. Relaxation of normal time-limit of six months between commencement and completion of the journey by the family of a Govt. Servant shall be exercised by Heads of Departments.

[MHA OM No. 43/3/68-Est.(A), dated 19.07.1968]

5(i). The Government servants governed by the CCS (Leave) Rules, 1972 and entitled to avail LTC may encash earned leave up to 10 days at the time of availing both types of LTCs, i.e. "home town' and 'anywhere in India'. However, when the one and the same LTC is being availed of by the Government servant and his family members separately in a block year, encashment of leave would be restricted to one occasion only.

[O.M. No. 14028/2/2012-Estt. (L), dated 09.02.2015]

(ii). The leave encashed at the time of LTC will not be deducted from the maximum amount of earned leave encashable at the time of retirement. Where both husband and wife are Government servants, the entitlement for availing LTC shall remain unchanged, and encashment of leave equal to 10 days at the time of availing of LTC will continue to be available to both, subject to a maximum of sixty days each during the career.

[O.M. No. 31011/4/2008-Estt. (A), dated 23.09.2008]

(iii). The Government servants are permitted for encashment of earned leave up to 10 days at the time of availing LTC without any linkage to the number of days and the nature of leave availed while proceeding on LTC.

(iv). The Central Government employees governed by CCS (Leave) Rules, 1972 (i) **who are entitled to LTC** but opt for the facility of LTC provided to their spouses employed in PSUs / Corporation / Autonomous Bodies etc., and **(ii) who are otherwise not entitled to LTC**, on account of their spouse being employed in Indian Railways / National Airlines who are entitled to privilege passes/concessional tickets, are entitled to leave encashment while availing the LTC facility of their spouse/ privilege passes/concessional tickets of their spouse.

(v). Re-employed pensioner entitled to encashment of Earned Leave along with LTC during the period of re-employment up to the limit of 60 days in accordance with Rule 38-A of CCS(Leave) Rules (including the number of days for which encashment has been allowed along with LTC while in service), provided he is entitled to LTC.

(vi). In cases where the Government employee decides to forgo his claim of reimbursement for travel undertaken on private/hired vehicle or his claim is 'Nil', leave encashment is allowed.

[OM No. 31011/06/2023-Estt.A-IV dated 29.03.2023]

(vii). The spouse of the Government employees working in railways may be allowed to avail encashment of leave up to 10 days on All India LTC availed by the Government employee.

[O.M. No. 31011/15/2017, dated 27.03.2018]

Fraudulent claim of leave travel concession (Rule 16):-

(1) If a decision is taken by the Disciplinary Authority to initiate disciplinary proceedings against a Government servant on the charge of preferring a fraudulent claim of Leave Travel Concession, such Government servant shall not be allowed the Leave Travel Concession till the finalization of such disciplinary proceedings.

(2) If the disciplinary proceedings result in imposition of any of the penalties specified in Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Government servant shall not be allowed the next two sets of the Leave Travel Concession in addition to the sets already withheld during the pendency of the disciplinary proceedings. For reasons to be recorded in writing, the controlling authority can also disallow more than two sets of Leave Travel Concession.

(3) If the Government servant is fully exonerated of the charge of fraudulent claim of Leave Travel Concession, he shall be allowed to avail of the concession withheld earlier as additional set (s) in future block years but before the normal date of his superannuation.

EXPLANATION - *For the purpose of this rule, leave travel concession to hometown and leave travel concession to any place in India as specified in clauses (a) and (b) of Rule 8 shall constitute two sets of the Leave Travel Concession.*

Note :-

1. General principles for determination of the genuineness of the claim enunciated in the O.M. mentioned below.

[O.M. No. 31011/11/79-Estt. (A), dated 06.03.1981]

2. After the introduction of computerized booking system by Ministry of Railways, when Indian Railways expressed their inconvenience in furnishing verification certificate on the basis of Ticket No. alone, PNR No. is made mandatory for LTC claims.

[O.M. 31011/11/2000-Estt.(A), dated 23.04.2001]

Interpretation (Rule 17):-

If there is any doubt regarding any of the provisions in these rules, the matter shall be referred to the Department of Personnel and Training, who shall decide the same.

Power to relax (Rule 18):-

Save as otherwise provided in these rules, where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

Provided that no such order shall be made except with the concurrence of the Department of Personnel and Training.

Saving (Rule 19):-

All the existing instructions which are not contrary to any of the provisions of these rules and all instructions which cover matters not specifically covered by these rules, shall continue to be in force until they are amended, modified or cancelled.

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F.No.31011/07/2025 PP.A-IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Pers. Policy Division
*****

North Block, New Delhi
Date: 1st July, 2025

OFFICE MEMORANDUM

Subject: **Frequently Asked Questions (FAQs) on Central Civil Services (Leave Travel Concession) Rules, 1988 — clarifications/ modifications in the LTC instructions - Regarding.**

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The undersigned is directed to say that this Department is in receipt of several references, RTI applications, individual grievances of the employees working in different offices, etc. in respect of different issues related to Central Civil Services (Leave Travel Concession) Rules, 1988. Based on the queries received from different sources, this Department has felt the need of issuing comprehensive instructions in the form of detailed clarifications on various aspects of LTC Rules. These instructions are being issued as a supplement to the existing instructions issued by this Department from time to time, as under:

S.No.	Questions	Answers
(A) FAMILY		
1	**Definition of Family for the purpose of availing LTC facility** **[as defined in Rule 4(d) of CCS(LTC) Rules, 1988]**	**Relations included in the definition of Family :** • **Spouse** (Husband & Wife) • **Two eldest surviving unmarried children** including step children and legally adopted children, and • Divorced / abandoned / separated from husband / widowed **daughter**(s) wholly dependent and residing with Government employee. • Children exceeding two as a result of second child birth resulting in multiple births (in exceptional case) • **Parents and step parents**, who are wholly dependent on the Government employee, irrespective of whether they are residing with the Government servant or not. • **Siblings** (unmarried minor **brothers** and unmarried/ divorced/ abandoned/ separated/ widowed **sisters**) residing with and wholly dependent on the Government employee, provided that their parents are either not alive or are themselves wholly dependent on the Government employee.

		Relations NOT covered under the definition of Family: • **Parents-in-law.** • **Children of** divorced/ abandoned/ separated/widowed **sisters** and children of divorced/ abandoned/ separated/ widowed **daughters.** • Not more than one wife. • Grand parents • Any other not covered under the definition of Family as defined in Rule 4 of CCS(LTC) Rules, 1988.
2	What is the **dependency criterion** for the purpose of LTC ?	A member of family whose income from all sources, including pension, temporary increase in pension does not exceed minimum pension **(presently Rs. 9000/- per month** as per 7th CPC) **and Dearness relief (DR) thereon**, is deemed to be wholly dependent on the Government employee. Condition of dependency is not applicable to spouse of the government employee. [O.M. No. 31011/4/2008-Estt.(A) dated 23.09.2008]
3	Is it compulsory for the wife, parents and children to reside with Government employee to claim LTC ?	No. Spouse (husband and wife are considered as one unit), therefore, the condition of dependency is not relevant. Parents and children should be wholly dependent. (Rule 4 of CCS(LTC) Rules, 1988)
4	Whether son/daughter of the Government employee, who is above 25 years of age but still unmarried, is eligible for LTC claim ?	Yes, subject to the condition that he/she is unmarried and wholly dependent on the Government employee. (Rule 4 of CCS(LTC) Rules, 1988)
5	Are the in-laws of a Government Employee eligible to avail LTC ?	No.
6	Are family members allowed to travel separately ?	Yes. There is no such restriction. A Government employee and members of his family may travel separately or in different groups at different times to different destinations during a block of two or four years, as the case may be. (Rule 9 of CCS(LTC) Rules, 1988)

7	Whether some members of the family can avail LTC to 'home town' while some others for visiting 'anywhere in India' in the same two-year block period?	Yes. (Rule 9 of CCS(LTC) Rules, 1988)
8	Are spouse and children residing at a place(s) other than Headquarters of the Government employees allowed to avail LTC?	Yes. [O.M. No. 31011/5/2015-Estt.(A-IV), dated 31.10.2017]
9	Can the spouse of a government employee, who is working in private sector avail LTA or travel re-imbursement, provided by his/her employer/ organization?	Yes. No such restriction in respect of spouse working in private sector.
10	Is reimbursement allowed in respect of a child aged less than 5 years, who travels by train and opts for a separate seat/ berth ?	No. [O.M. No. 31011/3/2016-Estt. (A-IV), dated 16.05.2018]
11	Whether a government employee who is not eligible for travel by air is entitled for re-imbursement of air-fare in respect of children aged less than 5 years whose full fare is charged by the airlines?	No reimbursement shall be allowed in respect of the air journey performed by children, aged less than 5 years, of the Government servants who are not entitled to travel by air on LTC. However, this provision shall not be applicable for the segments where the air journey has been allowed to the non-entitled Government servants and their families under the Special Dispensation Scheme. [O.M. No. 31011/3/2016-Estt. (A-IV), dated 16.05.2018] The actual rail fare paid by the Government employee for the children aged between 5 years and under 12 years, shall be reimbursed for LTC. [O.M. No. 31011/3/2016-Estt.(A.IV), dated 29.04.2016]
12	Can a government employee or his family members avail LTC while he/she is in suspension ?	Government employee under suspension is not allowed to avail LTC. However, his/her family is entitled to avail LTC.

(B) BLOCK YEAR

13	**What is Block Year**	Block Year is a period of 4 years (calendar years). The current block of four years is 2022-2025. May see the details of Block Years in **Table-1 below** In respect of employees having Home Town (HT) (duly approved by the competent authority), their block year of 4 years is divided in two sub-blocks i.e. 2022-23 and 2024-25. The employee can avail either Anywhere in India (AI) or Home Town (HT) in each sub-blocks as per details given in **Table-2** below.

Table-1

Government employees whose Headquarters/Place of posting and Home Town are the same.

Block Year	**Previous Block Year 2018-21**	**Current Block Year 2022-25**	**Next Block Year 2026-29**
Entitlement of the employee	ANY PLACE in INDIA	ANY PLACE in INDIA	ANY PLACE in INDIA

Table-2

Government employees whose Headquarters/Place of posting and Home Town are different.

	Current Block Year 2022-2025		
	EMPLOYEE CHOICE	**SUB BLOCK 2022-2023**	**SUB BLOCK 2024-2025**
Entitlement of the employee	OPTION 1	HOME TOWN	ANY PLACE in INDIA
	OPTION 2	ANY PLACE in INDIA	HOME TOWN

14	What is the Block Year for Government employees whose Headquarters/ Place of posting and Home Town are the same ?	The current block of four years is 2022-2025. Government employee is eligible for one Anywhere All India LTC only as explained in **Table-1** above.

15	Current Block year for the Government employees whose Headquarters/Place of posting and Home Town are different.	The current block of four years is 2022-2025. The block year of 4 years is divided in two sub-blocks i.e. 2022-23 and 2024-25. The employee can avail either 'Any Place in India' or 'Home Town' LTC in the first sub-block and the remaining in the second sub block, as per his/her choice. May see illustration in **Table 2** above.
16	Can a government employee who has declared Home town avail two LTCs ('Anywhere in India/ Home town)' in one calendar year ?	Yes. He can take two LTCs in the beginning of each sub blocks, as per illustrations given below: **Case 1:** In the calendar year 2022: One unavailed LTC of previous block year (2020-21) and one of the current block (2022-23) can be availed. **Case 2.** In the calendar year 2024: One unavailed LTC of previous block year (2022-23) and one of the current block (2024-25) can be availed. **Case 3** In the calendar year 2026: One unavailed LTC of previous block year (2024-25) and one of the current block (2026-27) can be availed.
17	Can a government employee whose Home town and Headquarter is same, avail two LTCs ('Anywhere in India)' in one calendar year ?	Yes. He/She can avail 2 LTCs in the first year of each block of 4 years **Case 1:** In the calendar year 2022: One unavailed LTC of previous block year (2018-21) and one of the current block (2022-25) can be availed. **Case 2.** In the calendar year 2026: One unavailed LTC of current block year (2022-25) and one of the next block (2026-29) can be availed.
18	Whether Blocks / sub-blocks of LTC are extendable ?	Block of four years and sub-block of two years automatically gets extended by one year (upto 31st of December of next calendar year).
19	Whether the Government employees whose Headquarters/ Place of posting and Home Town are same, are eligible for Home town LTC?	No. Government employees whose headquarters/ Place of posting and Home Town are the same, not eligible for Home Town LTC. [OM No. 31011/4/2007-Estt.(A-IV) dated 18.05.2015]
20	Whether the Government employees residing in cities/ towns outside Delhi which fall under other	Yes. Cities/towns which are outside Delhi and fall in other States of NCR are not to be treated as Delhi Headquarters. Hence, the Government employees

	states of National Capital Region (NCR) are eligible for Home town Concession ?	whose headquarters are Delhi and reside in cities/towns outside Delhi falling in other States of NCR, are eligible for Home Town Concession. [OM No. 31011/4/2007-Estt.(A-IV) dated 18.05.2015]
(C) LEAVE ENCASHMENT		
21	Is leave encashment allowed in case the Government employee does not avail of LTC in a particular block year but his family member(s) avail of LTC ?	Yes. Government employee may apply for leave encashment before the commencement of the journey in respect of his/ her family member in a particular sub-block/block year. Employees are entitled for one leave encashment only in a particular Block/ Sub-Block year, as the case may be. [O.M. No. 14028/2/2012-Estt. (L), dated 09.02.2015]
22	Whether reimbursement of leave encashment is allowed where the Government employees undertake journeys on private vehicles in areas connected by public transport or the Government employee himself decides to forgo his claim resulting in 'Nil' claim on journeys performed.	Yes. Leave encashment is allowed, provided that: (i) A Government employee intimates to the Department his intention to avail of LTC in advance and gets the leave sanctioned as per the prescribed procedure before the journey is undertaken; (ii) The Government employee has submitted a request for leave encashment before the commencement of the journey; and (iii) The Government employee gives a self-declaration that he has actually travelled to the declared place of visit and is not claiming the fare reimbursement for the entire LTC journey. [OM No. 31011/06/2023-Estt.A-IV dated 29.03.2023]
23	Whether Leave encashment is permissible if one applies anytime prior to the commencement of the journey ?	Yes. The Government employee can apply for leave encashment prior to the commencement of the outward journey. [O.M. No. 31011/3/2015-Estt.(A.IV), dated 18.02.2016]
24	Whether both husband and wife get Leave Encashment if both of them are central government employees ?	Yes. [O.M. No. 14028/2/2012-Estt. (L), dated 09.02.2015]

(D) LEAVE		
25	Which kind of leave is necessary for availing LTC ?	Travel on LTC is admissible during any kind of leave, including casual leave, special casual leave and child care leave. (Rule 7(2) of CCS(LTC) Rules, 1988) [OM No. 13018/6/2013-Estt(L) dated 03.04.2018]
26	Is it necessary to avail leave by Government Employee when only his/her family members are travelling?	No.
27	Whether LTC can be availed during week-end/holidays alone?	No. It is necessary to avail of any kind of leave due and admissible when the LTC is availed of by the Government employee.
(E) JOURNEY BY ROAD, RAIL AND SEA		
29	Whether travel by taxi, auto-rickshaw etc., permissible between places not connected by rail under LTC ?	As per LTC rules, a Government employee is required to travel by vehicles operated by Central/State Government or local bodies or by any corporation in the public sector owned/controlled by Central/State Government. Journey on LTC by taxi, auto-rickshaw etc., are permissible only between places not connected by rail/ road. This is further subject to the condition that these modes operate on a regular basis from point to point with the specific approval of the State Governments/transport authorities concerned and are authorised to ply as public carriers. [OM No. 31011/3/2015-Estt.(A.IV) dated 09.02.2017] [O.M. No. 31011/18/2023-Estt.A-IV dated 04.02.2021]
30	Whether personal vehicle or hired taxi for LTC journey allowed on account of disability of the Government employee or dependent family member?	Yes. Use of own/hired taxi for LTC journey on account of disability of the Government employee or dependent family member is allowed with following conditions:- (i) Medical Certificate from competent authority; (ii) Undertaking from Government employee that journey by authorized mode of vehicles

		is not feasible and he actually travelled by own car/hired taxi; and (iii) such claim should not be more than journey performed by the entitled class by rail/air by the shortest route. [O.M. No. 31011/3/2009-Estt.(A), dated 28.10.2009]
31	How is the reimbursement made where a Government employee travels on LTC upto the nearest airport/railway station/ bus terminal by authorized mode of transport and undertakes the rest of the journey to the declared place of visit by private transport/ own arrangement (such as personal vehicle or private taxi etc.) ?	(a) where the public transport is available in a particular area, the Government employee will be reimbursed the fare admissible for journey by otherwise entitled mode of public transport from the nearest airport/railway station/bus terminal to the declared place of visit by shortest direct route. (b)where, there is no public transport available in a particular stretch of journey, the Government employee may be reimbursed as per his entitlement for journey on transfer for a maximum limit of 200 Kms (i.e.100 km each side) covered by the private/personal transport based on a self-certification from the Government employee. The expenditure for the journey beyond the prescribed limit shall be borne by the Government employee. [OM No. 31011/3/2015-Estt.(A.IV) dated 09.02.2017] [O.M. No. 31011/18/2023-Estt.A-IV dated 04.02.2021]
32	Whether reimbursement is allowed in case the journey is performed by private ferry after utilizing the authorized mode of transportation ?	In cases where last part of the journey from the nearest airport/railway station is performed by private ferry, reimbursement may be restricted to the entitled Government ship fare from the nearest airport/station to the declared place of destination provided public transport/Government ferry is available in that particular area. [OM No. 31011/3/2015-Estt.(A.IV) dated 09.02.2017]
33	Is reimbursement of LTC claim for Tejas, Express, Vande Bharat Express and Humsafar Express allowed ?	Yes. Apart from Rajdhani, Shatabdi & Duronto trains, travel by Tejas Express, Vande Bharat Express and Humsafar Express trains under LTC is allowed, as per entitlement. [O.M. No. 31011/03/2022-PP A-IV, dated 14.01.2025]

34	Whether a Government employees visiting Sikkim can travel by air upto Bagdogra (West Bengal) which is not situated in NER.	Yes. A Government employee is entitled to travel by air from their place of posting (or nearest airport) to a city in the NER (or nearest airport). [OM No. 31011/4/2007-Estt.A-IV dated 14.05.2008]
35	How are the claims of LTC be settled in case of delayed submission ?	The Government employees are required to submit their LTC claims in the prescribed time period as mentioned below: 1. Where advance has been drawn, the claim for reimbursement shall be submitted within one month of the completion of the return journey; and 2. Where no advance has been drawn, the expenditure incurred shall be submitted within three months of the completion of the return journey. **Delegation of Powers:-** Administrative Ministry/Department concerned have been delegated powers to admit the claims with the concurrence of their Financial Advisor (FA) in relaxation of the above provisions subject to the following time limits without reference to DoPT: (a) where no advance is taken, LTC Bill submitted within a period not exceeding six months; and (b) where advance has been drawn, claim for reimbursement submitted within a period of three months after the completion of return journey, provided the govt. employee refunds the entire amount of advance with penal interest on the entire amount of advance in one lump-sum from the date of drawal to the date of recovery of amount. (Rule 14 & 15 of CCS(LTC) Rules, 1988) [O.M. No. 31011/3/2015-Estt.A-IV dated 21.12.2023]
36	Whether LTC journey is allowed on tour packages offered by various travel agents	Travel on tour packages is not allowed. However, the tours conducted by Indian Tourism Development Corporation (ITDC), State Tourism Development Corporation (STDC) and Indian

		Railway Catering and Tourism Corporation (IRCTC) can be considered and only the fare component for a fixed destination by the shortest route shall be reimbursable provided ITDC/STDC/IRCTC separately indicate the fare component and certify that the journey was actually performed by the Government employee and his family members for which he/she is claiming the Leave Travel Concession. [O.M. No. 31011/6/2002-Estt. (A), dated 30.07.2002 and 26.3.2008]
37	Are incidental expenses and expenditure incurred on local journeys allowed under LTC ?	No. Reimbursement under LTC scheme does not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey is allowed only on the basis of a point to point journey on a through ticket over the shortest direct route. (Rule 13 of CCS(LTC) Rules, 1988)
38	Is the taxi/ auto fare from the residence of the Government service/ other eligible family member to the nearest airport/ railway station/bus depot during the outward/ inward journey, is reimbursable	No. Local travel cost is not covered under LTC Rules (Rule 13 of CCS(LTC) Rules, 1988)
39	Is concessional circular trip tickets offered by the Railways allowed ?	There is no objection to a Government employee or his family members availing themselves of concessional circular trip tickets offered by the Railways in conjunction with the leave travel concessions. In such cases also, the official will be entitled to reimbursement of the fare for the entitled/lower class actually travelled by the shortest route. [O.M. No.31011/2/77-Ests.(A), dated 03.02.1979]
40	How will the claim of a Government employee under LTC to visit any place in India be regulated, if he purchases a circular tour ticket ?	If a Government employee performs the journey by purchasing a circular tour tickets from any Authorized Travel agents (ATAs), his claim will be regulated from HQ to destination (Home-town / declared place of visit) by shortest direct route by the entitled class of travel or actual, whichever is less.
41	Is reimbursement of charges for booking of rail tickets digitally allowed ?	The reimbursement of charges for booking of rail tickets through Internet/e-ticketing, booked through the website of Indian Railways is allowed for railway journeys undertaken on LTC

42	Are catering charges allowed while booking train tickets?	Wherever employees opt for catering services while booking the tickets for the eligible trains for the purpose of LTC, the reimbursement of catering charges shall be allowed. [O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]
43	Are the element of Service Tax, Education Cess and other similar levies being charged by Government on travel by Air/Road /Rail/ Steamer on LTC reimbursable ?	Yes. [M.F., O.M. F. No. 19023/1/2006-E. IV, dated 18.07.2007]
44	Is tour packages conducted by SPORTS (Society for Promotion of Nature Tourism and Sports), to Lakshadweep Islands on the ships owned and operated by Lakshadweep Administration allowed for the purpose of LTC journey ?	Yes. The tour packages conducted by SPORTS to Lakshadweep Islands on the ships owned and operated by Lakshadweep Administration are allowed for the purpose of LTC journey subject to following conditions: (i) SPORTS is offering various tour packages to the tourists, fare of which is charged as per the transportation and accommodation chosen for the destination. Only transportation charges shall be reimbursable for the respective tour package. (ii) SPORTS shall issue a certificate for transportation charges to the Government employees indicating the fare components separately and certify that the journey was actually performed by the Government employee and his family members for which he/she is claiming the Leave Travel Concession. (iii) Fare reimbursement for the journey performed by boat/ship shall be exercised in accordance with TA entitlement of the Government employee for journey by sea or river steamer. [O.M. No. 31011/10/2017-Estt. (A-IV), dated the 11th October, 2018]
45	Is it compulsory to book tickets 21 days in advance for passing of LTC claims?	Employees are encouraged to book flight tickets at least 21 days prior to the intended date of travel on LTC, to avail the most competitive fares and minimize burden on the exchequer. [O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]
(F) JOURNEY BY AIR		
46	What is the procedure for booking of air tickets of the	All the three ATAs have been directed to allow the registration of those employees who do not have official email accounts, provided their

	employees who do not have any official accounts?	administrative office sends their details depicting their names, employee code no., private email IDs and mobile numbers, etc. to the travel agents for the purpose of booking the air tickets in respect of LTC journey. [O.M. No. 31011/11/2023-Estt.A-IV dated 20.10.2023]
47	Authorized Travel Agencies (ATA) for booking tickets.	(i) 'M/s Balmer Lawrie & Company Limited', BLCL (https://govemp.balmerlawrietravelapp.com), (ii) 'M/s Ashok Travels & Tours', 'ATT' (https://www.attitdc.in) and (iii) Indian Railways Catering and Tourism Corporation Ltd., 'IRCTC' (https://www.air.irctc.co.in). [O.M. No. 31011/11/2023-Estt.A-IV dated 20.10.2023] **NB:** **While booking the air-tickets through ATAs, employees must ensure that ticket(s) is/are booked under the category of "LTC" only and not "Corporate".**
48	Is LTC-80 fare still applicable to Central Government employees?	No. LTC 80 was a scheme offered by Air India for booking Air Tickets when Central Government Officers avail LTC. As Air India is no longer a PSU of Government of India, LTC 80 scheme offered by erstwhile Air India is no more in existence. [O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]
49	Whether Government employees have to pay cancellation charges levied by the airlines?	Yes, as per the respective airline policy. However, all the three authorized travel agents viz. M/s Balmer Lawrie & Company Limited (BLCL), M/s Ashok Travels & Tours (ATT) and Indian Railways Catering and Tourism Corporation Ltd. (IRCTC) do not have to change any cancellation charges for utilization of their services. [O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023
50	Whether Government employees can travel by Helicopter ?	No. [OM No. 31011/4/2007-Estt.A-IV dated 14.05.2008]

51	Whether the Government employees have to book air tickets at the cheapest fare on the intended date of journey ?	The employees are required to book air tickets at the cheapest price or at the fare 10% higher than the cheapest price available in the intended slot of 3 hours each like 3 – 6 hrs, 6 – 9 hrs, ...). [O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]
52	Is break-journey by air allowed ?	No. Break-journey refers to staying at the place other than the place of destination except for the purpose of taking the connecting flight or for halt/lay-over of the direct flight.
53	How can the reimbursement be made if the journey is performed in different class of entitlement ?	The reimbursement of claim will be settled as per the entitled class. However, if journey is performed by the higher-class reimbursement shall be restricted to entitled class. In case, the journey is performed by the lower-class, reimbursement shall be allowed as per actual.
54	Are cancellation charges allowed while booking air tickets through authorized travel agents?	Cancellation charges levied by the three authorized travel agents for utilization of their portals/platforms, if any, shall be reimbursed on the ground of official exigencies only. [O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]
(F) SPECIAL DISPENSATION SCHEME		
55	What is its validity period of the Special Dispensation Scheme ?	In relaxation of CCS(LTC) Rules, 1988, the scheme allowing Government employees to travel by air to North East Region (NER), Union Territory of Jammu and Kashmir (J&K), Union Territory of Ladakh and Union Territory of Andaman & Nicobar Islands (A&N) is extended for a further period of two years, w.e.f. 26 September, 2024 till 25th September, 2026. [DOPT OM No. 31011/15/2022-Estt.A-IV dated 17.09.2024]
56	While availing Special Dispensation Scheme, can the outward journey be started just before the midnight of 25th September, 2026?	Yes.

57	Whether Sikkim is included in North Eastern Region (NER)?	Yes. Sikkim is one of the parts of NER (i.e. Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim). [OM No. 31011/4/2007-Estt.A-IV dated 14.05.2008]
58	Are Lakshadweep Islands included in the Special Dispensation Scheme ?	No.
59	Whether the Government employees who are not eligible for Home Town LTC may avail the Special Dispensation scheme of conversion of Home Town LTC to travel to NER/A&N/ J&K/ Ladakh ?	No. Employees whose Home Town & Headquarters are same are not eligible for Home Town LTC and hence, the question of conversion of Home Town LTC to travel to these places under Special Dispensation Scheme does not arise.
60	Whether non-entitled officers are entitled to travel directly by air from their Headquarters /place of posting to NER/A&N/ J&K/Ladakh?	Yes. Air travel by non-entitled Government employees to NER, J&K, Ladakh and A&N is allowed to travel by air in Economy class whether they avail the concession against Anywhere in India LTC or in lieu of the Home Town LTC under Special Dispensation Scheme only. However, the reimbursement will be restricted to the actual air fare for the direct journey or the fare entitled under Special Dispensation Scheme, whichever is less.
61	Will the Government employee whose Home Town is situated in NER/A&N/J&K/Ladakh also be allowed conversion of Home Town LTC for availing the Special Dispensation Scheme to visit any place in any one of the three regions out of the above mentioned four regions except the region wherein his/her Hometown is situated ?	Yes.
62	Whether Govt. employee who has already availed one Home town LTC in the current block can avail	Yes, he can avail it against All India LTC, but not under Special Dispensation Scheme.

	LTC to visit NER/A&N/ J&K/Ladakh?	
63	Can a Govt. employee (other than fresh recruits) avail the benefit of visiting NER/A&N/J&K/Ladakh twice in a particular block of 4 years?	Yes, a Govt. employee can visit NER/A&N/J&K/Ladakh by conversion of his Home Town LTC and also by availing All India LTC subject to validity period of the scheme and fulfilling of other conditions.
(G) FRESH RECRUITS [DoPT OM No. 31011/7/2013-Estt.AIV dated 26.9.2014]		
64	What are the LTC entitlements of a Fresh Recruit?	After completion of one year of regular service, Fresh recruits to the Central Government are eligible to travel on eight occasions on calendar year basis under LTC rules, as under: • first three occasions to Home Town • fourth occasion to All India • fifth, sixth and seventh occasions to Home Town; and • eighth occasion to All India This facility shall be available to the fresh recruits only for the first eight years applicable after joining the Government for the first time.
65	How are the two blocks of four years applied to the Fresh Recruit?	The first two blocks of four years (i.e. first eight years) shall apply with reference to the initial date of joining the Government service even though the Govt. employee may change the job within the Government subsequently. However, as per Rule 7 of CCS (LTC) Rules, 1988, the LTC entitlement of a fresh recruit will be calculated on calendar year basis with effect from the date of completion of one year of regular service.
66	Are the LTC blocks of four years in respect of Fresh Recruits same as the regular blocks like 2018-21, 2022-25?	No. The first two blocks of four years (first eight years) of fresh recruits will be personal to them. On completion of eight years of LTC, they will be treated at par with other regular LTC beneficiaries as per the prescribed blocks like 2022-25, 2026-29, 2030-33 and so on. A Fresh recruit may choose to avail LTC under the normal LTC rules as applicable to other Government employees. In this case, he/she will not be allowed to avail other LTCs as admissible to the fresh recruits in that block of four years.

67	If a fresh recruit does not avail LTC facility in a particular year, can he/ she avail it in the next year?	No. Carryover of LTC to the next year is not allowed in case of a fresh recruit as fresh recruits are entitled to every year LTC. In other words, every year LTC is not extendable. Hence, if a fresh recruit does not avail of the LTC facility in any year, his/her LTC lapses with the end of that year.
68	How will the LTC entitlements of a Fresh Recruit be exercised after the end of eight LTCs?	(a) After the time-line of 8 LTCs, when the next regular LTC cycle of fresh recruit coincides with the beginning of the second sub block year (i.e. 2024 in the sub-block 2024-25) of the current block year (2022-25), he will be eligible only for 'Home Town' LTC as he/she was eligible for 'Any Place in India' LTC in the eighth year (Illustration in Table-4 below). (b) Cases, where the new LTC cycle of fresh recruit coincides with the second year of the sub block year (in 2025 of sub-block year 2024-2025), he will not be eligible for LTC in that year (2025). (Illustration in Table 3 below). (c) At the end of the eighth year of LTC, when the new LTC cycle of a fresh recruit coincides with the beginning of a regular block year, his entitlement in the regular block will be exercised as per the usual LTC Rules. (Illustration in Table 5 below).
69	How will the LTC entitlement be computed in case of a fresh recruit joining the service on 31st December of any year?	A fresh recruit who joins the Government service on 31st December of any year (for example 31-12-2015), will be eligible for LTC w.e.f. 31st December of next year (31-12-2016). Since, 31st December is the last day of a calendar year (2016), his first occasion of first LTC ends with that year (2016). Hence, he may avail his first Home Town LTC on the last day of that year (2016). From next year onwards (2017 onwards) he would be eligible for the remaining seven LTCs. (Illustration in Table 4 below).
70	Can a fresh recruit whose Home Town and Headquarters are same, avail LTC to Home Town?	No. A fresh recruit whose Home Town and Headquarters are same, cannot avail LTC to Home Town. He may avail LTC to any place in India on the fourth and eighth occasion only. As per Rule 8 of CCS (LTC) Rules, 1988, LTC to Home Town shall be admissible irrespective of the distance between the Headquarters of the Govt. employee and his

		Home Town which implies that Headquarters and Home Town should be at different places.

Table-3

An employee joined the Government service on 1st September, 2016. As per the CCS (LTC) Rules, he would have become eligible for LTC with effect from 1st September, 2017 (i.e. after the completion of one year of regular service). His entitlement for Home Town / All India would be as under:

Year of LTC	Type of LTC	LTC Occasion
01.09.2016 – 31.08.2017	NIL	Eligibility after one year of regular service
01.09.2017 – 31.12.2017	Home Town	1st
01.01.2018 – 31.12.2018	Home Town	2nd
01.01.2019 – 31.12.2019	Home Town	3rd
01.01.2020 – 31.12.2020	Any Place in India	4th
01.01.2021 – 31.12.2021	Home Town	5th
01.01.2022 – 31.12.2022	Home Town	6th
01.01.2023 – 31.12.2023	Home Town	7th
01.01.2024 – 31.12.2024	Any Place in India	8th
01.01.2025 – 31.12.2025	Nil (Not eligible)	(Being second year of sub-block 2024-25 under Block Year 2022-25)
01.01.2026 – 31.12.2029	As per normal entitlement	Regular Block Year (2026-2029)

Explanations:

(i) After the completion of the first eight years, when the fresh recruit gets into the middle of the running regular Block Year (2022-2025) where the new LTC cycle of fresh recruit coincides with the second year of the second sub block (i.e. 2025 of 2024-2025), he will not be eligible for LTC in that year (i.e. 2025).

(ii) It can be seen from above that LTC entitlement for a fresh recruit is calculated calendar year wise with effect from the date of completion of one year of regular service.

Table-4

An employee joined the Government service on 31st December, 2015. As per the CCS (LTC) Rules, he would have become eligible for LTC with effect from 31st December, 2016 (i.e. after completion of one year of regular service). His entitlement for Home Town / All India LTC would be as under:

Year of LTC	Type of LTC	LTC Occasion
31.12.2015-30.12.2016	NIL	Eligibility after one year of regular service
31.12.2016	Home Town	1st
01.01.2017 – 31.12.2017	Home Town	2nd
01.01.2018 – 31.12.2018	Home Town	3rd
01.01.2019 – 31.12.2019	Any Place in India	4th
01.01.2020 – 31.12.2020	Home Town	5th
01.01.2021 – 31.12.2021	Home Town	6th
01.01.2022 – 31.12.2022	Home Town	7th
01.01.2023 – 31.12.2023	Any Place in India	8th
01.01.2024 – 31.12.2025	Home Town	(Being second sub block 2024-45 of regular Block Year 2022-2025)
01.01.2026 – 31.12.2029	As per normal entitlement	(next Block Year 2026-2029)

Explanations:

(i) A fresh recruit who joins on 31st December of any year, will be eligible for LTC w.e.f. 31st December of next year. Since 31st December is the last date of that calendar year, his first occasion of LTC ends with that year. Hence, he may avail his first home town LTC on that day only (eg. 31st December, 2016). From next year onwards, he will be eligible for the remaining seven LTCs.

(ii) After the completion of eight years of service, when the next LTC cycle of fresh recruit coincides with the beginning of the second sub block year (in 2024 under sub block year 2024-25) of the current Block Year (2022-2025), he will be eligible only for the 'Home Town' LTC in that block as he was eligible for 'Any Place in India' LTC in the eighth year. In case, the fresh recruit forgoes (or did not avail) his eighth year LTC, then he has a choice to avail either 'Any Place in India' or 'Home Town' LTC in the following sub block year (2024-25).

Table-5

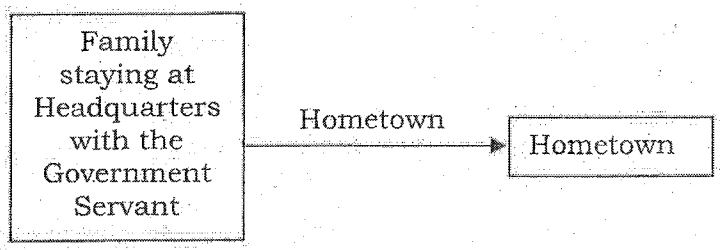
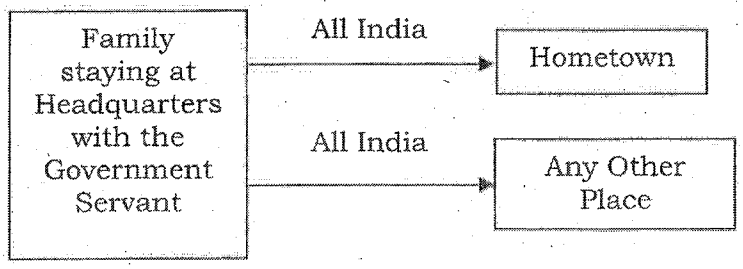
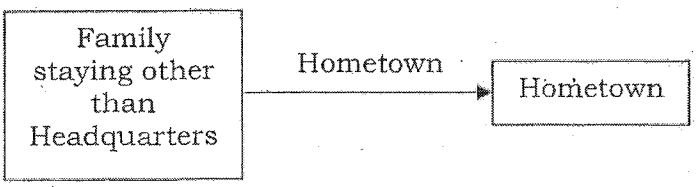
An employee joins the Government service on 1st January, 2025. As per the CCS (LTC) Rules, he will become eligible for LTC with effect from 1st January, 2026 (i.e. after the completion of one year of regular service). His entitlement for Home Town/ All India LTC would be as under:

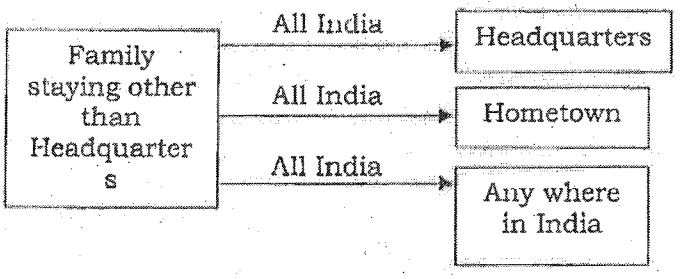
Year of LTC	Type of LTC	LTC Occasion
01.01.2025 – 31.12.2025	NIL	Eligibility after one year of regular service
01.01.2026 – 31.12.2026	Home Town	1st
01.01.2027 – 31.12.2027	Home Town	2nd
01.01.2028 – 31.12.2028	Home Town	3rd
01.01.2029 – 31.12.2029	Any Place in India	4th
01.01.2030 – 31.12.2030	Home Town	5th
01.01.2031 – 31.12.2031	Home Town	6th
01.01.2032 – 31.12.2032	Home Town	7th
01.01.2033 – 31.12.2033	Any Place in India	8th
01.01.2034 – 31.12.2037	As per normal entitlement	Regular Block Year 2034-2037

Explanations:

At the end of the eighth year of LTC, when the new LTC cycle of a fresh recruit coincides with the beginning of a regular four year block (in the year 2034), his entitlement in the regular block year (2034-2037) will be exercised as per the normal LTC entitlement.

(H) RELAXATIONS/ REFERENCES TO BE MADE TO DOPT		
71	Timelines for submission of LTC claims	A claim for reimbursement of expenditure incurred on journey under LTC shall be submitted within three months after the completion of the return journey, **if no advance** had been drawn. **Failure to do so will entail forfeiture of the claim and no relaxation shall be permissible in this regard.** However, the Ministry/Department concerned with the concurrence of Financial Advisor can admit the claims within six months, if no advance has been drawn without reference to DoP&T. [O.M. No. 31011/3/2015-Estt.A-IV dated 21.12.2023]

72	Who is the competent authority to grant relaxation in case air ticket is booked from unauthorized travel agent or website of the airlines ?	(a) The Financial Advisors of the Ministry/Department in case the Government employee is working directly under Ministry/Department; and (b) In case of the employees working under subordinate/attached offices, Head of Department not below the rank of Joint Secretary. [O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]
73	How to refer the matters to DoPT in respect of LTC by the Administrative Ministry for relaxation/clarification?	With the approval of Secretary of the Administrative Ministry/Department, the cases may be referred to DoPT through e-office only along with self-contained note specifying the points to be clarified or the provisions to be relaxed. [OM No. 43011/9/2014-Estt.(D) dated 28.10.2015]
(I)	**FAMILY STAYING AWAY FROM HQ/HT**	
74	Cases where family is staying with the Government Servant at headquarters	Family member (s) travelling to Hometown will be counted towards Hometown. 
		Family member (s) travelling to any place including Hometown will be counted towards All India. 
75	Cases where family is staying away from headquarters as per the instructions contained in DOPT O.M. No. 31011/5/2015-Estt.(A-IV), dated 31.10.2017	Family member (s) travelling to Hometown will be counted towards Hometown **(but fare will be restricted to distance between HQ and HT or actual, whichever is less).** 

		Family member (s) travelling to any place including headquarters/Home Town will be counted towards All India.  [O.M. No. 31011/5/2015-Estt.(A-IV), dated 31.10.2017]

6. Hindi version will follow.

(Lalit Kumar)
Under Secretary to the Government of India
Tel: 2304 0341

To
All Secretaries of Ministries/ Departments of the Government of India.

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/ Rajya Sabha Secretariat.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. Hindi Section for Hindi version.
10. NIC, DoPT, North Block, New Delhi, for uploading on the website of the Department.

*****

No.2/4/2022-E.IIB
Government of India
Ministry of Finance
Department of Expenditure
***

North Block, New Delhi.
Dated the 30th December, 2022.

OFFICE MEMORANDUM

Subject: Compendium of Instructions regarding grant of House Rent Allowance to Central Government employees -regarding

The Department of Expenditure, Ministry of Finance has issued various instructions from time to time regarding grant of House Rent Allowance to Central Government employees. Such instructions were issued a long back. Therefore, the existing instructions have been reviewed and in supersession of all earlier instructions issued on the subject, a consolidated Master O.M. is hereby circulated for compliance by all Ministries/ Departments.

2. This is issued with the approval of Finance Secretary & Secretary (Expenditure).

(Nirmala Dev)
Director

To,

All Ministries and Departments of the Government of India as per standard distribution list.

Copy to: C&AG and U.P.S.C. etc. as per standard endorsement list.

MINISTRY OF FINANCE

DEPARTMENT OF EXPENDITURE

****

COMPENDIUM

ON

Instructions regarding Grant of House Rent Allowance to Central Government employees.

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A. Scope of Application :

These instructions will apply to all civilian employees of Central Government. The orders will also be applicable to the Civilian employees paid from the Defence Services Estimates. In respect of Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and the Ministry of Railways respectively. These orders are also applicable on persons serving in the Indian Audit and Accounts Department.

Note : Rules mentioned in this Order shall not apply to –

(i) Government servants appointed on ad hoc or personal rates of pay unless the orders sanctioning their appointment specifically provide for the drawal of HRA in addition to pay.
(ii) Staff paid out of contingencies (i.e., casual employees/ labour).

B. Revised and Updated Provisions :

The consolidated and updated guidelines on various aspects on grant of House Rent Allowance to Central Government Employees are as follows:

1. Definitions :

1.1. **Pay** : Pay for the purpose of calculating HRA means the pay drawn in the prescribed Level in the Pay Matrix as per 7th CPC recommendations accepted by the Government but does not include any other type of pay like special pay etc.

1.2. "**Family**" means a Government servant's wife/husband, children and other persons residing with and wholly dependent upon him/her. A husband/ wife /child/ parent having an independent source of income is not treated as a member belonging to the family of the Government servant except when such income including pension (inclusive of temporary increase in pension and pension equivalent of death- cum-retirement benefits) does not exceed Rs.9000 per month[2].

1.3. "**Same station**" means all places which are treated as contiguous to the qualified city/town in terms of Para. 3.2 and those dependent on the qualified city/ town in terms of Paras. 3.4 and also those places which are included in the Urban Agglomeration of a qualified city.

1.4. "**Urban Agglomeration(UA)**": The term has been defined in the latest Census Report by the Registrar General & Census Commissioner of India, i.e. an UA is a continuous urban spread constituting a town and its adjoining outgrowths (OGs), or two or more physically contiguous towns together with or without outgrowths of such towns.

2. **Classification of cities for the purpose of grant of HRA and rates of HRA:**

2.1. Classification of cities for the purpose of HRA is based on the population of the area, as per the latest Census Report. On the basis of population, cities/towns have been classified for the purpose of grant of House Rent Allowance as under:

S. No.	Classification of Cities/Towns	Population Criteria	Rate of HRA as per 7th CPC
1.	X	50 lakhs & above	24%
2.	Y	5 Lakhs to 50 Lakhs	16%
3.	Z	Below 5 Lakhs	8%

Note : The rates of HRA will be revised to 27%, 18%, 9% for X, Y & Z class cities respectively when Dearness Allowance(DA) crosses 25% and further revised to 30%; 20% & 10% when DA crosses 50%.

3. **AREAS WHERE ADMISSIBLE:**

3.1. HRA is admissible with reference to the '**place of duty**' of the Government servant, irrespective of whether Government servant is residing at that place or any other place.

3.2. For deciding the classification of 'place of duty', the limits of the locality within which these orders apply, shall be those of the named municipality or corporation and shall include such of the suburban municipalities, notified areas or cantonments as are contiguous to the named municipality; or corporation or other areas as the Central Government may from time to time notify.

3.3. The instructions shall automatically apply/ cease to apply to areas which may be included within / excluded from the limits of the named UA or municipality or corporation by the State Government concerned, from the date of such inclusion/ exclusion.

3.4. Staff working in Central Government establishments within a distance of 8 kilometres from the periphery of the municipal limits of a qualified city will be allowed House Rent Allowance at the rates admissible in that city even though they may not be residing within those municipal limits, provided that-

(i) A certificate in the prescribed format (as per Annexure-I) from the Collector/Deputy Commissioner having jurisdiction over the area, is obtained by the Administrative Ministry/Department concerned and referred to the Ministry of Finance, Department of Expenditure for initial sanction of HRA for a period of 3 years.

(ii) Further extensions for grant of HRA beyond the initial period of 3 years may be allowed by the Administrative Ministries/ Departments in consultation with their Financial Advisers and by the C&AG, in respect of staff serving under him.

(iii) Benefit of the concession of HRA may be extended to the employees working in a place which though a town panchayat is generally dependent for its essential supplies on a qualified city and is within the 8 kms. limit of the periphery of the qualified city.

(iv) HRA will also be payable to the Central Government employees within the area of the Urban Agglomeration(UA) of classified city at the rates admissible in the classified city. The existing provisions for the payment of House Rent Allowance under Paras.3.4 above, will, however, continue to be applicable only at places which are within 8 kilometres of *municipal limits of classified cities*, but which are not included within UA of any city, subject to fulfilment of usual conditions laid down and subject to issue of specific sanctions therefore as before.

(v) The certificate of Dependency may be obtained from the Collector in all cases where the grant of HRA under Para. 3.4 is proposed. In all cases where the Collector certified that the area in question depends for its essential supplies on the qualifying city even though there may be another municipal area within the 8 kms. radius, Government would consider on merits whether grant of House Rent Allowance in such cases would be justified.

4. ADMISSIBILITY OF HRA :

HRA shall be admissible subject to the following conditions:-

4.1. The allowance shall not be admissible to those who occupy General Pool Residential accommodation provided by the Government.

4.2. Where Government quarters are available for the staff of specified Departments or for specified categories of staff, the procedure for applying for accommodation for payment for HRA will be regulated under the rules of the Ministry/Department concerned for allotment of the accommodation.

4.3. HRA drawn by a Government servant, who accepts allotment of Government accommodation, shall be stopped from the date of actual handing-over of accommodation in immediate habitable condition to the Government servant. In case of refusal of allotment of Government accommodation, HRA shall cease to be admissible from the date of allotment of Government accommodation. In case of surrender of Government accommodation, the House Rent Allowance, if otherwise admissible, will be payable from the date of such surrender.

4.4. A Government servant debarred from allotment of Government accommodation due to unauthorized sub-letting, or for other breaches of rules, but excluding those covered by 4.3 above will be eligible for HRA during the period of such debarment.

4.5. Female Government servants residing in the Western House Hostel and the Working Girls' Hostel, Delhi, or elsewhere in Government-run hostels are not entitled to House Rent Allowance. Government servants living in hostels run by Autonomous and semi-Government Organizations, which are not run on commercial lines (i.e., Central Government employees allotted hostel accommodation are not charged market rent, but a subsidized rent), would not be entitled to HRA.

4.6. A Government servant, who, on transfer, has been permitted to retain Government accommodation at the old station on payment of normal rent or penal rent or retains Government accommodation unauthorizedly on payment of market rent, etc., will be entitled to HRA at the new station for the period upto 8 months from the date of his transfer.

4.7. A Government servant who was not in occupation of Government accommodation at his old station and who, on transfer, leaves his family behind at the old station because he has not rented a house or has not been allotted Government accommodation at the new station, will be eligible for House Rent Allowance for a period of six months from the date of his assumption of charge at the new station till Government accommodation allotted to him at the new station. HRA in such cases shall be regulated as per the place of duty from the date of assumption of charge.

Note: HRA shall be admissible at the rate at which it was being drawn by him/her at the previous place of posting till the end of current academic of his/her child(ren).

4.8. In either case, the grant of HRA under these provisions shall not be admissible beyond the date on which Government accommodation allotted to him/her at the new station.

4.9. During the period of transfer not exceeding 90 days, a Government servant shall draw HRA at the same rates at which he was entitled at the time of transfer. For periods of transfer exceeding 90 days, the rate of HRA shall be regulated with reference to the new place of posting. If a transfer, initially made for a period not exceeding 90 days, is later extended, rate of HRA shall be regulated with reference to new place of posting from the date of issue of orders extending the transfer beyond 90 days.

5. CONDITIONS FOR DRAWAL OF HOUSE RENT ALLOWANCE

5.1. A Government servant shall not be entitled to HRA, if-

(i) he/she shares Government accommodation allotted to another Government servant; or

(ii) he/she resides in accommodation allotted to his/her parents/ son/ daughter by the Central Government, State Government, an Autonomous Public Undertaking or semi-Government Organization such as a Municipality, Port Trust, Nationalized Banks, Life Insurance Corporation of India, etc; or

(iii) his/her spouse has been allotted accommodation at the same station by the Central Government/State Government/ Autonomous Public Undertaking/ Semi-Government Organization such as Municipality, Port Trust, etc., whether he/she resides in that accommodation or he/she resides separately in accommodation rented by him/her.

5.2 Government servants other than a Government servant who is living in a house owned by him shall be eligible for HRA even if they share Government accommodation allotted to other Government servants [excluding those mentioned in (5.1) above] or private accommodation of other Government servants [including those mentioned in 5.1.(i) & (iii) above] subject to the condition that they pay rent or contribute towards rent or house or property tax but without reference to the amount actually paid or contributed.

5.3 In cases where husband / wife/ parents / children, two or more of them being Central Government servants or employees of State Governments, Autonomous Public Undertakings or semi- Government Organizations like Municipality, Port Trust, Nationalized Banks, Life Insurance Corporation of India, etc., share accommodation allotted to another Government servant, HRA will be admissible to only one of them, at their choice.

NOTE. The term "accommodation" includes the accommodation allotted to the employees of State Governments, Autonomous Public Undertakings, semi-Government Organizations such as Municipality, Port Trust, etc.

5.4. Drawal of HRA by husband and wife when both of them happen to be Government servants and are living in hired/ owned accommodation- HRA would be admissible to both as per their entitlement.

5.5. Reimbursement of rent to Government servants during their temporary stay in State Bhavans /Guest Houses/Departmental Guest Houses run by Central Government/State Governments/ Autonomous Organizations, etc.- The officials on their posting to the Centre and the Central Government officials on their transfer/posting to a new station, necessitating change of residence if they temporarily stay in State Bhavans/ Guest Houses/Departmental Guest Houses run by Central Government/ State Governments / Autonomous Organizations, etc. may be reimbursed the amount of rent paid subject to fulfilment of the following conditions:-

(i) The official has applied for accommodation of his entitlement, but has not been allotted residential accommodation by the Government.

(ii) The concerned Guest House should be located at the place of posting of the official.

(iii) The official must have stayed in State Bhavans / Guest Houses/Departmental Guest Houses run by Central Government/ State Government / Autonomous Organizations etc. and submit rent receipts in support of payment of rent.

(iv) Reimbursement of rent shall be admissible upto a maximum period of six months.

(v) No HRA shall be admissible during this period.

6. REGULATION OF HRA IN DIFFERENT CIRCUMSTANCES

The drawal of House Rent Allowance in the following circumstances shall be regulated as under:

6.1 During Leave :

6.1.1. A Government servant will be entitled to draw HRA during leave at the same rates at which he was drawing these allowances before he proceeded on leave. For this purpose, leave means total leave of all kinds, as per CCS(Leave) Rules (including child care leave, extraordinary leave etc.) not exceeding 180 days and the first 180 days of the leave if the actual duration of the leave exceeds that period; but does not include terminal leave, whether running concurrently with the notice period or not. When vacation or holidays are combined with leave, the entire period of vacation or holidays and leave should be taken as one spell of leave. HRA will be admissible during Leave Preparatory to Retirement(LPR) subject to submission of certificate that the employee concerned and/ or his family continues to reside at the same place/ same station.

6.1.2. In the case of Government servants who are originally granted leave on medical certificate exceeding 180 days and have ultimately to retire from Government service on grounds of invalidity, the entire leave thus becoming leave preparatory to retirement, recovery of HRA already drawn need not be effected. Central Government servants who are originally granted leave on medical grounds or otherwise but do not join duty after expiry of such leave owing to death / invalidation during such leave may also be regulated in the same manner.

6.1.3. The drawal of HRA during periods of vacation or holidays whether combined with leave or not shall be regulated in the same way as during leave.

6.1.4. In cases, where a Government servant who is sanctioned leave, whether on medical grounds or otherwise, does not join duty after availing himself of such leave, and resigns, he shall not be eligible for HRA for the entire period of such leave. The Administrative Authority concerned shall ensure that the entire amount drawn on this account is recovered before resignation, etc., is accepted.

6.1.5. Drawal of HRA during the period of leave in excess of first 180 days availed of on grounds other than medical grounds mentioned in sub-para. (6.1.6) below shall be subject to furnishing of the certificate prescribed in **Annexure-III**.

6.1.6. The limit of 180 days shall be extended to 8 months for the purpose of the grant of these allowances in the case of Government servants suffering from TB, Cancer or other ailments during the period of their leave taken on medical certificates when such certificates are in the forms prescribed. It is immaterial whether the leave is on medical certificate from the very commencement or is in continuation of other leave as defined in (i) above. In the case of employees suffering from TB, Cancer or other ailments, who remain on leave for a period exceeding 8 months, the grant of HRA for the period of leave beyond 8 months, may be decided by the respective Controlling Authorities irrespective of the period of leave involved so long as the medical certificate in the prescribed form is available.

6.1.7. In case of Study Leave approved by Government of India, employee shall be eligible for HRA at the place of study without producing certificate mentioned in **Annexure III**.

6.2. **During Joining Time:**

During Joining Time, a Government servant shall continue to draw HRA at the same rates at which he was drawing these allowances at the station from where he was transferred. Where, however, joining time is affixed to leave, joining time shall be added to the period of 180 days referred to in 6.1 above unless, in any case, it is otherwise expressly provided.

6.3. **During Deputation Abroad:**

The officers going abroad on deputation, their HRA shall be regulated at the rates admissible to them from time to time at the station from where they proceeded abroad on deputation in the following manner:-

(i) An employee proceeding on deputation abroad will be eligible for HRA till such time as his family remains at the last place of his duty in India. In the event of an employee applying for family passage to the place of deputation abroad or for Transfer Travelling Allowance in respect of his family's journey from the headquarters in India to Home Town or any other station, he will not be required to refund the amount of HRA up to the date up to which the family actually resides at the last Headquarters of the employee in India.

(ii) The drawal of HRA will be subject to the production of certificate prescribed in **Annexure III**.

6.4. **During Training Abroad:**

A Government servant who is deputed for training abroad under the various training schemes sponsored by the Government of India or operated through non- official channels shall be entitled to draw HRA during the entire period of such training at the rates admissible to him from time to time at the station from where he was deputed abroad for training subject to the production of certificates prescribed in **Annexure III**.

Leave taken during the course of training or immediately after the completion of training abroad to cover stay- overs/stop –overs resulting in the absence of the trainees abroad beyond a period of six months cannot be treated as part of the period of training and as such the Government servant concerned will not be entitled to any HRA during the period of leave taken on training abroad irrespective of whether the leave falls within the first six months of the training or immediately after the completion of the training abroad.

6.5. **During Training in India:**

A Government servant, whether permanent or temporary, who is sent on training in India, and whose period of training is treated as duty under FR 9 (6) (b), shall be entitled to draw during the entire period of such training, Compensatory (City) and House Rent Allowances at the rates admissible to him, from time to time, at either the place of training

or the place of duty from where he proceeded on training, whichever are more favourable to him. For claiming the allowances admissible at the place of duty from where a Government servant proceeded to another station for training, he will be required to furnish the certificate(s) prescribed in **Annexure III**.

NOTE. - A Government servant who is allowed travelling allowance as on tour and draws daily allowance at the place of training will draw HRA at the rates admissible to him at his headquarters from where he proceeded on training.

6.6. **During Suspension** :

The drawal of HRA to a Government servant under suspension shall be regulated with reference to FR 53 (1)(ii)(b) and FR 54 subject to his furnishing certificate prescribed in Annexure III for drawal of allowance for periods beyond 180 days from the date of suspension.

NOTE.- If the headquarters of a Government servant under suspension are changed in the public interest by orders of a Competent Authority, he shall be entitled to the HRA as admissible at the new station, provided he furnishes the requisite certificate with reference to such station.

6.7. To Re-employed Pensioners:

The drawal of House Rent Allowance in the case of re-employed pensioners shall be regulated as indicated below-

(i) In the case of officers whose pay plus pension exceeds the sanctioned maximum pay of the post, the allowances will be calculated on that maximum.

(ii) In the case of officers whose pay on re-employment in a civil post is fixed without taking into account the entire pension or a part thereof, the amount of pension so ignored shall also not be taken into account for the purpose of the grant of HRA.

(iii) In other cases, the allowances will be calculated on pay plus pension.

6.8. Persons whose leave terms are not regulated under the Fundamental Rules or the CCS (Leave) Rules, 1972 :

6.8.1. Industrial and other employees, whose leave terms are regulated by special orders and not under the Fundamental Rules or the CCS (Leave) Rules, 1972, may be granted HRA during the first 40 days of leave at the same rates at which they were drawing these allowances before proceeding on leave. Where, however, under any special orders, such employees are eligible to draw these allowances for period of leave in excess of 40 days at it time, they will continue to be governed by those orders.

6.8.2. The limit of 40 days shall be extended to 180 days in the case of such employees suffering from TB/ Cancer / other ailments during their leave taken on medical certificates

when such certificates are in the forms prescribed. It is immaterial whether the leave is on medical certificate from its very commencement or it is in continuation of other leave. The question whether the allowances may be paid to an Officer suffering from TB / Cancer/ or other ailments during leave on medical certificate exceeding 180 days shall be decided on merits by the Ministry / Department in consultation with Financial Adviser concerned. Drawal of allowances beyond 180 days will be subject to the furnishing of certificate in **Annexure III.**

6.9. During Tour :

For the period of Tour, A Government servant's entitlement to these allowances shall be regulated with reference to his Headquarters.

7. CERTIFICATES for the grant of HRA :

7.1 Dependency Certificate as required for grant of HRA under para 3.4, given in **Annexure-I.**

7.2.1 Every Government servant shall furnish along with his first claim for House Rent Allowance, a certificate in the Form given in **Annexure-II.**

7.2.2 While non-Gazetted Officers shall furnish the requisite certificates to their Head of Office, Gazetted Officer shall furnish the same to their Accounts Officers.

7.2.3 The following certificates shall be endorsed by the Drawing and Disbursing Officers on the bill in which HRA of non-Gazetted Officers are drawn by them:-

(i) "Certified that in the case of all Government servants for whom HRA are drawn in this bill, the eligibility of the allowance has been verified with reference to Government of India, Ministry of Finance, O.M. No. _____ dated _____."

(ii) "Certified that the certificates prescribed by Government have been obtained from the Government servants for whom HRA has been drawn in this bill and I am satisfied that the claims are in accordance with the orders in force."

7.3 The certificates required under paras. 6.1.5, 6.3, 6.4, 6.5, 6.6, 6.8 will be as per **Annexure-III.**

ANNEXURE- I

CERTIFICATE

(The certificate on Official Letter head (in original) should be in respect of only one place. If there are more than one place in respect of which the proposal relates, appropriate certificates in respect of each of such places should be given.)

It is hereby certified that –

1. [1] _____ is a [2]Village/ Panchayat/ Town Panchayat/ Non- municipal area;
2. [1] _____ is not a Municipality or Notified Area or Cantonment;
3. [1] _____ is not part of any Urban Agglomeration (UA);
4. [1] _____ is within a distance of 8 kilometres from the periphery of the municipal limits of _____ [3] _____

_____

Signature of the District Collector/ Deputy Commissioner having jurisdiction over the place

Seal of the District Collector/
Deputy Commissioner

Date .....

---

1. Name of the place in respect of which the proposal relates.
2. The civic status of the place, i.e., Village, Panchayat, Town Panchayat, Non- Municipal area, etc., should be indicated.
3. Name of the Municipality.

ANNEXURE- II

Certificate to be furnished by all Central Government servants:

(1) I certify that I am residing in a house hired/ owned by me / my wife / husband/ son / daughter/ father / mother / a Hindu undivided family in which I am a coparcener.

(2) I certify that I am not sharing accommodation allotted to my parent/child by the Central/State Government, an autonomous public undertaking or semi- Government organization such as municipality, port trust, etc., allotted rent-free to another Government servant.

(3) I certify that my husband /wife / children/ parents who is / are sharing accommodation with me allotted to another employee of the Central / State Government / autonomous public undertakings or semi – Government organizations like municipality, port trust, etc., is/are not in receipt of HRA from the Central/ State Government / autonomous public undertakings or semi- Government organizations like municipality, port trust, etc.

(4) I also certify that my wife/ husband has not been allotted accommodation at the same station by the Central / Sate Government / autonomous public undertakings or semi-Government organizations such as municipality, port trust, etc.

Signature of the Govt. servant .....
Name of the Govt. servant.....
Date Designation.....

*Strike out whichever is not applicable

ANNEXURE- III

CERTIFICATE

The Government servant concerned continued for the period for which House Rent Allowance is claimed, to retain the house at the same station (whether within its qualifying limits or in an adjoining area)

I certify that I retained the accommodation for the period for which HRA is being claimed at the same station_____ from where I was placed under suspension* or proceeded on leave/deputation abroad/training/etc*.

Signature of the Govt. servant .....
Name of the Govt. servant.....
Designation.....

Date:

*Strike out whichever is not applicable

Appendix

List of HRA Orders Consolidated/Superseded by this O.M

Sr. No.	OM No.	Date	Subject
01	2(37)-E.II(B)/64	27.11.1965	Grant of Compensatory(City) Allowance and House Rent Allowance
02	2(53)-E.II.B/65	23.02.1966	Grant of Compensatory(City) Allowance and House Rent Allowance
03	2(47)-E.II.(B)/66	18.08.1966	Grant of Compensatory(City) Allowance and House Rent Allowance
04	2(37)- E.II.(B)/66	24.09.1966	Rent free Concession during the period of suspension
05	2(91)- E.II.(B)/66	01.02.1967	Grant of Compensatory(City) Allowance and House Rent Allowance
06	2(100)- E.II.(B)/66	11.04.1967	Grant of Compensatory(City) Allowance and House Rent Allowance
07	2(20)- E.II.(B)/67	31.05.1967	Grant of Compensatory(City) Allowance and House Rent Allowance
08	2(47)- E.II.(B)/66	28.06.1967	Grant of Compensatory(City) Allowance and House Rent Allowance
09	2(55)- E.II.(B)/67	19.12.1967	Grant of Compensatory(City) Allowance and House Rent Allowance
10	2(110)- E.II.(B)/67	17.06.1968	Grant of Compensatory(City) Allowance and House Rent Allowance
11	2(15)- E.II.(B)/69	24.10.1970	Reduction of House Rent Allowance at the rate of 40% when a Government servant shares accommodation with a member of his/her family not dependent upon him.
12	2(26)- E.II.(B)/69	05.01.1971	Grant of Compensatory(City) Allowance and House Rent Allowance to a Central Government servant who resigns from Government service without joining duty after a spell leave.
13	2(37)- E.II.(B)/64	06.01.1971	Grant of house rent allowance/compensatory(city) allowance-clarification regarding para 3(b)(iii) of this Ministry's Office Memorandum No. F.2(37)- EII(B)/64 dated 27.11.1965- Issue of Instructions.

14	2(14)- E.II.(B)/71	20.05.1971	Grant of House Rent Allowance in terms of para 5(c)(ii) of this Ministry's O.M. No. 2(37) – E.II.B/64 dt 27.11.1965,clarification regarding.
15	2(32)- E.II.(B)/69	20.05.1971	Grant of Compensatory(City) Allowance and House Rent Allowance to a Central Government servants-clarification with regard to para 6(a)thereof.
16	2(25)- E.II.(B)/71	19.08.1971	House Rent/Compensatory (city) Allowance-Admissiblity in areas outside the limits of a classified city/town- Procedure for obtaining necessary information/maps/certificates.
17	2(14)- E.II.(B)/71	30.10..1971	House Rent Allowance-change in the form of certificates prescribed in para 8(a) of Ministry of Finance Office Memorandum NO.2(37)-E.II.(B)/64, dated 27-11-1965
18	2(110)- E.II.(B)/67	24.11.1971	Grant of compensatory (city) and house rent allowance.
19	12034(1)/69-Pol.I	30.12.1971	Admissibility of House Rent Allowance in the event of non-acceptance or surrender of general pool accommodation at Delhi, Bombay, Calcutta, Nagpur, Simla, Madras and Chandigarh.
20	2(33)- E.II.(B)/71	13.03.1972	Grant of house rent allowance to Government servants sharing residential accommodation with adults not belonging to their families
21	2(56)- E.II.(B)/73	06.06.1974	Recommendations of the Third pay Commission – Decisions of Government relating to grant of Compensatory(city) allowance and house rent allowance to central Government employees.
22	2(42)- E.II.(B)/73	22.08.1974	Grant of Compensatory(city) allowance in respect of individuals who are entitled to rent free accommodation as a condition of service.
23	3(2)- E.II.(B)/73	03.09.1974	Third pay commission's recommendations regarding the grant of compensation- I lieu of rent free accommodation -Government's decision thereon.
24	2(61)-E.II(B)/74	19.10.1974	Grant of HRA to Central Government Employees in terms of para 5(c) (iii) of this Ministry's OM No. F. 2(37)-E.II(B)/64 dated the 27th November, 1965.
25	2(64)- E.II.(B)/74	31.10.1974	Grant of HRA/CCA during leave –cases where a Government servant does not join duty after proceeding on leave
26	2(47)- E.II.(B)/73	25.11.1974	Grant of house rent allowance to Central Government employees on transfer from one station to another Instructions regarding
27	2(71)- E.II.(B)/74	02.06.1975	Grant of C.C.A and H.R.A.
28	2(9)- E.II.(B)/74	16.06.1975	Grant of House Rent Allowance- Clarification regarding para 3(b)(iii) of this Ministry's O.M. No. F. 2(37)-E.II(B)/64 dated 27.11.1965-Issue of instructions

29	2(71)- E.II.(B)/74	07.07.1975	Grant of House Rent Allowance to persons living in their own houses
30	2(71)- E.II.(B)/65	08.09.1975	Grant of house rent allowance to persons living in own houses.
31	11012/6/E.II.(B)/75	08.10.1975	Grant of house rent allowance
32	2(71).E.II(B)/74	09.10.1975	Grant of House rent allowance to persons living in their own houses.
33	15(5)- E.II.(B)/74	05.12.1975	Grant of house rent allowance under para 3(b)(III) of this Ministry's O.M.No. F.(37)-E.II.B/64 dated 27.11.65-conditions regarding.
34	11020/6/ E.II.(B)/75	09.12.1976	Payment of House rent allowance to allottees of Government accommodation who own houses at the place of their posting and who are paying market licence fee for the Government accommodation allotted to them w.e.f. 01/01/1976
35	11015/1/E.II.(B)/76	31.01.1977	Grant of Rent free accommodation/House rent allowance to Central Govt. employees posted to Mizoram.
36	15(5)- E.II.(B)/74	01.02.1977	Payment of house rent allowance under para 3(b)(III) of the O.M. dated 27-11-1965 to central government employees working in places which are town Panchayats.
37	11020/6/E.II.(B)/75	09.02.1977	Payment of House Rent Allowance to allottees of Govt. accommodation who own houses at place of their posting and who are paying market licence fee for the Govt. accommodation allotted to them w.e.f. 01-01-1976
38	11011/1/E.II.(B)/75	25.02.1977	Simplification/rationalization of rules and procedures relating to House Rent Allowance.
39	11021/6/75- E.II.(B)	21.07.1977	Payment of House Rent Allowance to allottees of Government accommodation owning houses.
40	11025/2/77- E.II.(B)	10.08.1977	Grant of rent-free accommodation or HRA in lieu to Central Govt. employees posted in A&N islands.
41	11013/4/ E.II.(B)/76	22.09.1977	Grant of houses rent allowance in cases where the accommodation in respect of which house rent allowance is claimed is not used solely for bona fide residential purposes clarification regarding.
42	11020/6/E.II.(B)/75	24.10.1977	Payment of house rent allowance to allottees of Government accommodation owning houses.
43	11021/6/76-E.II(B)	26.10.1977	Payment of house rent allowance to Central government employees within the areas of urban Agglomerations -Question regarding
44	11021/5/76- E.II.(B)	01.11.1977	Simplification/rationalization of rules relating to House Rent Allowance
45	11020/6/ E.II.(B)/75	23.12.1977	Payment of house rent allowance to allottees of government accommodation owning houses.

46	11021/7/E.II.(B)/75	28.03.1978	Third pay commission's recommendations regarding the grant of compensation in lieu of rent free accommodation-Government's decision thereon.
47	11011/1/E.II.(B)/75	31.03.1978	Simplification/rationalization of rules relating to House Rent Allowance
48	11020/6/E.II.(B)/75	17.04.1978	Payment of house rent allowance to allottees of government accommodation owning houses.
49	2(71)-E.II.(B)/74	27.05.1978	Admissibility of HRA to Central Government employees under paragraph 5(e)of this Ministry's O.M. No. 2(37)-E.II.B/64 dated 27.11.1965
50	11014/1/E.II.(B)/79	17.03.1979	HRA – Amendment in the forms of certificates prescribed.
51	11020/3/81/E.II.(B)	25.11.1981	Grant of house rent allowance to officers going on study leave
52	11014/2/E.II.(B)/82	19.03.1983	Grant of HRA to Central Government employees on transfer from one station to another –instructions regarding.
53	11014/1/83.E.II.(B)	16.05.1983	Simplification/rationalization of rules relating to House Rent Allowance –Drawal of H.R.A. by Government servants transferred to new stations regarding.
54	11020/3/85/E.II.(B)	15.09.1986	Grant of Compensatory (City) and House Rent Allowances classification/re-classification of cities/towns on the basis of population figures of 1981 census
55	11013/2/86/E.II.(B)	23.09.1986	Recommendations of the Fourth pay commission- Decisions of Government relating to grant of Compensatory(city)and House rent allowance to central govt. employees.
56	11015/4/86E.II.(B)	19.02.1987	Grant of compensation in lieu of Rent Accommodation
57	11015/4/86-E.II.(B)	22.05.1987	Grant of Compensation in lieu of Rent Free Accommodation.
58	11015/4/86-E.II.(B)	13.11.1987	Grant of Compensation in lieu of rent free accommodation
59	11015/4/86-E.II.(B)	04.05.1988	Grant of Compensation in lieu of rent free accommodation
60.	11015/2/87-E.II(B)	08.11.1988	Drawal of House Rent Allowance by husband and wife when both of them happen to be Govt. Servants and are living in hired/owned accommodation-clarification regarding
61.	11015/4/86-E.II(B)	19.06.1989	Grant of compensation on lieu of Rent Free Accommodation.
62.	21011/5/85-E.II(B)	04.07.1989	Grant of House Rent Allowance and Compensatory (city) Allowance at old rates with respect to revised pay scales for the period 15.1.1986 to 30.9.1986 to Central Government employees.
63.	11023/3/86-E.II(B)	01.12.1989	Delegation of powers to Administrative Ministries/Department for continued grant of HRA/CCA to Central Govt. Employees.

64.	21011/13/89-E.II(B)	20.12.1989	Clarification of the phrase "Same Station" for grant of HRA/CCA.
65	11020/19/90-E.II(B)	05.02.1991	Drawal of House Rent Allowance and Compensatory(city) Allowance during leave.
66	2(10)/E.II.(B)/92	25.01.1993	Grant of HRA/CCA within a distance of 8kms from the municipal limits of a qualified city.
67	2(40)/94-E.II.(B)	10.08.1994	Grant of compensation in lieu of rent free accommodation.
68	2(39)/94 E.II.(B)	27.10.1994	Reimbursement of rent to Govt. servants during their stay in state Bhavans/Guest Houses run by the State Govts./autonomous organizations. Etc
69	2(15)/2000-E.II.(B)	22.08.2001	Grant of HRA in lieu of rent free accommodation to the Central Government employees posted in Sikkim.
70	2 (25)/04- E.II.(B)	19.08.2004	Reimbursement of rent to Government servants during their stay in State Bhavans/Guest House run by the State Govts./ autonomous organization etc.
71	2(25)/2004-E.II(B)	15.12.2011	Re-imbursement of rent to Government servants during their stay in State Bhavans/Guest House run by State Governments/Autonomous Organizations, etc.
72	2(9)/2012-E.II(B)	27.08.2012	Clarification on the admissibility of House Rent Allowance (HRA) during the Child Care Leave (CCL) –Reg.
73	2/05/2018-E.II(B)	01.02.2019	Reimbursement of rent to Government servants during their temporary stay (upto a maximum period of six months) in State Bhavans/Guest Houses/ Departmental Guest House run by Central Government/State Governments/Autonomous Organizations etc.
74	2/5/2017-E.II(B)	05.03.2019	Dispensation of conditions of applying for Government Accommodation and furnishing of 'No Accommodation Certificate' for admissibility of House Rent Allowance.

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F. No. 1202(52)/NIFT/HO/Estt.II/Rectt./Misc/2022 (PART-I)/551 27.06.2024

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Subject: **Revision of the rates of various allowances after enhancement of Dearness Allowance to 50%-reg.**

Consequent upon the revision of the rates of Dearness Allowance to 50% with effect from 1st January, 2024 vide the DOE OM No. 1/1/2024-E-II (B) dated 12th March, 2024, the rates of the following allowances stand revised with effect from 1st January, 2024, in accordance with the instructions contained in the Ministry of Finance' Office Memorandum dated 07.07.2017 and 13.07.2019 w.e.f. 1st January, 2024: -

i) **Children Education Allowance:**

	Existing rate (per child per year)	Revised rate (per child per year)
CEA	Rs. 27,000	Rs. 33,750
Hostel Subsidy	Rs. 81,000	Rs. 1,01,250
CEA for Divyang	Rs. 54,000	Rs. 67,500

*Other terms and conditions will remain same as stipulated in G.I., DoPT, OM No. A-27012/02/2017-Estt. (AL) dated 17.07.2018

ii) **House Rent Allowance:**

Classification of Cities /Town	Existing Rate	Revised Rate
X	27% of Basic pay	30% of Basic pay
Y	18% of Basic pay	20% of Basic pay
Z	9% of Basic pay	10% of Basic pay

*Other terms and condition will remain same as stipulated in G.I., DoPT, OM No. 2/5/2017-E.II(B) dated 07.07.2017

iii) **Allowance related to TA, DA during travel:**

a) Hotel accommodation:

Pay Level	Existing Rate (per day)	Revised Rate (per day)
14 & above	Rs. 7,500 + Taxes	Rs. 9,375 + Taxes
12 & 13	Rs. 4,500 + Taxes	Rs. 5,625 + Taxes
9 to 11	Rs. 2,250 + Taxes	Rs. 2,813 + Taxes
6 to 8	Rs. 750 + Taxes	Rs. 938 + Taxes
5 & below	Rs. 450 + Taxes	Rs. 563 + Taxes

b) Reimbursement of Travelling Charges for travel within the city (touring station):

Pay Level	Existing Rate (per day)	Revised Rate (per day)
12 & above	-	No change
9 to 11	Rs. 338	Rs. 423
6 to 8	Rs. 225	Rs. 281
5 & below	Rs. 113	Rs. 141
Travel on foot	Rs. 12 per km	Rs. 15 per km

2/7/5

c) Reimbursement of Food Charges / lump sum amount or Daily Allowance:

Pay Level	Existing Rate (per day)	Revised Rate (per day)
14 & above	Rs. 1,200	Rs. 1,500
12 & 13	Rs. 1,000	Rs. 1,250
9 to 11	Rs. 900	Rs. 1,125
6 to 8	Rs. 800	Rs. 1,000
5 & below	Rs. 500	Rs. 625

d) For journeys performed by own car / taxi, auto rickshaw, own scooter etc. at the place where no specific rates have been prescribed by Directorate of Transport of concerned State or the neighboring State:

	Existing Rate	Revised Rate
For journey in own car / taxi	Rs. 24 per km	Rs. 30 per km
For journey by auto, own scooter etc.	Rs. 12 per km	Rs. 15 per km

Note: In case the rates have been presented by concerned state, the same shall be applicable.

iv) Rates of transportation of personal effects by road on transfer, etc.:

Pay Level	Existing Rate	Revised Rate
6 & above	Rs. 50 per km	Rs. 63 per km
5	Rs. 25 per km	Rs. 31 per km
4 & below	Rs. 15 per km	Rs. 19 per km

Note: Other terms and conditions will remain same as stipulated in O.M. No. 19030/1/2017-E.IV dated 10th July, 2017

2- This issues with the approval of the Competent Authority.

Lakhanpal 22/5/2024

कर्नल विक्रांत लखनपाल
Colonel Vikrant Lakhanpal
पंजीयक /Registrar

Copy to:

- Director (F&A), NIFT
- All Campus Directors / Joint Directors, NIFT
- All Deputy Directors (F&A), NIFT
- Director (IT), NIFT - for uploading on NIFT website

No. 06/16/2024/Vig./506
राष्ट्रीय फैशन प्रौद्योगिकी संस्थान/National Institute of Fashion Technology
सतर्कता विभाग / Vigilance Department
हौज खास /Hauz Khas
नई दिल्ली-110016/New Delhi-110016

Date: 19th June, 2024

OFFICE MEMORANDUM

Subject : Systematic Improvement regarding processing of MACP Cases and grant of Vigilance Clearance thereof.

It has been noticed that there is inordinate delay in processing of MACP to eligible employees, which leads to dissatisfaction and grievances, more so when employee becomes ineligible subsequently due to any eventuality including that caused by disciplinary action.

2. DoPT vide OM no 35034/3/2008- Estt.(D) dated 18.02.2015 has advised strict compliance of the schedule/provisions as laid out in MACP Scheme for grant of benefits as and when the employees become eligible for such benefits. The detailed schedule is provided in DoPT guidelines on MACP Scheme.

3. In addition CVC vide Officer Order No. No. 74/12/05 (No. 004/VGL/18 dated 21st December, 2005 has stated that any undue/unjustified delay in the disposal of a case amounts to case having Vigilance Angle and action can be initiated accordingly. It must thus be ensured that the MACP cases are processed in time as per the extant rules and provisions so that the officials do not suffer due to the Administrative delays and circumstances.

(Deepika Lohia Aran)
Chief Vigilance Officer

To

- **Registrar, NIFT Head Office**
- **All NIFT Campus Directors**
- **PS to DG-NIFT for information**

No.35034/3/2008-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi, the 18th February, 2015

OFFICE MEMORANDUM

Subject:-MODIFIED ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES-instructions regarding.

This Department on the recommendation of Sixth Central Pay Commission in Para 6.1.15 of its report and in supersession of previous Assured Career Progression Scheme, vide O.M. No. 35034/3/2008-Estt.(D) dated 19.05.2009 introduced the Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian Employees which is operational w.e.f. 01.09.2008. MACP Scheme envisages the three financial upgradations at intervals of 10, 20 and 30 years of continuous regular service to all regularly appointed Group "A", "B", and "C" Central Government Civilian Employees.

2. As per para 6 of DOPT's O.M. No. 35034/3/2008-Estt.(D) dated 19.05.2009, the Screening Committee would follow a time-schedule and meet twice in a financial year – preferably in the first week of *January* and first week of *July* of a year for advance processing of the cases maturing in that half. Accordingly, cases maturing during the first-half (April-September) of a particular financial year would be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July of any financial year would process the cases that would be maturing during the second-half (October-March) of the same financial year.

3. It has come to notice of this Department that the benefits of MACPS are not being granted as per the schedule/provisions in the MACP Scheme leading to dissatisfaction and grievances among the employees. Therefore, Ministrie/Departments are advised to ensure strict compliance to the time limits indicated in MACPS for grant of benefits under this scheme as and when the employees become eligible for such benefits.

(Mukta Goel)
Director(E-I)
Tele. No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. President's Secretariat, New Delhi.
2. Vice President's Secretariat, New Delhi.
3. Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat, New Delhi.
6. Lok Sabha Secretariat, New Delhi.
7. Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi.
9. The Staff Selection Commission, New Delhi.
10. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
11. Establishment (D) Section, DOP&T (10 Copies).
12. NIC, DOPT for updating on website.

IMMEDIATE

No.35034/3/2008-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

.....

North Block, New Delhi, the 19th May, 2009

OFFICE MEMORANDUM

SUBJECT: - ***MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.***

******

The Sixth Central Pay Commission in Para 6.1.15 of its report, has recommended Modified Assured Career Progression Scheme(MACPS). As per the recommendations, financial upgradation will be available in the next higher grade pay whenever an employee has completed 12 years continuous service in the same grade. However, not more than two financial upgradations shall be given in the entire career, as was provided in the previous Scheme. The Scheme will also be available to all posts belonging to Group "A" whether isolated or not. However, organised Group "A" services will not be covered under the Scheme

2. The Government has considered the recommendations of the Sixth Central Pay Commission for introduction of a MACPS and has accepted the same with further modification to grant three financial upgradations under the MACPS at intervals of 10, 20 and 30 years of continuous regular service .

3. The Scheme would be known as "***MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.*** This Scheme is in supersession of previous ACP Scheme and clarifications issued there under and shall be applicable to all regularly appointed Group "A", "B", and "C" Central Government Civilian Employees **except officers of the Organised Group "A" Service.** The status of Group "D" employees would cease on their completion of prescribed training, as recommended by the Sixth Central Pay Commission and would be treated as Group "C" employees. Casual employees, including those granted 'temporary status' and employees appointed in the Government only on adhoc or contract basis shall not qualify for benefits under the aforesaid Scheme. The details of the MACP Scheme and conditions for grant of the financial upgradation under the Scheme are given in Annexure-I.

4. An Screening Committee shall be constituted in each Department to consider the case for grant of financial upgradations under the MACP Scheme. The Screening Committee shall consist of a **Chairperson** and **two members**. The members of the Committee shall comprise officers holding posts which are at least one level above the grade in which the MACP is to be considered and not below the rank of Under Secretary equivalent in the Government. The Chairperson should generally be a grade above the members of the Committee.

Contd...P-2/-

5. The recommendations of the Screening Committee shall be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

6. In order to prevent undue strain on the administrative machinery, the Screening Committee shall follow a **time-schedule** and meet twice in a financial year – preferably in the first week of ***January*** and first week of ***July*** of a year for advance processing of the cases maturing in that half. Accordingly, cases maturing during the first-half (April-September) of a particular financial year shall be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year.

7. However, to make the MACP Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee within a month from the date of issue of these instructions to consider the cases maturing upto 30th June, 2009 for grant of benefits under the MACPS.

8. In so far as persons serving in The Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

9. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the MACP Scheme shall be given by the Department of Personnel and Training (Establishment-D). The scheme would be operational w.e.f. 01.09.2008. In other words, financial upgradations as per the provisions of the earlier ACP Scheme (of August, 1999) would be granted till 31.08.2008.

10. No stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.

11. It is clarified that no past cases would be re-opened. Further, while implementing the MACP Scheme, the differences in pay scales on account of grant of financial upgradation under the old ACP Scheme (of August 1999) and under the MACP Scheme within the same cadre shall not be construed as an anomaly.

12. Hindi version will follow.

(S.Jainendra Kumar)
Deputy Secretary to the Govt. Of India

To

All Ministries/Departments of the Government of India

Contd..P-3/-

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
6. All Staff Side Members of the National Council (JCM)
7. Establishment (D) Section - 1000 copies
8. NIC, DoPT, North Block for up-loading of the OM in DoPT website.

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Contd...P-4-

ANNEXURE-I

MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS)

1. There shall be three financial upgradation s under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years service respectively. Financial upgradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade-pay.

2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I , Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such cases, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion.

3. The financial upgradation s under the MACPS would be admissible up-to the highest grade pay of Rs. 12000/ in the PB-4.

4. Benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme. Therefore, the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available. To illustrate, **in case a Government Servant joins as a direct recruit in the grade pay of Rs. 1900 in PB-1 and he gets no promotion till completion of 10 years of service, he will be granted financial upgradation under MACPS in the next higher grade pay of Rs. 2000 and his pay will be fixed by granting him one increment plus the difference of grade pay (i.e. Rs. 100). After availing financial upgradation under MACPS, if the Government servant gets his regular promotion in the hierarchy of his cadre, which is to the grade of Rs. 2400, on regular promotion, he will only be granted the difference of grade pay between Rs. 2000 and Rs. 2400. No additional increment will be granted at this stage.**

5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS.

Contd..P-5/-

Illustration-I

The pre-revised hierarchy (in ascending order) in a particular organization was as under:-

Rs. 5000-8000, Rs. 5500-9000 & Rs. 6500-10500.

(a) A Government servant who was recruited in the hierarchy in the pre-revised pay scale Rs. 5000-8000 and who did not get a promotion even after 25 years of service prior to 1.1.2006, in his case as on 1.1.2006 he would have got two financial upgradations under ACP to the next grades in the hierarchy of his organization, i.e., to the pre-revised scales of Rs. 5500-9000 and Rs. 6500-10500.

(b) Another Government servant recruited in the same hierarchy in the pre-revised scale of Rs. 5000-8000 has also completed about 25 years of service, but he got two promotions to the next higher grades of Rs. 5500-9000 & Rs. 6500-10500 during this period.

In the case of both (a) and (b) above, the promotions/financial upgradations granted under ACP to the pre-revised scales of Rs. 5500-9000 and Rs. 6500-10500 prior to 1.1.2006 will be ignored on account of merger of the pre-revised scales of Rs. 5000-8000, Rs. 5500-9000 and Rs. 6500-10500 recommended by the Sixth CPC. As per CCS (RP) Rules, both of them will be granted grade pay of Rs. 4200 in the pay band PB-2. After the implementation of MACPS, two financial upgradations will be granted both in the case of (a) and (b) above to the next higher grade pays of Rs. 4600 and Rs. 4800 in the pay band PB-2.

6. In the case of all the employees granted financial upgradations under ACPS till 01.01.2006, their revised pay will be fixed with reference to the pay scale granted to them under the ACPS.

6.1 In the case of ACP upgradations granted between 01.01.2006 and 31.08.2008, the Government servant has the option under the CCS (RP) Rules, 2008 to have his pay fixed in the revised pay structure either (a) w.e.f. 01.01.2006 with reference to his pre-revised scale as on 01.01.2006; or (b) w.e.f. the date of his financial upgradation under ACP with reference to the pre-revised scale granted under ACP. In case of option (b), he shall be entitled to draw his arrears of pay only from the date of his option i.e. the date of financial upgradation under ACP.

6.2 In cases where financial upgradation had been granted to Government servants in the next higher scale in the hierarchy of their cadre as per the provisions of the ACP Scheme of August, 1999, but whereas as a result of the implementation of Sixth CPC's recommendations, the next higher post in the hierarchy of the cadre has been upgraded by granting a higher grade pay, the pay of such employees in the revised pay structure will be fixed with reference to the higher grade pay granted to the post. To illustrate, in the case of Jr. Engineer in CPWD, who was granted 1st ACP in his hierarchy to the grade of Asstt. Engineer in the pre-revised scale of Rs.6500-10500 corresponding to the revised grade pay of Rs.4200 in the pay band PB-2, he will now be granted grade pay of Rs.4600 in the pay band PB-2 consequent upon upgradation of the post of Asstt. Enggs. In CPWD by granting them the grade pay of Rs.4600 in PB-2 as a result of Sixth CPC's recommendation. However, from the date of implementation of the MACPS, all the financial upgradations under the Scheme should be done strictly in accordance with the hierarchy of grade pays in pay bands as notified vide CCS (Revised Pay) Rules, 2008.

Contd..P-6/-

7. With regard to fixation of his pay on grant of promotion/financial upgradation under MACP Scheme, a Government servant has an option under FR22 (I) (a) (1) to get his pay fixed in the higher post/ grade pay either from the date of his promotion/upgradation or from the date of his next increment viz. 1st July of the year. The pay and the date of increment would be fixed in accordance with clarification no.2 of Department of Expenditure's O.M. No.1/1/2008-IC dated 13.09.2008.

8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs. 5400 is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5400 in PB-2 and Rs.5400 in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme.

9. **'Regular service'** for the purposes of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in another Government Department in a post carrying same grade pay prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purposes of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post.

10. Past service rendered by a Government employee in a State Government/statutory body/Autonomous body/Public Sector organisation, before appointment in the Government shall not be counted towards Regular Service.

11. 'Regular service' shall include all periods spent on deputation/foreign service, study leave and all other kind of leave, duly sanctioned by the competent authority.

12. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff of regular establishment.

13. Existing time-bound promotion scheme, including in-situ promotion scheme, Staff Car Driver Scheme or any other kind of promotion scheme existing for a particular category of employees in a Ministry/Department or its offices, may continue to be operational for the concerned category of employees if it is decided by the concerned administrative authorities to retain such Schemes, after necessary consultations or they may switch-over to the MACPS. However, these Schemes shall not run concurrently with the MACPS.

14. The MACPS is directly applicable only to Central Government Civilian employees. It will not get automatically extended to employees of Central Autonomous/Statutory Bodies under the administrative control of a Ministry/Department. Keeping in view the financial implications involved, a conscious decision in this regard shall have to be taken by the respective Governing Body/Board of Directors and the administrative Ministry concerned and where it is proposed to adopt the MACPS, prior concurrence of Ministry of Finance shall be obtained.

Contd..P-7/-

15. If a financial upgradations under the MACPS is deferred and not allowed after 10 years in a grade pay, due to the reason of the employees being unfit or due to departmental proceedings, etc., this would have consequential effect on the subsequent financial upgradation which would also get deferred to the extent of delay in grant of first financial upgradation.

16. On grant of financial upgradation under the Scheme, there shall be no change in the designation, classification or higher status. However, financial and certain other benefits which are linked to the pay drawn by an employee such as HBA, allotment of Government accommodation shall be permitted.

17. The financial upgradation would be on non-functional basis subject to fitness, in the hierarchy of grade pay within the PB-1. Thereafter for upgradation under the MACPS the benchmark of 'good' would be applicable till the grade pay of Rs. 6600/- in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs. 7600 and above.

18. In the matter of disciplinary/ penalty proceedings, grant of benefit under the MACPS shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of the CCS (CCA) Rules, 1965 and instructions issued thereunder.

19. The MACPS contemplates merely placement on personal basis in the immediate higher Grade pay /grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Therefore, no reservation orders/roster shall apply to the MACPS, which shall extend its benefits uniformly to all eligible SC/ST employees also. However, the rules of reservation in promotion shall be ensured at the time of regular promotion. For this reason, it shall not be mandatory to associate members of SC/ST in the Screening Committee meant to consider cases for grant of financial upgradation under the Scheme.

20. Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade pay under the MACPS.

21. Pay drawn in the pay band and the grade pay allowed under the MACPS shall be taken as the basis for determining the terminal benefits in respect of the retiring employee.

22. If Group "A" Government employee, who was not covered under the ACP Scheme has now become entitled to say third financial upgradation directly, having completed 30 year's regular service, his pay shall be fixed successively in next three immediate higher grade pays in the hierarchy of revised pay-bands and grade pays allowing the benefit of 3% pay fixation at every stage. Pay of persons becoming eligible for second financial upgradation may also be fixed accordingly.

Contd..P-8/-

23. In case an employee is declared surplus in his/her organisation and appointed in the same pay-scale or lower scale of pay in the new organization, the regular service rendered by him/her in the previous organisation shall be counted towards the regular service in his/her new organisation for the purpose of giving financial upgradation under the MACPS.

24. In case of an employee after getting promotion/ACP seeks unilateral transfer on a lower post or lower scale, he will be entitled only for second and third financial upgradations on completion of 20/30 years of regular service under the MACPS, as the case may be, from the date of his initial appointment to the post in the new organization.

25. If a regular promotion has been offered but was refused by the employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed as such an employee has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the second the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal.

26. Cases of persons holding higher posts purely on adhoc basis shall also be considered by the Screening Committee alongwith others. They may be allowed the benefit of financial upgradation on reversion to the lower post or if it is beneficial vis-a-vis the pay drawn on adhoc basis.

27. Employees on deputation need not revert to the parent Department for availing the benefit of financial upgradation under the MACPS. They may exercise a fresh option to draw the pay in the pay band and the grade pay of the post held by them or the pay plus grade pay admissible to them under the MACPS, whichever is beneficial.

28. <u>Illustrations</u>

A (i) If a Government servant (LDC) in PB-I in the Grade Pay of Rs.1900 gets his first regular promotion (UDC) in the PB-I in the Grade Pay of Rs.2400 on completion of 8 years of service and then continues in the same Grade Pay for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the PB-I in the Grade Pay of Rs.2800 after completion of 18 years (8+10 years).

(ii) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the PB-II in Grade Pay of Rs.4200 on completion of further 10 years of service i.e. after 28 years (8+10+10).

(iii) However, if he gets 2nd promotion after 5 years of further service in the pay PB-II in the Grade Pay of Rs.4200 (Asstt. Grade/Grade "C") i.e. on completion of 23 years (8+10+5years) then he would get 3rd financial upgradation after completion of 30 years i.e. 10 years after the 2nd ACP in the PB-II in the Grade Pay of Rs.4600.

Contd..P-9/-

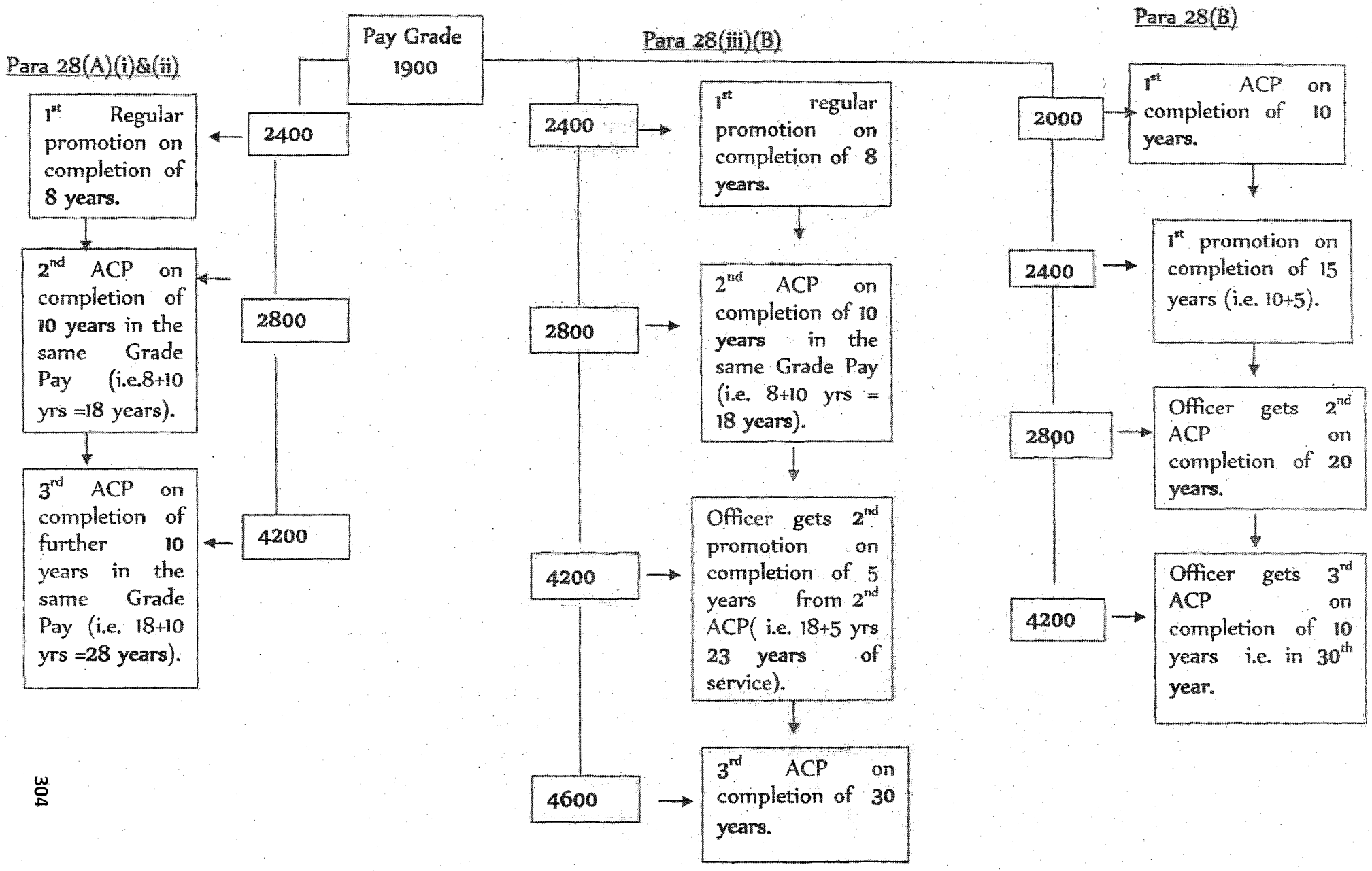
In the above scenario, the pay shall be raised by 3% of the total pay in the Pay Band and Grade Pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same Grade Pay or in the higher Grade Pay. Only the difference of grade pay would be admissible at the time of promotions.

B. If a Government servant (LDC) in PB-1 in the Grade Pay of Rs.1900 is granted 1st financial upgradation under the MACPS on completion of 10 years of service in the PB-1 in the Grade Pay of Rs.2000 and 5 years later he gets 1st regular promotion (UDC) in PB-1 in the Grade Pay of Rs.2400, the 2nd financial upgradation under MACPS (in the next Grade Pay w.r.t. Grade Pay held by Government servant) will be granted on completion of 20 years of service in PB-1 in the Grade Pay of Rs.2800. On completion of 30 years of service, he will get 3rd ACP in the Grade Pay of Rs. 4200. However, if two promotions are earned before completion of 20 years, only 3rd financial upgradation would be admissible on completion of 10 years of service in Grade Pay from the date 2nd promotion or at 30th year of service, whichever is earlier.

C. If a Government servant has been granted either two regular promotions or 2nd financial upgradation under the ACP Scheme of August, 1999 after completion of 24 years of regular service then only 3rd financial upgradation would be admissible to him under the MACPS on completion of 30 years of service **provided that he has not earned third promotion in the hierarchy.**

(S.Jainendra Kumar)
Deputy Secretary to the Govt. Of India

ILLUSTRATIONS



No. 004/VGL/18
Government of India
Central Vigilance Commission
******

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.
Dated the 21st December, 2005

Office Order No.74/12/05

Sub:- Vigilance angle – definition of (partial modification regarding)

In partial modification to Commission's Office Order No. 23/4/04 issued vide No. 004/VGL/18 dated 13.4.04 on definition of vigilance angle, the following is added at the end of para 2 for the purpose of determination of vigilance angle as para 2 (b)

"Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case". The existing para 2 will be marked as para 2 (a).

2. CVO may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

Copy to:-

1. Director CBI, New Delhi.
2. AVD-III, Deptt of Personnel & Training, North Block, New Delhi.

No. 004/VGL/18
Government of India
Central Vigilance Commission
******

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.
Dated: 13th April, 2004

Office Order No. 23/04/04
(read with modification vide Office Order No. 74/12/05)

Subject: Vigilance angle – definition of.

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term "vigilance angle" has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

"Vigilance angle is obvious in the following acts: -

(i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.

(ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.

(iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(iv) Possession of assets disproportionate to his known sources of income.

(v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

2(a)** There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time – **these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.**

2(b) **Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.**

** **as modified vide Officer Order No. 74/12/05 dated 21/12/05.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. **All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules."**

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

07/21/2024-Vig./639

सतर्कता विभाग (मुख्यालय)/Vigilance Department (Head office)

राष्ट्रीय फ़ैशन प्रोद्योगिकी संस्थान

National Institute of Fashion Technology

हौज़ खास, नई दिल्ली - 110016

Hauz Khas, New Delhi - 110016

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Dated: 04th August, 2025

Subject: Completion of Service Books for Timely Payment of Terminal Benefits- reg.

During Preventive Vigilance Inspections it has been observed that Service Books across NIFT Campuses are not being maintained properly. Regular and proper maintenance of Service Books is a mandatory requirement under Supplementary Rules of FRSR, General Rules.

2. As per S.R. 199 of FRSR, Part I, General Rules, 2021 'Every step in a Government servant's official life must be recorded in his Service Book and each entry must be attested by the Head of his Office, or, if he himself is the Head of an Office, by his immediate superior. The Head of the Office must be see that all entries are duly made and attested and that the book contains no erasure or overwriting, all corrections being neatly made and properly attested'. Head of Office are permitted to delegate but will continue to be responsible for the proper maintenance of and attestation of entries in service books and leave accounts and for their custody.

3. As per SR 198, the service book is to be maintained for a Government servant from the dated of his/her first appointment to government service and it must be kept in the custody of Head of Office in which he is serving and transferred with him from office to office.

4. Thus all Administrative heads/Head of Departments have to ensure that their subordinates are made fully aware of and strictly adhere to the provisions relating to maintenance of Service Book outlined in the General Financial Rules (GFR), Fundamental Rules and Supplementary Rules (FR&SR), Central Civil Services (Pension) Rules, 172 and Central Civil Services (Leave) Rules, 1972 as well as any other relevant government instructions issued from time to time.

5. It is also mandated that the verification of Service Book be carried out immediately, in accordance with the relevant rules mentioned above, if it has not already been done or completed.

6. Campus Directors/Registrar are requested to ensure adherence for submission of Compliance Report by 20th August, 2025 positively.

(Deepika Lonia Aran)
Chief Vigilance Officer

To,

- All NIFT Campus Directors/Registrar
- PS to DG – NIFT for information

F. No. 1287(5)/NIFT/Estt-II/HO/Probity/PR/2021

राष्ट्रीय फैशन प्रौद्योगिकी संस्थान

NATIONAL INSTITUTE OF FASHION TECHNOLOGY

स्थापना विभाग

ESTABLISHMENT DEPARTMENT

*****

निफ़्ट मुख्यालय, नई दिल्ली

NIFT HEAD OFFICE, NEW DELHI

Dated: 11th April, 2025

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Sub: Strengthening of administration - Periodic review of NIFT Employees under FR 56(j)/(l) -reg.

Statute 31(4) of NIFT Statutes, 2020 provides for periodic review of service of NIFT employees to ascertain their suitability for retention in service or premature retirement in public interest under Fundamental Rule 56(j)/(l). These provisions ensure efficiency and integrity in service by developing responsible and efficient workforce at all levels. The higher the levels reached by an employee, the higher the responsibilities entrusted to him.

2. In order to strengthen the administrative machinery by developing responsible and efficient administration at all levels, a NIFT employee may be retired prematurely under FR 56(j)/(l) by giving three months' notice or three months' emoluments in lieu of such notice. However, compulsory retirement under FR 56(j)/(l) shall not be treated as penalty under CCS (CCA) Rules, 1965 and therefore, all benefits / entitlements as applicable in case of normal superannuation are admissible, if otherwise in order. The guidelines and parameters for processing cases of NIFT employees under FR 56(j)/(l) are laid down in succeeding paragraphs.

PROVISIONS RELATING TO PREMATURE RETIREMENT

3. The Appointing Authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any employee by causing to give him/her notice of not less than three months in writing or three months' pay and allowance in lieu of such notice as per the following categories :-

(a) **Under FR 56 (j)**

(i) If he is in Group 'A' or Group 'B' post and had entered NIFT service before attaining the age of 35 years, after he has attained the age of 50 years.

(ii) In any other case (Group 'A', B' or 'C') after he has attained the age of 55 years.

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(b) **Under FR 56(l)**

If he is in Group 'C' and not governed by the pension rules, after he has completed thirty years' service.

4. **Time schedule of review**. The time schedule given in the table below shall be followed for undertaking the exercise of review of performance of NIFT employees :-

S. No.	Quarter in which review is to be made	Persons due for completing 50/55 years age or 30 years service in the quarter indicated below
(a)	January to March	July to September of the same year
(b)	April to June	October to December of the same year
(c)	July to September	January to March of the next year
(d)	October to December	April to June of the next year

5. **Maintenance of register**. A year-wise register of the employees mentioning their year of attaining 50/55 years of age or 30 years' service (in case of Group 'C'), shall be maintained in the format given at **Appendix 'A'** at every campus. In order to ensure timely completion of the review of the NIFT employees according to the schedule given above, the register should be scrutinized at the beginning of every quarter by the Senior Assistant Director / Assistant Director or by the Joint Director (if no Sr. AD / AD is available) of Establishment Department.

6. However, non-adherence to the timelines mentioned at para 4 due to administrative exigencies, or otherwise shall not take away the powers of Appointing Authority to prematurely retire an employee under 56(j)/(l) even after the schedule has passed. Therefore, review of an employee under FR 56 (j)/(l) can be undertaken even beyond the schedule.

7. There is also no bar to conduct review again of any such case which has been reviewed earlier and where it was decided earlier to retain the officer, if the Appointing Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such cases, the Appointing Authority is expected to demonstrate visible meticulousness as such employees have been found effective on earlier occasion for retention in service.

8. **Composition of Internal Committee**. The Internal Committees at NIFT Head Office / campuses will assist the Review Committee. This internal committee will ensure that the service record of each NIFT employee is reviewed and placed

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before DG NIFT or Campus Director, as the case may be, along with a brief summary bringing out all relevant information (**Indicative format is at Annexure-I**). The composition of internal committee will be as follows :-

Internal Committee at HO Group 'A', 'B' & 'C'	**Internal Committee at Campuses for Group 'C'**
Joint Director / Dy. Director – One Asst Prof / Associate Prof – One Sr. AD / AD (Admin) / AD (Academic) – Two RA / Sr Asst / Asst. / JA – One	Three members to be nominated by Campus Director as per availability at the Campus from amongst faculty as well as non-teaching officials

9. **Composition of Review Committee**. The review shall be carried out by the Review Committee. All cases along with the details prescribed hereinunder shall be placed before the Review Committee for recommendation as to whether the employee concerned should be retained in service or compulsorily retired from service in public interest. The composition of the Review Committee at Campuses and at Head Office would be as under :-

	Head Office		**Head Office**	**Campuses**
	for Group 'A'	**for Group 'B'**	**For Group 'C'**	
Chairperson	Chairperson, NIFT BoG	DG, NIFT	Director (HO)	Campus Director
Members	1. DG, NIFT 2. CVO	1. Registrar 2. CVO	1. Joint Director / Dy. Director 2. VO	1. Joint Director / Sr. Asst. Dir. 2. DVO

10. Broad criteria to be followed for review and various principles crystallised from important judgements of Hon'ble Supreme Court are annexed in consolidated form at Annexure-II.

11. **Approval of Appointing Authority**. The recommendations of the Review Committee will be put up for consideration and approval of the Appointing Authority in those cases, where it has been recommended to retire the NIFT employee prematurely.

HANDLING OF REPRESENTATIONS AGAINST PREMATURE RETIREMENT

12. After issue of orders of premature retirement, the concerned NIFT employee may put up representation within 3 weeks from the date of service of such notice / order. The examination of the representation should be completed by the Campus / HO within two weeks from the date of receipt of representation. The matter / representation shall be placed before the Representation Committee along with the fresh input, if any. The representation Committee considering the representation, shall decide and pass its orders within two weeks from the date of its meeting.

13. **Composition of representation committee**. All representations received in connection with the FR 56(j)/(l) against retention / premature retirement shall be

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dealt with by Representation Committee. The composition of Representation Committee for all employees i.e. Group 'A', 'B' and 'C' of NIFT employees will be as follows :-

(a) Chairperson, NIFT BoG

(b) JS, MoT dealing with NIFT *ex-officio*

(c) DG, NIFT

13. **Quarterly reporting**. The timelines for undertaking the exercise of review of performance of the NIFT employees shall be strictly adhered to by all campuses and HO to ensure that the employees found to be ineffective or with doubtful integrity are not allowed to continue in NIFT. All campuses shall submit a quarterly report to NIFT Head Office by 5th of each month in the format given below :-

No. of employees to be reviewed	No. of employees reviewed	No. of employees reviewed and against whom the provisions of FR 56 (j)/(l) **invoked / recommended**	No. of employees retired prematurely invoking FR 56 (j)/(l)
Group-wise (A/B/C)	Group-wise (A/B/C)	Group-wise (A/B/C)	Group-wise (A/B/C)
(i)	(ii)	(iii)	(iv)

14. This memorandum supersedes NIFT OM No.1287(2)/NIFT/Estt-II/HO/Probity/PR/2019 dated 21.08.2019 issued earlier on this subject.

15. This issues with the approval of the Competent Authority.

Mishra 11.04.25

(गौरव मिश्रा) / (Gaurav Mishra)

निदेशक (मुख्यालय)/ Director (HO)

Encl: As stated above

Copy to:-

1. CVO, NIFT
2. All Campus Directors / Joint Directors of NIFT
3. Director(F&A), NIFT Head Office
4. ABS & Legal Officer, NIFT Head Office
5. All employees of NIFT
6. PS to DG-NIFT

Appendix 'A'

YEAR 2026

Quarter-I: Officials completing 50/55 years age or 30 years' service during January, 2026 – March, 2026

Group (A/B/C)	Sl. No.	Name and post of NIFT employee	Date of Birth	Date of entry in NIFT	Date of completing of 50 years of age.	Date of completing of 55 years of age.	Date of completing of 30 years of age.
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
	1.						
	2.						

Quarter-II: Officials completing 50/55 years age or 30 years' service during April, 2026 – June, 2026

Group (A/B/C)	Sl. No.	Name and post of NIFT employee	Date of Birth	Date of entry in NIFT	Date of completing of 50 years of age.	Date of completing of 55 years of age.	Date of completing of 30 years of age.
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
	1.						
	2.						

Quarter-III: Officials completing 50/55 years age or 30 years' service during July, 2026 – Sep, 2026

Group (A/B/C)	Sl. No.	Name and post of NIFT employee	Date of Birth	Date of entry in NIFT	Date of completing of 50 years of age.	Date of completing of 55 years of age.	Date of completing of 30 years of age.
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
	1.						
	2.						

Mishra 11.04.25

ANNEXURE-I

CONFIDENTIAL

Particulars of NIFT employee, Shri / Smt. /Kum. _____
Designation_____, whose service are due for period review of performance under FR 56(j) / (l):-

Sl. No.	Particulars	Details
1.	Name & Designation	
2.	Date of birth as per service book	
3.	Group -A/B/C	Group –
4.	Date of appointment in NIFT	
5.	Date of attaining 50 years age	
6.	Date of attaining 55 years age	
7.	Level in the pay matrix	
8.	Whether service review under FR 56 done earlier (YES / NO)	
9.	Department / Campus where employed	
10.	Date since holding the post in the current designation	
11.	Leave availed during the past 05 years from the service book	(a) Earned Leave: (b) HPL: (c) Commuted Leave: (d) EOL: (e) LND:
12.	State of health and whether it has a bearing on discharge of duties and if yes, please elaborate	

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13.	The resume of APARs for the last 05 years, any adverse remarks, if recorded in the last 05 years are to be highlighted: a) Outstanding b) Very Good c) Good d) Average e) Below average	(a) Current APAR Grading (Year-1) - (b) Previous year's grading (Year-2) – (c) Year-3 grading - (d) Year-4 grading - (e) Year-5 grading – (f) Adverse remark(s), if any, in entire service (attach evidence)
14.	Irregular Attendance (In case of adverse report, please attach documentary evidences, especially of last 5 years)	
15.	Whether there is any vigilance case pending/contemplated against the individual, if any, give details	• Number of major penalties during entire service (Give details, if any • Number of minor penalties during entire service (Give details, if any)
16.	Penalties if any imposed on officer during the entire career, give details	
17.	No. of recordable warnings in the entire service (Attach documentary proof)	
18.	Periods of suspensions (Please mention whether the period was subsequently treated as duty or not after conclusion of inquiry)	
19.	Details of property (including purchase cost) : held at the time of appointment	
20.	Details of properties acquired (Purchase cost) and disposed of (sale amount) during the course of service	
21.	Integrity (In case of doubtful, verified instances are to be enclosed)	
22.	Whether the annual immovable property return for the year ending 31 December (of relevant year) has been submitted by 31st January (of the following year)	

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23.	Conduct and General reputation (To be filled by the current Reporting / Reviewing Officer)	
24.	Disposal of work/efficiency (To be filled by the current Reporting / Reviewing Officer)	
25.	Whether any complaint received, if any, given details	
26.	Is there any reason to doubt integrity viz. complaints of suspicious transaction of property, corruption, informal feedback, etc. Please specify	
27.	Whether the services of the employee are considered useful to the NIFT	
28.	Whether the employee is considered competent and effective and fit to continue to hold post occupied.	

(To be signed by the Reviewing Committee)

Chairperson **Member - 1** **Member-2**

11.04.25

Annexure-II

BROAD CRITERIA TO BE FOLLOWED BY THE REVIEW COMMITTEE

The Review Committee while making the recommendations will adopt the following broad criteria :-

1. NIFT employees whose integrity is doubtful, shall be retired.

2. NIFT employees found to be ineffective shall also be retired. The basic consideration in identifying such employees will be their fitness / competence to continue in the post held by them at the time of review.

3. No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an employee, it would be open to review such a case also for premature retirement. The said instruction of not retiring the NIFT employee within one year on the ground of ineffectiveness except in case of sudden and steep fall in his performance is relevant only when he is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity.

4. No employee should ordinarily be retired on ground of ineffectiveness, if, his service during the preceding 5 years or where he has been promoted to a higher post during that 5-year period, his service in the highest post, has been found satisfactory. In case of those NIFT employees who have been promoted during the last 5 years, the previous entries in the last such 5 years APARs may be taken into account. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity.

5. The entire service record of the employee should be considered at the time of review. The expression 'service record' refers to all relevant records and therefore, the review should not be confined to the consideration of the APAR dossier. The personal file of the employee may contain valuable material. Similarly, his work and performance could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Establishment Department puts together all the data available about the employee and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the APARs may be taken into consideration.

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PRINCIPLES CRYSTALLIZED FROM VARIOUS JUDGMENTS OF HON'BLE SUPREME COURT

The following principles emerged from important judgments of Hon'ble Supreme Court :-

1. Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.

2. Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution. The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.

3. Compulsory retirement shall not be imposed as a punitive measure.

4. For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to entire service record of the officer.

5. Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.

6. Even uncommunicated entries in the confidential record can also be taken into consideration.

7. If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.

8. The opinion formed by the appropriate authority shall not be arbitrary in nature.

9. All material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be taken into account.

10. Reports of conduct unbecoming of a Government Servant that obstructs the efficiency in public services may also form basis for compulsory retirement (for example: unauthorized proceeding on leave/failures in timely submission of IPR, criminal case / charges etc.).

11. Observations of Hon'ble Supreme Court with regard to Integrity and Conduct unbecoming of an employee :

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(i) **Integrity**: In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest. The entire service record or character rolls or confidential reports maintained would furnish the backdrop material for consideration by the Review Committee / appropriate authority. On consideration of the totality of facts and circumstances alone; the opinion should be formed that the employee needs to be compulsorily retired from service. Therefore, the entire record more particularly, the latest, would form the foundation for the opinion and furnish the base to exercise the power under the relevant rule to compulsorily retire an employee.

While considering the aspect of integrity of an employee, all material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be considered.

(ii) **Unbecoming conduct:** Conduct of an employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest.

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NATIONAL INSTITUTE OF FASHION TECHNOLOGY
Administration Department, Head Office
Hauz Khas
New Delhi – 110 016

F.No. 1312(679)/NIFT/HO/Admin/OM/2024 — 20th November 2024

OFFICE MEMORANDUM

Sub : File Numbering System and records maintenance – reg

Proper Maintenance of files is an essential feature of record keeping for appropriate longevity and historical records. Instructions of file numbering system in NIFT Establishment Manual are given at Para 22.1 of Chapter No. 22. Due to introduction of Digital Document Filing System (DDFS) and opening of several new campuses and Departments over the years, an immediate need has arisen to revise and modify the instructions in this regard. In absence of subsequent amplifying instructions, the campuses have allocated file numbers as per their conveniences. In many cases, multiple files with same file numbers have been opened simultaneously across campuses. This anomaly is likely to invite adverse observations during statutory audits and vigilance inspections. Accordingly, file numbers / codes to be followed at various Departments of Head Office and at campuses are enclosed herewith as **Annexure-I**.

2. In order to streamline the process and smooth transition, all Campuses are requested to follow the annexed file code numbers allotted to them w.e.f. 01.01.2025. In case of aberration/duplicity/wrong allocation of file code, the concerned Deptt./campus shall merge the old file with newly allocated file code. A record of files opened during a calendar year shall be kept in a file register to be maintained at campuses/Deptt. in the format given at **Annexure-II**. This file register facilitates proper record maintenance and timely weeding out of files as per the category A, B or C retention schedule.

3. In this regard, relevant portion of Central Secretariat Manual of Office Procedure (CSMOP) pertaining to File Numbering System and record management is enclosed at **(Annexure-III)** for reference. An illustrative example is given for reference.

Mishra 20.11.2024
(Gaurav Mishra)
Director (HO)

Encl : As above

To,

1. All Campus Directors / Joint Directors
2. CVO
3. All Head of Department
4. All Chairpersons
5. PS to DG-NIFT

Illustration

For example :

If Admin Deptt of Kolkata campus wants to open a new file in year 2024 for purchase of Stationery items and for payment of telephone bills. Then the file No. will be as under :-

File Code No. 3001 - 4000

3001(0104)/NIFT-KOL/Admin/2024

3001	-	File code no. (Major Head)
01	-	Admin deptt (Head)
04	-	Stationary Items (Sub Head)
	-	NIFT-Kol (Tertiary Head)
2024	-	Year of opening of file

3001(0202)/NIFT-Kol/Building/2024

3001	-	File code no. (Major Head)
02	-	Building Deptt (Head)
02	-	Payment of Telephone bills (Sub Head)
	-	NIFT-Kol (Tertiary Head)
2024	-	Year of opening of file

Campuses may allocate Numerals to various Head and Sub-Heads under respective File Code number, if required. However, procedural uniformity in file code number system may be ensured.

20000 (01 07) / NIFT-Varanasi / F& A/ 2024

↑ File Code for Varanasi Campus ↑ F&A Deptt (Pay Section) ↑ Telephone Reimbursement ↑ Campus ↑ Deptt ↑ Year of opening

Annexure-I

S.N.	Name of Campus/Head Office	File Code Number
1	Head Office	1001-2000
2	Delhi Campus	2001-3000
3	Kolkata	3001-4000
4	Mumbai	4001-5000
5	Bengaluru	5001-6000
6	Hyderabad	6001-7000
7	Chennai	7001-8000
8	Gandhinagar	8001-9000
9	Raebareli	9001-10000
10	Patna	10001-11000
11	Shillong	11001-12000
12	Kannur	12001-12999
13	Bhopal	13001-14000
14	Bhubaneswar	14001-15000
15	Jodhpur	15001-16000
16	Kangra	16001-17000
17	Srinagar	17001-18000
18	Panchkula	18001-19000
19	Daman	19001-20000
20	Varanasi	20000-21000

Annexure-II

FILE REGISTER

YEAR _____

S. No.	File No.	Subject	Date of		Classification		
			Opening	Closing	A	B	C
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							

CHAPTER VIII

FILE NUMBERING SYSTEM

45. **File Numbering System**: Normally, no files should be opened for dealing with receipts of routine nature. The following two file numbering systems may be used:-

I. Functional file numbering system –

(i) The range and dimensions of the subjects falling under the scope of business allocated to a department are analyzed in the following sequence:

(a) main functions of the department;

(b) activities in each of these functions;

(c) aspects or operations involved in each of these activities; and

(d) factors to be taken into consideration relating to each of these aspects or Operations.

(ii) The scope of business of a department is analyzed under four hierarchical divisions, and the following four standard lists of headings are prepared:

(a) functional heads which may be called basic heads;

(b) activity heads which may be called 'primary heads' as related to each functional head;

(c) aspect or operation heads which may be called 'secondary heads' as related to activity heads; and

(d) factor heads which may be called 'tertiary heads' as related to operation heads.

(iii) Based on the above list of heads', a functional file index for various substantive subjects dealt with by a department together with an identifying file numbering system is then developed.

(iv) For opening files on subjects which are common to all Ministries/Departments (e.g. matters relating to establishment, finance, budget, accounts, office

supplies and services, and other house-keeping jobs, Hindi, Vigilance, Parliament, Questions, etc.) the common standardized functional file index/file-numbering system, as contained in the booklet 'Record Retention Schedule' in respect of records common to all Ministries/Department issued by the Department of Administrative Reforms and Public Grievances in 2012 (uploaded on the website (www.darpg.gov.in), as amended from time to time, shall be followed.

II. Subject classification based file numbering system–

(i) Each Section/Desk will maintain approved lists (to be reviewed every year) of:

(a) standard heads i.e. main subjects headings concerning it.
(b) standard sub-heads i.e. aspects of the main subject headings.

(ii) The standard heads will bear consecutive serial numbers. No such numbers, however, will be allocated to standard sub-heads.

(iii) The dealing hand will ascertain the standard to which the paper under consideration relates .and then propose a suitable title subject to review by the Senior Officers.

(iv) As far as possible, there should be a separate file for each distinct aspect of the subject.

(v) If the issue raised in the fresh receipt or in the note on a current file goes beyond the original scope, a new file may be opened to deal with it by placing photocopies of relevant extracts.

(vi) The first three elements in the file number will be separated from one another by a slant stroke and the last two by a dash. Thus, the files opened in say, Scientific Research Section during 2009 under the standard head bearing serial number '3' will be numbered consecutively as 3/1/2008-SR, 3/1/2009-SR etc. and so on, where 'SR' represents the section.

III. Part File –

(i) If the main file on a subject is not likely to be available for some time and it is necessary to process a fresh receipt or a note without waiting for its return, a part file may be opened to deal with it. Where two or more part files are opened, each will be identified by a distinct number, e.g. part file I, part file II or part file 'A', part file 'B' and so on. Once the main file returns the part files will be merged with it, after removing duplicate papers, if any.

(ii) In a computerized environment appropriate entry will be made in the computer, so that easy tracking is facilitated for the purpose of merging of the part file with the main file.

IV. Unique e-file number: In a computer environment, a unique e-file number will also be generated automatically as and when a new e-file is opened. The e-files which are entered in the system will be automatically traceable on any of the following parameters:

(i) no. of the file.

(ii) date of opening of the file.

(iii) as many catch words as possible from out of the subject on the file.

(iv) any other parameter(s) at the discretion of the Department concerned.

46. **Transfer, reconstruction and numbering of files -** Whenever work is transferred from one department/section to another, the former shall transfer all the related records including file both current and closed to the latter. In case of transfer of files from one Department to the other a list will be prepared and approval of the Head of the Department taken. The department/section taking over the records will not divide, reclassify or renumber the closed files transferred to it. In the case of current files, the endeavour should be to close them at the earliest possible stage and open new files/e-files according to the Department's/Section's own scheme for dealing with the matter further.

A paper based file will be reconstructed if it is misplaced. The copies of the various correspondences will be obtained from the corresponding department and papers will be arranged in chronological orders and a new duplicate file prepared. A self-contained note will be prepared based on the correspondences.

47. **Movement of files –**

Movement of files shall be entered in the file movement register in the format to be decided by the Department concerned through departmental instructions. This may also be done through the electronic based File Tracking System.

CHAPTER IX

RECORDS MANAGEMENT

48. **Activities involved in records management -**

Records management covers the activities concerning mainly recording, retention, retrieval and disposal by transferring records to National Archives of India (NAI). Each Department is expected to issue Departmental instructions to regulate and review of records.

49. **Stage/procedure of recording -** Files shall be recorded after action on the issues considered thereon has been completed. Recording of such files shall be governed by the provisions in the Record Retention Schedule (RRS) and that of NAI issued from time to time. Extract from the file, copies of important decisions, documents, etc. as are considered useful for future reference and add them to the standing guard file/standing note/precedent book/reference folder etc.;

50. **Categorization of physical records -**

Files may be recorded under any one of the categories prescribed by NAI.

51. **Precedent Book -** Every section shall update its precedent book for keeping note of important rulings and decisions having a precedent value for ready reference.

52. **Record Retention Schedule -**

To ensure that files etc. are neither prematurely destroyed, nor kept for periods longer than necessary, every Ministry/Department will:

(a) in respect of records connected with accounts, observe the instructions contained in Appendix 13 to the General Financial rules as available in the website of the Ministry of Finance, Department of Expenditure (www.finmin.nic.in);

(b) in respect of records, relating to establishment, personnel and housekeeping matters common to all departments, follow the 'Record Retention Schedule' in respect of Records Common to All Ministries/Departments', which is available on Department of Administrative Reforms and Public Grievances' website

www.darpg.nic.in, as amended from time to time.

(c) in respect of records connected with its substantive functions, issue a departmental retention schedule prescribing the periods for which files dealing with specified subjects shall be preserved, in consultation with the NAI.

53. **Records maintained by officers and their personal staff -**

Each Department may issue Departmental instructions to regulate the review and weeding out/deleting of paper records maintained by officers and their personal staff. In this regard procedure laid down in CSMOP shall be followed.

54. **Requisitioning of records –**

(a) No recorded file shall be sent from the Sections, Departmental Record Room or Archival records except under a requisition in form prescribed under Public Records Act, 1993.

(b) Requisitions of files belonging to other Departments and are in the custody of the NAI, will have to be endorsed by that Department concerned, before they are sent by the Archives. Records, bearing security classification, are not transferred to the Archives, as per section 10 of the Public Records Act, 1993.

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

No. 004/VGL/090/528696
सं./No.....

दिनांक / Dated 25.10.2022

Circular No. 22 /10/22

Subject: - Rotation of officials working in sensitive posts-Reg.

Reference :

(i) **Commission's Circular No. 98/VGL/60 dated 15.04.1999**
(ii) **Commission's Circular No. 17/4/08 dated 01.05.2008**
(iii) **Commission's Circular No. 03/09/13 dated 11.09.2013**

Central Vigilance Commission, as part of superintendence over vigilance administration of the organisations covered under its advisory jurisdiction has been emphasizing on the importance of Preventive Vigilance Mechanism. Identification of sensitive posts and rotational transfer of officials holding sensitive posts is one of the tools for effective implementation of Preventive Vigilance Mechanism. Periodical rotation of officials holding sensitive posts would be helpful in eliminating the scope of developing vested interest by the officials and would also reduce the scope of indulging in corrupt activities.

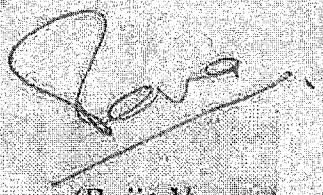
2. The Commission has, therefore, keeping in view the above objective, issued guidelines from time to time directing all the organisations covered under its advisory jurisdiction to identify sensitive posts and ensure periodical rotational transfer of officials working on such sensitive posts.

3. In view of the everchanging scenario and increasing use of technology in the functioning of organisations, it is important that the list of sensitive posts is reviewed and updated at regular intervals. However, it has been observed that the guidelines issued by the Commission pertaining to identification of sensitive posts are not being followed in letter and spirit by many of the organisations and the exercise to review of the existing lists of sensitive posts and to identify new areas/posts as sensitive, has not been undertaken for a long time.

4. The Commission has, therefore, desired that the CVOs, in consultation with the Chief Executive/Management of the respective organisations, should immediately undertake an exercise to identify sensitive posts in their organisations. In future, an exercise to review and identify sensitive posts may be conducted after interval of every three years. Further, it may also be ensured that the officials holding sensitive posts are transferred/posted out from such posts as per the time limits prescribed by the Commission & DoPT from time to time, without exception.

5. Compliance of the above guidelines should be intimated to the Commission, by the CVOs concerned, in the QPRs being submitted by them.

6. The above guidelines may be noted for strict compliance with immediate effect.



(Rajiv Verma)
Director

To

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iv) Website of CVC

Telegraphic Address :
"SATARKTA: New Delhi
E-Mail Address :
cenvi@nic.in
Website
www.cvc.nic.in
EPABX
24600200
फैक्स /Fax : 24651186

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

स./No. 004/VGL/090 | 2215253

दिनांक / Dated 11.9.2013

Circular No. 03/09/13

Subject:- Rotation of officials working in sensitive posts–regarding.

Central Vigilance Commission and the Department of Personnel and Training have issued instructions for effecting rotational transfers of officials posted on sensitive posts. As per Commission's instructions issued vide letter Nos. 98/VGL/60 dated 15.4.1999, 02.11.2001 and 004/VGL/90 dated 01.5.2008 and 04.01.2012 (for public sector banks) on this issue, it was prescribed that Ministries/Departments/Organisations and CVOs are to identify the sensitive posts and staff working in these posts and also ensure that they are strictly rotated after every two/three years to avoid developing vested interests.

2. The Commission in the superintendence of vigilance administration over the years has observed that such rotational transfers are not effected in many organisations due to which officials continue to remain in the same posts for long periods. Such overstay and continuous postings afford scope for indulging in corrupt activities, developing vested interests etc. which may not be in the interest of the organisation. The Commission would, therefore, emphasise that periodical rotation of officials holding sensitive posts/jobs needs to be ensured. As such, officials should not be retained in the same place/position for long by the Ministries/Departments/PSUs/Banks/Organisations etc.

3. Heads/CVOs of all Departments/Organisations are advised to ensure strict compliance of the Commission's guidelines and implement the same in letter and spirit. Further, the CVOs should specifically report the action taken indicating the number of officials rotated/transferred in the respective organisations in the Monthly Report of CVOs submitted to the Commission.

Tripathi

(K D Tripathi)
Secretary

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/Public Sector Banks/Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Organisations.

F.No.21/01/2018-CS-I(S)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

2nd Floor, A Wing, Lok Nayak Bhawan, Khan Market
New Delhi, the 9th October, 2019

OFFICE MEMORANDUM

Subject: Rotational transfer of officers posted against sensitive posts in Ministries/Departments

The undersigned is directed to re-draw attention to the guidelines issued by Central Vigilance Commission vide Circular No.004/VGL/090/225553 dated 11.09.2013 wherein all the Ministries/Departments were asked to identify the sensitive posts in their Ministry/Department and the official posted against these posts and to ensure that they are strictly rotated after every two/three years to avoid developing vested interest.

2. This matter came up recently under examination in connection with RTP for CSS. The Ministries/Departments participating in CSS are once again requested to ensure strict compliance with the instructions of CVC on rotation of officers working in sensitive posts.

(Chandra Shekhar)
Under Secretary to the Govt. of India
Ph:24624046

To

i) Ministries/Departments participating in CSS (Director/Deputy Secretary (Admn./Estt.)) – through DOPT website.

ii) Department of Personnel & Training (DS(Admn.)), North Block, New Delhi with a request to send status on rotation of officers in DOPT

iii) Dir(Estt.)/DS(Estt.)/DS(AVD-I), DOPT, North Block, New Delhi for information and taking necessary action with regard to other cadres and services.

DEPT PERS ISSUED

No./संख्या 01/97/2011/Vig/763

राष्ट्रीय फैशन प्रौद्योगिकी संस्थान/National Institute of Fashion Technology
सतर्कता विभाग / Vigilance Deptt.
हौज खास नई दिल्ली/ Hauz Khas, New Delhi-110016

Dated: 03 May, 2023

Subject: Identification of Sensitive Post in NIFT-reg.

In supersession of this Department's OM No. 01/97/2011/Vig./280 dated 07th October, 2020, the following non-teaching post (except deputation/tenure posts) are identified as "Sensitive Post" in National Institute of Fashion Technology (NIFT):

1. Campus Director
2. Joint Director/Joint Director (Admin.)
3. Controller of Examination
4. Deputy Director (Admin./F&A/Admission/Estt.)
5. Accounts Officer
6. Assistant Accounts Officer
7. Sr. Assistant Director (Admin./Academics/Estt./Admission)
8. Assistant Director (Admin./Academics/Estt./Admission)
9. Project Engineer
10. Executive Engineer
11. Assistant Executive Engineer
12. Estate Engineer
13. Junior Engineer (Civil/Electrical)
14. Assistant Database Administrator
15. Senior Management Information System Coordinator
16. Assistant Database
17. Management Information System Coordinator
18. Computer Engineer
19. Technical Officer
20. Purchase Officer
21. Protocol Officer
22. Sr. Assistant (Accounts)
23. Assistant (Accounts)
24. Cashier
25. Store Keeper/Store-in-charge
26. Research Assistant/Sr. Assistant/ Assistant/Jr. Assistant who are dealing with cash, accounts, purchase, establishment, admission, project and/or settlement of any bills/claims/reimbursement/advance etc.
27. Head (Resource)/ Senior Librarian/Assistant Librarian/ Senior Library Assistant/Library Assistant who are engaged in purchase for resource centre
28. Any other posts involving financial sanctions/settlement of claims, bills, advances etc.

2. All Campus Directors/Registrar, NIFT HO are directed to rotate the Group 'A' 'B' 'C' officials who have been assigned sensitive assignment within Campus/Head Office and have completed 03 years on a particular seat.

3. Campus Director/Registrar, NIFT is requested to comply with afore-said direction and a compliance report in this regard may be sent to the office of the undersigned at the earliest.

4. For subsequent years, Establishment Department, NIFT HO/Campus Directors are directed to undertake a similar exercise in the month of March every year for those officials who have completed 03 years tenure on a particular seat.

Cont...2/-

5. Establishment Department, NIFT HO is directed that Head of various Departments like Project, Industry, Academic Affairs, SDAC, Research, Publication, Cluster, Outreach Programme, International and Domestic Linkages, CE & Diploma Programme, FOTD, CCC, etc. and their respective co-ordinators in NIFT Campuses may also be rotated after 03 years.

6. Further, teaching posts/faculties who are only engaged in teaching work and are not engaged in any other activities like CC, CAC, SDAC, RIC etc,, and isolated posts & all other sanctioned non-teaching posts are considered as non-sensitive posts.

This issues with the approval of Director-General, NIFT

N Agarwal 31/7/2023

(Naveen Kumar Agarwal)
Chief Vigilance Officer

1. Registrar (Establishment), NIFT HO
2. All Campus Directors

Copy to :

1. Director (Head Office)
2. Director (F&A)

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No. 024/VGL/020/19821

दिनांक / Dated 21.02.2024

Circular No. 05/02/24

Subject: - Strict Compliance of guidelines issued by Central Vigilance Commission and DoPT for timely disposal of Disciplinary Proceedings-reg.

The Central Vigilance Commission (CVC) and Department of Personnel & Training (DoPT) have issued guidelines from time to time, impressing upon the organizations concerned for timely conclusion of disciplinary proceedings. However, it has been observed that on many occasions, there is inordinate delay in bringing the cases to logical conclusion, which is against the principles of natural justice and also defeats the very purpose of initiating disciplinary action.

2. In this regard, attention of the respective organizations is invited to DoPT's OM No. 425/04/2012-AVD-IV(A) dated 29.11.2012 (**Annexure-1**) relating to monitoring and expeditious disposal of disciplinary proceedings, wherein CVOs concerned have been given the responsibility of monitoring and ensuring adherence to the given time line.

3. Further, DoPT vide their OM No. 372/3/2007-AVD-III(Vol.10) dated 14th October 2013 (**Annexure-2**) has instructed that "all Ministries/Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant".

4. The Commission has also prescribed model timelines for investigation and conclusion of disciplinary proceedings, till the issuance of final orders, which have been mentioned in para 7.47.2 of its Vigilance Manual, 2021, which is available on Commission's website in public domain, in downloadable form.

5. Further, DoPT has also issued instructions relating to terms and conditions for appointment of IOs/POs, in which it has been highlighted that video conferencing/digital mode is to be used to the maximum extent possible to conduct departmental inquiry so as to ensure timely completion of the same. DoPT's instructions issued from time to time are summarized and updated vide its OM No. DoPT-1668597747466 dated 16.11.2022. (**Annexure -3**).

6. In addition to above, it may also be kept in view that in order to ensure timely and smooth completion of disciplinary proceedings, training needs to be imparted to prospective and current IOs and POs, which will also help in creating a pool of trained IOs and POs in respective organizations. For IOs/POs, who are serving public servants, timely completion of departmental proceedings by them needs to be given due weightage/cognizance by the reporting/reviewing officers, in the APARs of such IOs/POs.

7. It has also been observed that the time taken to approach UPSC for advice is unduly long, as proposals are not being submitted in the prescribed format of the UPSC in its single window system. As a result of which, many cases, found deficient by UPSC are being returned, resulting in unnecessary delay. Hence, it is the responsibility of the Disciplinary Authorities concerned and respective CVOs to ensure that there are no deficiencies, whatsoever, in the cases referred to the UPSC. In this regard, DoPT OM No. 39035/01/2011-Estt. (B) dated 10.05.2011 (**Annexure-4**) also refers.

8. The Commission has desired that the above instructions/guidelines as issued by the Commission and DoPT may be strictly adhered to by the disciplinary authorities and other authorities concerned. The CVOs of respective organizations may bring the above guidelines to the notice of the Chief Executive Officer and all disciplinary authorities concerned. They may also follow up all pending cases, to ensure that they are brought to logical conclusion within the prescribed timelines.

(Rajiv Verma)
Director

Encl:- As above.

To

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iv) Website of CVC

Annexure-I

No. 425/04/2012-AVD-IV(A)
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

North Block, New Delhi
29th November, 2012

OFFICE MEMORANDUM

Subject: Guidelines for monitoring and expeditious disposal of the disciplinary proceeding cases – reg.

Instructions have been issued in the past for expeditious disposal of disciplinary proceedings against delinquent government servants. However, it has been observed that disciplinary proceedings are generally taking a long time which defeats the very purpose of initiating the said proceedings. Therefore, it has been considered necessary to issue the following guidelines for monitoring and expeditious disposal of disciplinary proceedings:-

i. There are a number of instances where the Courts have set aside the order of penalty due to inordinate delay in initiating action. Therefore, it has to be ensured that disciplinary proceedings are initiated without undue delay.

ii. The Administrative Department/Competent Authority should study the allegations more carefully and resort to minor penalty proceedings instead of initiating major penalty proceedings, where the circumstances involve minor infringements or cases of procedural irregularities. It has to be kept in mind that a minor penalty swiftly but judiciously imposed by a Disciplinary Authority is much more effective than a major penalty imposed after years spent on a protracted enquiry.

iii. There is undue delay due to repeated requests of the charged officer for time to give his written statement in reply to the charge sheet. As per existing instructions, the charged officer is allowed 10 days to submit his written statement. The charged officer may be allowed 3 – 4 days absence by the Controlling Officer for preparing his written statement in which case, no extension of time should be allowed beyond the stipulated period of 10 days. (DoP&T's OM No.142/5/2003-AVD.I dated 6th April, 2004)

iv. If vigilance angle is involved in a complaint, the case should be referred to CVC for their 1st stage advice within one month from the date of receipt of investigation report. If vigilance angle is not involved, case should be put up to the disciplinary authority for taking decision to initiate disciplinary action for major or minor penalty against delinquent officer under CCS(CCA) Rules within one month from the date of receipt of investigation report.

v. After receipt of first stage advice of CVC, the case should be put up to the disciplinary authority for taking decision to initiate disciplinary action for major or minor penalty against delinquent officer under CCS(CCA) Rules within one month from the date of receipt of 1st stage advice of CVC.

vi. The chargesheet should be issued to the charged officer within a week from the date of receipt of decision of the disciplinary authority to initiate major or minor penalty proceedings against him. In any case, it should be ensured that the chargesheet is issued within one month from the date of receipt of the 1st stage advice of CVC.

vii. Simultaneously with the issuance of chargesheet, names of suitable officer to be appointed as IO & PO may be selected tentatively. If the charged officer, in his written statement of defence, denies the charges leveled against him, orders regarding appointment of IO & PO should be issued immediately after receipt and consideration of defence statement. Copies of all the relevant papers/documents should also be provided to IO/PO along with the order.

viii. The charge sheet should be drafted with utmost accuracy and precision based on the facts revealed during the investigation or otherwise and the misconduct involved. It should be ensured that no relevant material is left out and at the same time no irrelevant material or witnesses are included. (DoP&T's DO No.134/2/83-AVD.I dated 2nd May, 1985)

ix. As far as possible, copies of all the documents relied upon and the statements of witnesses cited on behalf of the Disciplinary Authority should be supplied to the Government servant along with the charge sheet, so that the time taken by the charged officer to submit his written statement of defense is reduced. (DoP&T's DO No.134/2/83-AVD.I dated 2nd May, 1985)

x. IO should submit his report within six months from the date of receipt of order of his appointment as IO. Where it is not possible to adhere to this time limit, the IO should submit reasons for delay to the disciplinary authority in writing.

xi. A copy of the inquiry report and also disagreement of the disciplinary authority, if any, on it should be provided to the Charged Officer within 15 days from the date of receipt of Inquiry Report alongwith reasons for disagreement of the Disciplinary Authority with IO's findings, if any. (CVC Circular No. 000/VGL/18 dated 23rd May, 2000). The Charged Officer may be allowed 15 days to submit, if he so desires, his written representation or submission to the disciplinary authority irrespective of whether the report is favourable or not to the government servant (DoP&T's O.M. No.11012/13/85-Estt. dated 26th June, 1989)

xii. After the receipt of the representation of charged officer on Inquiry Report, the case may be sent to CVC, wherever required, for their second stage advice, or to UPSC for their advice, as the case may be, within one month. (CVC's Circular No 000/VGL/18 dated 23rd May, 2000)

xiii. Penalty order should be issued within a month from the date of advice of UPSC. (DoP&T's DO No 134/2/83-AVD.I dated 2nd May, 1985)

xiv. The time-limits indicated above should be strictly adhered to. The CVO concerned would be directly responsible to adhere to these time limits.

xv. Each Ministry/Department may keep ready a panel of IO/PO from their retired government officers which may be used when no serving government servant is available for appointment of IO/PO. The services of IOs/POs who would be available on the panel maintained by CVC may also be utilized in consultation with CVC.

xvi. In some Departments a large number of oral inquiries are pending. In order to expedite completion of inquiries within a specified time limit, some officers on a full time basis may be earmarked by the concerned Department to act as IO/PO.

xvii. In order to ensure expeditious disposal of disciplinary proceedings, vide DoP&T's OM No.372/19/2011-AVD-III) (Pt.1) dated 26.09.2011, the second stage consultation with CVC in disciplinary matters has been dispensed with except in those cases where consultation with UPSC is not required as per extant rules/instructions. This may be followed. Since there will be only one consultation after receipt of IO's report (either with CVC or the UPSC, as the case may be), it is expected that the new procedure would substantially reduce the time taken in finalizing disciplinary proceedings after receipt of the IO's report.

xviii. Wherever a Departmental officer is appointed as the IO in Departmental Proceedings, the officer concerned may be relieved from his normal duties for a period up to 20 days in two spells during which he should complete the inquiry and submit the report. During this period so allowed, he will attend to the inquiry on full time basis. These time spells may depend on the need and the feasibility of conducting full-time hearings on a day to day basis. (DoP&T's OM No.142/5/2003-AVD.I dated 6th April, 2004)

xix. For effective monitoring of the disciplinary proceedings cases, the Vigilance set up must be strengthened in every Ministry/Department. Instructions issued vide DOPT OM No. 372/19/2011-AVD-III (Pt.1) dated 26.09.2011 are hereby reiterated. All Ministries/Departments are requested to take appropriate action in the matter.

All the Ministries/Departments are requested to follow the above guidelines in letter and spirit so that disciplinary proceedings are concluded expeditiously.

(Amarjit Singh)
Deputy Secretary to the Govt. of India

To,

1. Secretary, all Ministry/Department (As per standard list)

Copy to:

1. Secretary, Central Vigilance Commission, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
3. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
4. NIC, DoP&T for uploading on the website of the Department.

Annexure-2

372/3/2007-AVD-III (Vol. 10)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
***

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: **Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 48 of the Committee's Report on conclusion of major penalty proceedings within a period of 18 months - Acceptance by Government - reg.**

***

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

(i)	Shri P.C. Hota, Former Chairman, UPSC	------ Chairman
(ii)	Shri Arvind Varma, Former Secretary, DoPT	------ Member
(iii)	Shri P. Shankar, former CVC	------ Member,

2. The Expert Committee has, in para 48 of its Report, made the following recommendation:-

> "48. For major penalty Inquiries as envisaged in Article 311(2) of the Constitution, where the Inquiry Officer has to do a detailed inquiry into the Articles of Charge by examination of witnesses both of the Presenting Officer and of the delinquent Government Servant and where relevant documents have to be examined/exhibited for a just decision in the case, the maximum time could be twelve months from the date of service of the Articles of Charge before the case records are referred to the UPSC for advice under Article 320(3)(c) of the Constitution. Hopefully, if the UPSC takes a maximum period of five to six months to give its considered advice, the Disciplinary Inquiry for a major penalty can be concluded within a maximum period of eighteen months from the date of service of Articles of Charge on the delinquent Government Servant till the date of the final order by the Disciplinary Authority, after consultation with the UPSC. (Elsewhere in this Report, we have recommended that the CVC's second stage advice may be dispensed with because of reasons mentioned by us. We would like to leave it to the best judgment of the UPSC to devise methods for reducing the time taken by it in rendering its advice under Article 320(3) (c) of the Constitution.)".

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has, inter alia, taken note of the fact that, vide DoPT's O.M.No.372/19/2011-AVD-III(Pt.I) dated 26th September, 2011, the second stage consultation with the Central Vigilance Commission has already been dispensed with and that it is only in cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC is now necessary. The CoS also took note of the fact that the introduction of a single window system in the UPSC to accept files regarding major penalty proceedings has led to considerable

reduction in time taken to conclude major penalty proceedings. The CoS has accordingly recommended that the recommendation of the Hota Committee in para 48 of its report as referred to above may be accepted. The recommendation has accordingly been accepted by the Government and it has been decided that all Ministries/Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant.

4. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.

(V.M. Rathnam)
Deputy Secretary to the Govt. of India
Tel: 23094637

All Ministries/Departments of the Government of India

Copy to Sr. Tech. Director, NIC, DoPT for uploading on the website of DoPT.

Annexure-5

No.DOPT-1668597747466
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-I/C-II)
******

North Block, New Delhi
Dated 16 November, 2022

OFFICE MEMORANDUM

Subject:- Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.

The undersigned is directed to refer to the subject mentioned above and to say that the rates of honorarium payable to Inquiry Officer (IO) / Presenting Officer (PO) in the case of departmental inquiries were last revised vide O.M No.142/15/2010-AVD.I dated 31st July, 2012 in the case of serving Government Servants functioning as part time IO/PO and vide O.M No.142/40/2015-AVD.I dated 15th September, 2017 in the case of retired Govt. Servants functioning as IO.

2. The existing rates of honorarium as prescribed in the aforesaid OMs were reviewed in consultation with Department of Expenditure and it has been decided to revise the existing rates of the honorarium payable to IO/PO.

3. Accordingly, these consolidated guidelines are being issued in supersession of DoPT's OM's dated 31.07.2012 and 15.09.2017.

4. The rates of honorarium as revised are indicated in the table below:-

a. The rates of honorarium payable to the Inquiry Officer:

(i) Retired officers:

Items	Category		Rate per case (in rupees)
Honorarium	I	where number of witnesses cited in the charge sheet is more than 10	An amount equal to 90% of the monthly basic pension drawn.
	II	where number of witnesses cited in the charge sheet are between 6-10	An amount equal to 70% of the monthly basic pension drawn.
	III	where number of witnesses cited in the charge sheet is less than 6	An amount equal to 60% of the monthly basic pension drawn.
Transport Allowance		Rs. 40,000/- per case Subject to the condition that the for outstation journey, the actual expenses for air travel / railways journey will be reimbursed in addition as per their entitled class at the time of their retirement (further subject to the approval of the competent authority and in compliance of the instructions issued by DoPT/DoE from time to time for air travel regarding booking of air tickets through authorized agencies and cheapest available fare).	
Daily Allowance		Same as the officer was entitled to immediately prior to retirement.	
Secretarial Assistance	I	where the number of witnesses cited in the charge sheet is more than 10	Rs. 40,000/-
	II	where the number of witnesses cited in the charge sheet are between 6-10	Rs. 30,000/-
	III	where the number of witnesses cited in the charge sheet is less than 6	Rs. 20,000/-

(ii) Serving officers:

Rate per case (in rupees)
An amount equal to 15% of the monthly basic pay drawn.

(iii) In case of common disciplinary proceedings, an additional amount of honorarium of Rs. 5000 will be payable to Inquiry Officer (both retired and serving) for every additional charged officer.

(b) The rates of honorarium payable to the Presenting Officer:

Rate per case (in rupees)
An amount equal to 10% of the monthly basic pay drawn.

5. The revised structure of rates of honorarium and allowances as indicated above are intended to be made applicable to Departmental Proceedings including inquiry proceedings undertaken by the committee on Sexual Harassment, by Ministries / Departments in respect of officials / officers serving under different cadres of services under their administrative control. However, in case a cadre of a service or organizations such as autonomous bodies have a separate set of rules and instructions for regulating honorarium to IO / PO in existence, they may choose to continue with their own set of instructions. Fully or partially funded autonomous bodies may retain their own provisions so long as they are not more beneficial than what has been proposed in this O.M.

6. The grant of Honorarium in the case of serving Government servants who are appointed as part time Inquiry Officer/ Presenting Officer and retired Government servants appointed as Inquiry Officers will be subject to the following conditions:

i. The honorarium will normally be regulated under the financial powers delegated to the Ministries/Departments and taking into account the quantum of work involved in individual disciplinary cases.

ii. In the case where serving officers are appointed as IO/PO, the controlling department or the administrative department should make all efforts to relieve the IO/PO of his normal duties to enable him/her to complete the proceedings expeditiously.

7. Before the payment is received by the Inquiry Officer/Presenting Officer, whether serving or retired, it will be the responsibility of IO/PO to ensure that:

a. All case records and inquiry report (two ink signed copies) properly documented and arranged is handed over to the office of Disciplinary Authority.

b. The report returns findings on each of the Articles of Charge which has been enquired into should specifically deal and address each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions.

c. There should not be any ambiguity in the inquiry report and therefore every care should be taken to ensure that all procedures for conducting departmental inquiries have been followed in accordance with the relevant rules/instructions of disciplinary and appeal Rules to which the delinquent Government officials are governed.

8. Terms and conditions for appointment of Inquiry Officer: The designated Inquiry Officer shall be required to give an undertaking as follows:

i. that he/she is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent Government officer. A certificate to this effect will be obtained from the Inquiry Officer with respect to every inquiry and placed on record;

ii. shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the inquiry and utilize the same only for the purpose of inquiry in the case entrusted to him/her.

9. No such documents/information or data shall be divulged to anyone during the Inquiry or after presentation of the Inquiry Report. All the records, reports etc. available with the Inquiry Officer shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report.

10. The Inquiry Officer shall conduct the inquiry proceedings at a location taking into account the availability of records, station/place where the misconduct occurred as well as the convenience of the witnesses/ PO etc. Video conferencing should be utilized to the maximum extent possible to minimize travel undertaken by the IO/PO/CO. The cadre controlling authorities will facilitate necessary arrangements for the Video Conferencing.

11. The Inquiry Officer shall undertake travel for conducting inquiry (in unavoidable circumstances) with the approval of an authority as may be nominated by the concerned Ministry/Department.

12. The Inquiry Officer shall submit the inquiry report after completing the inquiry within 180 days from the date of his/her appointment as the Inquiry Officer. Extension of time beyond 180 days can be granted only by the Authority as may be prescribed.

13. Letter regarding engaging a retired officer as the Inquiry Officer will only be issued with the approval of the Disciplinary Authority of the Ministry/Department/ Office concerned.

14. Any issue arising out of this O.M. between the Inquiring Officer and the Disciplinary Authority will be decided by the Secretary, DoPT whose decision shall be final and binding on both parties.

15. These instructions will be applicable prospectively for processing the Bill submitted by the IOs / POs.

16. All the Ministries/Departments are requested to bring these instructions to the notice of all concerned under their control.

17. This issues with the concurrence of Department of Expenditure, Ministry of Finance vide their I. D. Note No. 14/4/2009-E.II(B) dated 26/10/2022.

(Sign of Authority)
Rupesh Kumar
Under Secretary to the Govt. of India
23094799

To,

i. All Ministries/Departments of the Govt. of India.

ii. Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi.

iii. Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi.

iv. Railway Board, Rail Bhavan, Delhi.

v. Union Public Service Commission/Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.

vi. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.

vii. Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road,New Delhi.

viii. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

ix. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Reference:

1. DoPT's O. M. No. 142/15/2010-AVD.I dated 31st July, 2012
2. DoPT's O. M. No. 142/40/2015-AVD.I dated 15th September, 2017

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Annexure 4

Estt-B/UPSC/general matters

MOST IMMEDIATE

No.39035/01/2011-Estt.(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

New Delhi, 10th May, 2011

OFFICE MEMORANDUM

Subject:- Departmental proceedings against Government servants – consultation with the Union Public Service Commission for advice.

*****

The undersigned is directed to say that this Department has been impressing upon various Ministries/Departments to complete the disciplinary proceedings by minimizing avoidable delays. In para 3.11.10 of the 4th report of the 2nd ARC titled "Ethics in governance", it has been observed from a sample study that the Administrative Departments take more than 2/3rd of the time taken to process the case under the CCS(CCA) Rules. In the sample study, the Inquiry Officers were found to be taking about 17% of the time and the UPSC about 5% of the time to conclude their findings. This Department has issued OM No.39011/12/2009-Estt.(B) dated 14.9.2010 reiterating that the requisite details in the proforma to be sent to the UPSC are properly filled up and sent with the relevant documents so that there does not arise occasion for the UPSC to make a back reference to the Ministries/Departments for the deficiencies found by the Commission in the papers sent to them.

2. The UPSC has brought to the notice of this Department that during the year 2010-11 the Commission had to return the case to the concerned Departments in more than 40% of the cases on account of procedural/documentary deficiencies. A list of the common deficiencies observed by the Commission in these cases are given in the Annexure. All Ministries/Departments are requested to ensure that the deficiencies indicated in the Annexure are not repeated in the proposals being sent to the UPSC for seeking its advice on disciplinary matters.

3. Attention of Ministries/Departments is also drawn to this Department's OM No.39011/12/2009-Estt.(B) dated 16.11.2010 wherein it has been requested that in cases where the Courts are being apprised of the time taken in finalizing a disciplinary proceeding through affidavit, information in regard to the pendency of the matter before the UPSC may be correctly projected. The average time taken by the Commission in tendering advice in disciplinary proceedings is about 4 to 6 months. The Commission tender its advice in about 3 months in those cases where priority is attached due to direction of Court. In such cases, in order to expedite scrutiny of the cases a single window system on pilot basis had been introduced in the UPSC from September 2010 and initially 9 Ministries/Departments were included in the single window system. The Commission has now decided to extend the single window system to all other Ministries/Departments whose offices are situated in Delhi for submission of disciplinary cases involving court cases. Under

this system, a Ministry/Department while referring the disciplinary cases to the Commission for advice, is required to authorize a representative, not below the level of Under Secretary, to hand over the case to the designated officer in the UPSC, with prior appointment. The cases received from a Ministry/Department are initially scrutinized on the spot, in terms of information sought in the Proforma check list issued by this Department. Only cases which are complete as per the check list are accepted by the Commission for further scrutiny and examination. Incomplete cases are returned at the counter itself after pointing out the deficiencies. In UPSC, the case records are to be handed over to the Under Secretary(S-1),(Tel No.23387346/23098591-Ext.4342) in Room No.10-A located in the Annexe Building of the Commission. The case records should explicitly indicate the status of the CAT/Court cases, the fact regarding the time limit for disposal of the case if any and extension sought for providing at least 3-4 months of time to the Commission for disposal of the case.

4. All Ministries/Departments are requested to adhere to the above procedure for submission of disciplinary cases involving Court cases to the Commission through single window system.

(C.A. Subramanian)
Director

To

All Ministries/Departments of Government of India.

Copy to:-

1. President Secretariat/Vice-President's Secretariat/Prime Minister's Office/ Rajya Sabha and Lok-Sabha Secretariat/CVC/CIC/C&AG/CAT(Principal Bench).

2. All officers/Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.

3. UPSC, New Delhi.

4. NIC, DOPT, North Block for up-dating of the OM in DOPT website.

(C.A. Subramanian)
Director

ANNEXURE to OM No.39035/01/2011-Estt.(B) dated 10th May, 2011

(i) The documents indicated in proforma/checklist not duly referenced with page number, folder name etc.

(ii) Vague comments/information e.g. '---' or 'do' in the proforma were mentioned.

(iii) The documents were not original or duly authenticated.

(iv) Photocopies were signed in black ink.

(v) The exhibits and other documents were not legible.

(vi) Documents in regional language:-
(a) Translation not provided.
(b) Translation unauthenticated.

(vii) In case of retired CO, the information like last pay drawn, monthly pension and gratuity were not provided. No specific information provided whether pension and/or gratuity is withheld or released.

(viii) Para-wise comments of the DA on the representation of the CO on IO Report were not part of the record.

(ix) Daily Order Sheets were not available for all the dates of hearing.

(x) In minor penalty cases, the Relied Upon Documents (RUDs) referred in the statement of imputation were not forwarded and not properly referenced.

(xi) The column related to general examination of the CO did not clearly indicate the reference of related papers.

(xii) In case of disagreement of DA with IO Report, a tentative note of disagreement was not forwarded to the CO.

(xiii) The para-wise comments of the DA did not address the points raised by the CO in his reply.

(xiv) In case of pension cut proposals, the approval of President was not taken. The approval of the President in all pension cut cases is mandatory.

(xv) The DA in a large number of cases, expresses opinion regarding the quantum or penalty or amount of pension cut to be imposed on the CO.

(xvi) Procedure of prescribed Complaints Committee on Sexual Harassment were not followed.

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No.DOPT-1673502477928
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. A-III)
******

(Dated 21 December, 2022)

OFFICE MEMORANDUM

Procedural aspects during the course of inquiry under Rule 14 of the CCS (CCA) Rules

Department of Personnel and Training has issued several executive instructions on the various matters concerning procedural aspects during the course of inquiry under CCS (CCA) Rules, 1965. These instructions, usually in the form of Office Memorandum, are circulated amongst the stakeholders for facilitating them in the proper implementation of the rules/procedures regarding handling disciplinary proceedings with a view to provide easy access to the stakeholders. The essence of these instructions in the matter has been summarized in the following paras for guidance and better understanding: -

2. Inquiring Authority (Inquiry Officer)-

2.1 Rule 14(2) of the CCS (CCA) Rules, 1965:

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation.—

(i) Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.
(ii) Where the disciplinary authority appoints a retired Government servant as inquiring authority, any reference in sub-rule (7) to subrule (20) and in sub-rule (22) shall include such authority.

[Rule 14(2) of the CCS (CCA) Rules, 1965]

2.2 Rule 14(5) of the CCS (CCA) Rules, 1965:

"5 (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 15.

(b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under subrule (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

Explanation- For the purposes of this rule, the expression 'Government servant' includes a person who has ceased to be in Government service."

[Rule 14(5) of the CCS (CCA) Rules, 1965]

2.3 The following measures had been suggested to the various Ministries/Departments in regard to the appointment of Inquiry officers in the context of avoiding delays in departmental proceedings caused by excessive preoccupation of the Inquiry Officer and his unfamiliarity with the prescribed procedures:-

(i) In each Ministry/Department, a specified officer(s) of appropriate rank shall be nominated and earmarked for the purpose of conducting all the departmental enquiries arising within that Ministry/Department.

(ii) As soon as an occasion arises for taking up such an enquiry, the nominated officer will be relieved of his normal duties to such an extent as may be necessary to enable him to devote full and careful attention to the completion of the enquiry and the submission of his report. During this time, the work of which the officer is to be relieved may be distributed amongst other officers.

(iii) The nominated officers should familiarize themselves with the rules and essential procedural requirements and appreciate the difference between departmental enquiries

and trials in the criminal courts. The maintenance of close personal contact with the Ministry of Home Affairs (now Deptt. of Personnel) will enable them quickly to resolve any doubts or difficulties which may arise.

[Para 2 of the OM No. 39/3272-Ests.(A) dated 13.12.1972]

(iv) Where, the volume of work in connection with the departmental inquiries is so large as to justify the appointment of a whole-time officer for the purpose of conducting departmental inquiries, Ministries/ Departments may consider the question of appointing a whole-time officer, fully trained in conducting disciplinary proceedings for a department or a group of offices or for a region.

[Para 3 of the OM No. 39/3272-Ests.(A) dated 13.12.1972]

2.4 Only disinterested officers should be appointed as Inquiry Officers in departmental proceedings. There is no bar to the immediate superior officer holding an inquiry but, as a rule, the person who undertakes this task should not be suspected of any bias in such cases. The authorities concerned should bear this in mind before an Enquiry Officer is appointed in a disciplinary case.

[Para 4 of the OM No. 6/26/60-Ests (A) date 16.02.1961]

2.5 Inquiries in disciplinary proceedings against gazetted officers of all grades involving lack of integrity or an element of vigilance are alone entrusted to Commissioner for Departmental Inquiries under the Central Vigilance Commission and other cases of disciplinary proceedings involving purely administrative or technical lapses, are not referred to the said Commissioner. It was also not possible to entrust the departmental inquiries against non-Gazetted employees to the Commissioner for Departmental Inquiries in view of the very large number of disciplinary cases of such employees coming up every year. It was further pointed out that the existing instructions contained in Ministry of Home Affairs (now Department of Personnel) O.M. No.6/26/60-Ests (A) dated 16th February 1961 already emphasize the desirability of only disinterested officers being appointed as Inquiry officers in departmental proceedings. It is also provided therein that while there is no bar to the immediate superior officer holding an inquiry, as a rule, persons who undertake this task should not be suspected of any bias in such cases and that the authorities concerned should bear this in mind before an Inquiry Officer is appointed in a disciplinary case.

[Para 2 of OM No. 39/40/70-Ests.(A) dated 09.11.1972]

2.6 Where a representation by the delinquent official against the appointment of a particular Inquiry officer on grounds of bias, is rejected by the disciplinary authority, it should be open to the delinquent official, to prefer an appeal to the appellate authority. It was pointed out that though there was no provision in the CCS (CCA) Rules for filing an appeal against an order appointing a person as Inquiry Officer in a disciplinary proceeding, such an order could, nevertheless, be reviewed under the said Rules. The Staff Side desired that in view of this position, the Inquiry officer should stay the proceedings if an application for review is filed by the delinquent official. It was agreed that obviously this should be done and the attention of the competent authorities could

be drawn to the need for staying the proceedings once a review petition was submitted in such cases.

[Para 3 of the OM No. 39/40/70-Ests.(A) dated 09.11.1972]

2.7 Bias Petition against IO: It has accordingly been decided that whenever an application is moved by a Government Servant against whom disciplinary proceedings are initiated under the CCS (CA) Rules against the inquiry officer on grounds of bias, the proceedings should be stayed and the application referred, alongwith the relevant material, to the appropriate reviewing authority for considering the application and passing appropriate orders thereon.

[Para 4 of the OM No. 39/40/70-Ests.(A) dated 09.11.1972]

2.8 According to Rule 14(5) of the CCS (CCA) Rules, 1965, the disciplinary authority may itself inquire into the charges against the accused Government servant or appoint an Inquiry officer for the purpose. However, it should be possible in a majority of cases, and the more serious ones at any rate, to ensure that the disciplinary authority himself does not conduct the inquiry. It may still be not practicable to ensure in all cases that the disciplinary authority himself would not be the Inquiry Officer. Such a course may be necessary under certain circumstances particularly in small field formations where the disciplinary authority as well as the Inquiry officer may have to be one and the same person. It has accordingly been decided that unless it is unavoidable in certain cases as mentioned above, the disciplinary authority should refrain from being the Inquiry Officer and appoint another officer for the purpose.

[Para 3 of the OM No. 35014/1/76-Estt.(A) dated 29.07.1976]

2.9 IO senior from the CO: DoPT, vide OM No. 7/1/70-Est.(A) dated 06.01.1971, requested all the Ministries/ Departments to note the observations of the Committee on Subordinate Legislation (Fourth Lok Sabha), which examined the question of appointment of inquiry officers to conduct oral inquiry into the charges leveled against delinquent officer under CCS (CCA) Rules, 1965. The Committee observed that though they agree that it may not be possible to entrust always inquires against delinquent officer to gazette officers the inquiries should be conducted by an officer who is sufficiently senior to the officer whose conduct is being inquired into as inquiry by a junior officer cannot command confidence which it deserves.

[OM No. 7/1/70-Est.(A) dated 06.01.1971]

3. Examination, Cross examination and re-examination of Witnesses-

3.1 Rule 14(14) of the CCS (CCA) Rules, 1965:

"(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The

Presenting Officer shall be entitled to reexamine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit."

[Rule 14(14) of the CCS (CCA) Rules, 1965]

3.2 Whether statements made by the witnesses during the preliminary inquiry/investigation can be straightway taken on record as evidence in examination-in-chief at oral inquiries-

(i) On considering the observations made by the Supreme Court in certain cases it may be legally permissible and in accord with the principles of the natural justice to take on record the statements made by witnesses during the preliminary inquiry/investigation at oral inquiries, if the statement is admitted by the witness on its being read out to him. It is felt that by adopting this procedure it should be possible to reduce the time taken in conducting departmental inquiries. It has, therefore, been decided that in future, instead of recording the evidence of the prosecution witnesses de novo, wherever it is possible, the statement of a witness already recorded at the preliminary inquiry/investigation may be read out to him at the oral inquiry and if it is admitted by him, the cross-examination of the witness may commence thereafter straightaway. A copy of the said statement should however, be made available to the delinquent officer sufficiently in advance to at least three days before the date on which it is to come up at the inquiry.

(ii) As regards the statements recorded by the Investigating Officers of the C.B.I., which are not signed, it has been decided that the statement of the witness recorded by the Investigating Officer will be read out to him and a certificate will be recorded there under that it had been read out to the person concerned and had been accepted by him.

[Para 2 & 3 of the OM No. 134/7/75-AVD-I dated 01.06.1975]

3.3 Witnesses produced by or on behalf of the disciplinary authority in a disciplinary proceeding shall be examined by or on behalf of the presenting officer and may be cross-examined by or on behalf of the Government servants, and the presenting officer would also be entitled to re-examine the witnesses on any points on which they have been leave of the inquiring authority. Doubts have been expressed in some quarters if cross-examination by or on behalf of the Government servant could be allowed after the presenting officer has re-examined the witnesses. It is hereby clarified that if re-examination by the presenting officer is allowed on any new matter not already covered by the earlier examination/cross-examination, a cross-examination on such new matters covered by the re-examination may also be allowed to meet the ends of natural justice.

[OM No. 7/11/70-Est.(A) dated 24.09.1970]

4. Supply of Documents to the ChargedOfficer

4.1 Rule 14(11) of the CCS (CCA) Rules, 1965:

"(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence:

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3);
(ii) submit a list of witnesses to be examined on his behalf;

NOTE- If the Government servant applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

NOTE.- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government."

[Rule 14(11) of the CCS (CCA) Rules, 1965]

4.2 Hon'ble Supreme Court in the matter of Raizada Trilok Nath Vs. the Union of India, decided that failure to furnish copies of documents such as the First Information Report, and statements recorded during investigation amounts to a violation of Article 311(2) of the Constitution.

[Para 1 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.3 The right of access to official records is not unlimited and it is open to the Government to deny such access if in its opinion such records are not relevant to the case, or it is not desirable in the public interest to allow such access. The power to refuse access to official records should, however, be very sparingly exercised. The question of relevancy should be looked at from the point of view of the defence and if there is any possible line of defence to which the document may, in some way be relevant, though the relevance is not clear to the disciplinary authority at the time that the request is made, the request for access should not be rejected. The power to deny access on the ground of public interest should be exercised only when there are reasonable and sufficient grounds to believe that public interest will clearly suffer. Cases of the latter type are likely to be very few and normally occasion for refusal of access on the ground that it is not in public interest should not arise if the document is intended to be used in proof of the charge and if it is proposed to produce such a document before the Inquiry Officer, if an enquiry comes to be held. It has to be remembered that serious difficulties arise when the Courts do not accept as correct the refusal by the disciplinary authority, of access to documents. In any case, where it is decided to refuse

access, reasons for refusal should be cogent and substantial and should invariably be recorded in writing.

[Para 2 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.4 Government servants involved in departmental enquiries often ask for access to and or supply of copies of -

(1) documents to which reference has been made in the statement of allegations;
(2) documents and records not so referred to in the statement of allegations but which the Government servant concerned considers are relevant for the purposes of his defence;
(3) statements of witnesses recorded in the course of -
    (a) a preliminary enquiry conducted by the department; or
    (b) investigation made by the Police.
(4) Reports submitted to Government or other competent authority including the disciplinary authority by an officer appointed to hold a preliminary inquiry to ascertain facts;
(5) reports submitted to Government or other competent authority including the disciplinary authority, by the Police after investigation.

[Para 3 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.5 A list of the documents which are proposed to be relied upon to prove the charge and the facts stated in the statement of allegations should be drawn up at the time of framing the charge (This will incidentally reduce the delay that usually occurs between the service of the charge-sheet and the submission of the written statement). The list should normally include documents like the First Information Report if there is one on record. Anonymous and pseudonymous complaints on the basis of which inquiries were started need not be included in the list. The list so prepared should be supplied to the officers either along with the charge-sheet or as soon thereafter as possible. The officer should be permitted access to the documents mentioned in the list if he so desires.

[Para 4 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.6 If the officer requests for any official records other than those included in the list, the request should ordinarily be acceded to in the light of what has been stated in para 4.3 above.

[Para 5 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.7 While there is no doubt that the Government servant should be given access to various official records like documents to which reference has been made in the statement of allegations and documents and records which the Government servant concerned considers are relevant for the purposes of his defence though the relevancy is not clear to the disciplinary authority, doubts

very often arise whether official records include the documents mentioned at items, 4 and 5 in para 4.4 above. Reports made after a preliminary enquiry, or the report made by the Police after investigation, other than those referred to in clause (a) of Sub-Section 1 of Section 173 of the Code of Criminal Procedure, 1898, are usually confidential and intended only to satisfy the competent authority whether further action in the nature of a regular departmental inquiry or any other action is called for. These reports are not usually made use of or considered in the inquiry. Ordinarily even a reference to what is contained in these reports are not made in the statement of allegations. It is not necessary to give access to the Government servant to these reports. (It is necessary to strictly avoid any reference to such reports in the statement of allegations as, if any reference is made, it would not be possible to deny access to these reports; and giving of such access to these reports will not be in public interest for the reasons stated above).

[Para 6 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.8 The only remaining point is whether access should be given to the statements of witnesses recorded in the course of a preliminary enquiry conducted by the department or investigation made by the Police and if so, whether the access should be given to the statements of all witnesses or to the statements of only those witnesses who are proposed to be examined in proof of the charges or of the facts stated in the statement of allegations. These statements can be used only for the purposes of cross-examination and the Government servant is called upon to discredit only those witnesses whose statements are proposed to be relied upon in proof of the charges or of the facts stated in the statement of allegations. As such the Government servant concerned need not be given access to the statements of all witnesses examined in the preliminary enquiry or investigation made by the Police and access should be given to the statements of only those witnesses who are proposed to be examined in proof of the charges or the facts stated in the statement of allegations. In some cases, the Government servant may require copies of the statements of some witnesses on which no reliance is proposed to be placed by the disciplinary authority on the ground that he proposes to examine such witnesses on his side and that he requires the previous statement to corroborate the testimony of such witnesses before the inquiring authority. Previous statements made by a person examined as a witness is not admissible for the purposes of corroboration and access to such statements can safely be denied. However, the law recognises that if the former statement was made at or about the time when the fact took place and the person is called to give evidence about such fact in any proceedings, the previous statement can be used for purposes of corroboration. In such cases, it will be necessary to give access to the previous statements.

[Para 7 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.9 The further point is the stage at which the Government servant should be permitted to have access to the statements of witnesses proposed to be relied upon in proof of the charges or of the facts stated in the statement of allegations. As stated earlier, the copies of the statements of the witnesses can be used only for the purpose of cross-examination and, therefore, the demand for copies must be made when witnesses are called for examination at the oral enquiry. If such a request is not made, the inference would be that the copies were not needed for that purpose. The copies cannot be used at any subsequent stage as those statements are not to be taken into consideration by the disciplinary authority also. Copies should be made available within a reasonable time before the witnesses are examined. It would be strictly legal to refuse access to the copies of the statements prior to the evidence stage in the departmental enquiry. However, if the Government servant makes a request for supply of copies of statements referred to at (3) of para 4.4 above before he files a written statement, the request, shall be acceded to. 356

[Para 8 of the OM No. 30/5/61-AVD dated 25.08.1961]

4.10 It is not ordinarily necessary to supply copies of the various documents and it would be sufficient if the Government servant is given such access as is permitted under the rules referred to above. Government servants involved in departmental proceedings when permitted to have access to official records sometimes seek permission to take photostat copies thereof. Such permission should not normally be acceded to especially if the officer proposes to make the photostat copies through a private photographer as thereby third parties would be allowed to have access to official records which is not desirable. If, however, the documents of which photostat copies are sought for are so vitally relevant to the case (e.g., where the proof of the change depends upon the proof of the hand-writing or a document the authenticity of which is disputed), the Government should itself make photostat copies and supply the same to the Government servant. In cases which are not of this or similar type (the example given above is only illustrative and not exhaustive), it would be sufficient if the Government servant is permitted to inspect the official records and take extracts therefrom as is provided for in the provision of the Central Civil Services (Classification Control and Appeal) Rules.

[Para 9 of the OM No. 30/5/61-AVD dated 25.08.1961]

5. Defence Assistant-

5.1 Rule 14(8) of the CCS (CCA) Rules, 1965:

"(8) (a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits;

Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note: The Government servant shall not take the assistance of any other Government servant who has three pending disciplinary cases on hand in which he has to give assistance.

(b) The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf."

[Rule 14(8) of the CCS (CCA) Rules, 1965]

5.2 When on behalf of the disciplinary authority, the case is being presented by a Prosecuting Officer of the Central Bureau of Investigation or a Government Law Officer (such as Legal Adviser,

Junior Legal Adviser), there are evidently good and sufficient circumstances for the disciplinary authority to exercise his discretion in favour of the delinquent officer and allow him to be represented by a legal practioner. Any exercise of discretion to the contrary in such cases is likely to be held by the court as arbitrary and prejudicial to the defence of the delinquent Government servant.

[OM No. 11012/7/83-Estt.(A) dated 23.07.1984]

5.3 A Govt. servant should be allowed to make a representation to the Disciplinary Authority if the Inquiring Authority rejects a request for permission to take a Defence Assistant from a place other than the headquarters of the charged Govt. servant or the place of inquiry. Accordingly, in all cases where the inquiring authority rejects the request of the charged Govt. servant for engaging a defence assistant, from any station other than the headquarters of such Govt. servant or the place where the inquiry is conducted, it should record its reasons in writing and communicate the same to the charged Govt. servant to enable him to make a representation against the order, if he so desires, to the disciplinary authority. On receipt of the representation from the charged Govt. servant, the Disciplinary Authority, after applying its mind to all the relevant facts and circumstances of the case, shall pass a well-reasoned order either upholding the orders passed by the inquiring authority or acceding to the request made by the charged employee. Since such an order of the disciplinary authority will be in the nature of a step-in–aid of the Inquiry, no appeal shall/lie against that order.

[Para 4 of the OM No. 11012/3/86-Estt.(A) dated 29.04.1986]

5.4 In terms of rule 14 (8) (b) of the CCS (CCA) Rules, 1965, the Government servant concerned may take the assistance of a retired Government servant subject to the following conditions :-

The retired Government servant concerned should have, retired from service under the Central Government.

If the retired Government servant is also a legal practitioner, the restrictions on engaging a legal practitioner by a delinquent Government servant to present the case on his behalf, contained in Rule 14 (8) of the CCS (CCA) Rules, 1965 would apply.

) The retired Government servant concerned should not have, in any manner, been associated with the case at investigation stage or otherwise in his official capacity.

) The retired Government servant concerned should not act as a defence assistant in more than seven cases at a time. The retired Government servant should satisfy the inquiring officer that he does not have more than seven cases at hand including the case in question.

[OM No. 11012/11/2002-Estt.(A) dated 05.02.2003]

5.5 The government servant (defence assistant) who has been permitted to assist the accused official should be permitted to examine, cross examine and re-examine witnesses and make submission before the Inquiry Officer on behalf of the accused official, if the accused official makes a request in writing in this behalf.

[Para 1(4) of the OM No. 6/26/60-Ests.(A) dated 08.06.1962]

6. Written brief by the Presenting Officer:

6.1 Rule 14(19) of the CCS (CCA) Rules, 1965:

"(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective case, if they so desire."

[Rule 14(19) of the CCS (CCA) Rules, 1965]

6.2 It will be seen from the phraseology of rule 14(19) that the inquiring authority has to hear arguments that may be advanced by the parties after their evidence has been closed. But he can, on his own or on the desire of the parties, take written briefs. In case he exercises the discretion of taking written briefs, it will be but fair that he should first take the brief from the Presenting Officer, supply a copy of the same to the Govt. servant. In case the copy of the brief of the Presenting Officer is not given to the Govt. servant, it will be like hearing arguments of the Presenting Officer at the back of the Govt. servant. In this connection, attention is also invited to the judgement of the Calcutta High Court in the case of Collector of Customs Vs. Mohd. Habibul [SLR 1973)(1) Calcutta, 321] in which it is laid down that the requirement of rule 14(19) of the CCS(CCA) Rules, 1965 and the principles of natural justice demand that the delinquent officer should be served with a copy of the written brief filed by the Presenting Officer before he is called upon to file his written brief.

[Para 2 of the OM No 11012/18/77-Estt(A) dated 02.09.1978]

7. General Examination

7.1 Rule 14(18) of the CCS (CCA) Rules, 1965:

"(18) The inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him."

[Rule 14(18) of the CCS (CCA) Rules, 1965]

7.2 Rule 14(18) of CCS (CCA) Rules, 1965, provides that, "the inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him". This is a formal action required to be taken by the inquiry officer before closing the inquiry. It has been seen that many a times this is not formally recorded and the inquiry gets vitiated. It is imperative that the inquiry is conducted strictly in accordance with the procedures prescribed.

[Para 3 of the OM No. 11012/3/2015-Estt.A-III dated 18.02.2015]

8. Ex-parte proceedings

8.1 Rule 14(20) of the CCS (CCA) Rules, 1965:

"(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex parte."

[Rule 14(20) of the CCS (CCA) Rules, 1965]

8.2 In the case of Ghanshyam Das Srivastava Vs. State of Madhya Pradesh (AIR 1973 SC 1183), the Supreme Court had observed that where a Government servant under suspension pleaded his inability to attend the enquiry on account of financial stringency caused by the non-payment of subsistence allowance to him, the proceedings conducted against him exparte would be in violation of the provision of Article 311(2) of the Constitution as the person concerned did not receive a reasonable opportunity of defending himself in the disciplinary proceedings.

[Para 1 of the OM No. 11012/10/76-Estt.(A) dated 06.10.1976]

8.3 The judgment of the Supreme Court referred to in para 8.2 above indicates that in that case, the disciplinary authority proceeded with the enquiry exparte notwithstanding the fact that the Government servant concerned had specifically pleaded his inability to attend the enquiry on account of financial difficulties caused by non-payment of subsistence allowance. The Court had held that holding the enquiry exparte under such circumstances would be violative of Article 311(2) of the Constitution on account of denial of reasonable opportunity of defence. This point may also be kept in view by all authorities concerned before involving the provisions of rule 14(20) of the CCS (CCA) Rules, 1965.

[Para 3 of the OM No. 11012/10/76-Estt.(A) dated 06.10.1976]

9. Personal hearing by the Appellate Authority

Rule 27 of the CCS(CCA) Rules, 1965 does not specifically provide for the grant of a personal hearing by the appellate authority to the Government servant before deciding the appeal preferred by him against a penalty imposed on him. The principle of right to personal hearing applicable to a judicial trial or proceeding even at the appellate stage is not applicable to departmental inquiries, in which a decision by the appellate authority can generally be taken on the basis of the records before it. However, a personal hearing of the appellant by the appellate authority at times will afford the former an opportunity to present his case more effectively and thereby facilitate the appellate authority in deciding the appeal quickly and in a just and equitable manner. As Rule 27 of the CCA Rules does not preclude the grant of personal hearing in suitable cases, it has been decided that where the appeal is against an order imposing a major penalty and the appellant makes a specific request for a personal hearing, the appellate authority may after considering all relevant circumstances of the case, allow the appellant, at its discretion, the personal hearing.

[Para 2 of the OM No. 11012/20/85-Estt.(A) dated 28.10.1985]

10. Circumstances for holding detailed inquiry under Rule 16 (Minor penalty proceeding):

Rule 16(1-A) of the CCS(CCA) Rules, 1965 provides for the holding of an inquiry even when a minor penalty is to be imposed in the circumstances indicated therein. In other cases, where a minor penalty is to be imposed, Rule 16(1) ibid leaves it to the discretion of disciplinary authority to decide whether an inquiry should be held or not. The implication of this rule is that on receipt or representation of Government servant concerned on the imputations of misconduct or misbehaviour communicated to him, the disciplinary authority should apply its mind to all facts and circumstances and the reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not. In a case where a delinquent Government servant has asked for inspection of certain documents and cross examination of the prosecution witnesses, the disciplinary authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that an inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the Government servant, the disciplinary authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

[OM No. 11012/18/85-Estt.(A) dated 28.10.1985]

11. Need for issuing speaking orders by competent Authority in disciplinary cases:

11.1 As is well known and settled by courts, disciplinary proceedings against employees conducted under the provisions of CCS (CCA) Rules, 1965, or under their corresponding rules, are quasi-judicial in nature and as such, it is necessary that orders in such proceedings are issued only by the competent authorities who have been specified as disciplinary/appellate/reviewing authorities under the relevant rules and the orders issued by such authorities should have the attributes of a judicial order. The Supreme Court, in the case of Mahavir Prasad Vs State of U.P.(AIR 1970 SC 1302) observed that recording of reasons in support of a decision by a quasi-judicial authority is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy, or reached on ground of policy or expediency. The necessity to record reasons is greater if the order is subject to appeal.

[Para 1 of the OM No. 134/1/81-AVD-I dated 13.07.1981]

11.2 Where the final orders passed by the competent disciplinary/appellate authorities do not contain the reasons on the basis whereof the decisions communicated by that order were reached, such orders may not conform to legal requirements, and therefore they may be liable to be held invalid, if challenged in a court of law. It is, therefore, impressed upon all concerned that the authorities exercising disciplinary powers should issue self-contained speaking and reasoned orders conforming to the aforesaid legal requirements.

[Para 2 of the OM No. 134/1/81-AVD-I dated 13.07.1981]

11.3 Instances have also come to notice where, though the decisions in disciplinary/appellate cases were taken by the competent disciplinary/appellate authorities in the files, the final orders were not issued by that authority but only by a lower authority. As mentioned above, the disciplinary/appellate/reviewing authorities exercise quasi-judicial powers and as such, they cannot delegate their powers to their subordinates. It is, therefore, essential that the decision taken by such authorities are communicated by the competent authority under their own signatures, and the order so issued should comply with the legal requirements as indicated in the preceding paragraphs. It is only in these cases where the President is the prescribed disciplinary/appellate/reviewing authority and where the Minister concerned has considered the case and given his orders that an order may be authenticated by an officer, who has been authorised to authenticate orders in the name of the President.

[Para 3 of the OM No. 134/1/81-AVD-I dated 13.07.1981]

12. Where disciplinary proceedings are initiated against a Government servant who is officiating in a higher post on an ad-hoc basis

The question whether a Government servant appointed to a higher post on ad hoc basis should be allowed to continue in the ad hoc appointment when a disciplinary proceeding is initiated against him has been considered by this Department and it has been decided that the procedure outlined below shall be followed in such cases:-

(i) Where an appointment has been made purely on ad hoc basis against a short- term, vacancy or a leave vacancy or if the Government servant appointed to officiate until further orders in any other circumstances has held the appointment for a period less than one year, the Government servant shall be reverted to the post held by him substantively or on a regular basis, when a disciplinary proceeding is initiated against him.

(ii) Where the appointment was required to be made on ad hoc basis purely for administrative reasons (other than against a short term vacancy or a leave vacancy) and the Government servant has held the appointment for more than one year, if any disciplinary proceeding is initiated against the Government servant, he need not be reverted to the post held by him only on the ground that disciplinary proceeding has been initiated against him.

Appropriate action in such cases will be taken depending on the outcome of the disciplinary case.

[OM No. 11012/9/86-Estt.(A) dated 24.12.1986]

13 Disciplinary action for acts done by the Government servants in their previous or earlier employment:

An employee is not precluded from taking action against an employee in respect of misconduct committed before his employment if the misconduct was of such a nature as has rational connection with his present employment and renders him unfit and unsuitable for continuing in service. A provision in the Discipline Rules that penalties can be imposed for 'good and sufficient reasons', as in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, would be adequate authority for taking action in respect of misconduct of the nature referred to above. When such action is taken, the charge should specifically state that it renders him unfit and unsuitable for continuance in service.

[OM No. 39/1/67-Ests(A) dated 21.02.1967]

14. Consideration of past bad record for the purpose of imposition of penalty in disciplinary proceedings:

14.1 If previous bad record, punishment etc. of an officer is proposed to be taken into consideration in determining the penalty to be imposed, it should be made a specific charge in the chargesheet itself, otherwise any mention of the past bad record in the order of penalty unwittingly or in a routine manner, when this had not been mentioned in the chargesheet, would vitiate the proceedings, and so should be eschewed.

[Para 1 of the OM No. 134/20/68-AVD dated 28.08.1968]

14.2 In this connection attention is invited to the following extract from the judgement of the Supreme Court in the State of Mysore Vs. K. Monche Gowda (AIR 1964 SC 506):-

"We.....hold that it is incumbent upon the authority to give the Government servant at the second stage reasonable opportunity to show cause against the proposed punishment and if the proposed punishment is based on his previous punishments or his previous bad record, this should be included in the second notice so that he may be able to give an explanation...

In the present case the second show cause notice does not mention that the Government intended to take his previous punishments into consideration in proposing to dismiss him from service. On the country, the said notice put him on the wrong scent, for it told him that it proposed to dismiss him from service as the charges proved against him were grave... indicate that the show cause notice did not give the only reason which influenced the Government to dismiss the respondent from service. This notice clearly contravened the provisions of Art. 311(2) of the Constitution as interpreted by Court."

[Para 2 of the OM No. 134/20/68-AVD dated 28.08.1968]

14.3 These observations were made by the Supreme Court in the context of the provisions of Article 311(2) of the constitution before its amendment by the Constitution (Fifteenth Amendment) Act, 1963. Under the amended Article, at the stage of show cause notice the Government servant has to be given a 'reasonable opportunity' of making representation on the penalty proposed, but only on the basis of evidence adduced during the enquiry. This would indicate that at the second stage, the procedure should be limited only to the proposed penalty on the basis of the proved charges and additional material in the form of past bad record etc. cannot be introduced. If such matter is to be introduced, the Government servant must have a right to make his representation on those matters and for that purpose to call for confidential record and even witnesses to establish mitigating circumstances like his subsequent good conduct. This will be contrary to amended Article 311(2) which clearly limits the right of representation "only on the basis of evidence adduced during such enquiry". This cannot be one-sided restriction and pre-supposes that the penalty is proposed only on the basis of the charges inquired into, without any additional factors being taken into consideration. Accordingly if past bad record is proposed to be taken into account in determining the penalty to be imposed, it should be made subject matter of a specific charge in the charge-sheet itself. If it is not so done, it cannot be relied upon after the disciplinary authorities, and/or at the time of imposition of penalty.

[Para 3 of the OM No. 134/20/68-AVD dated 28.08.1968]

15. Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment

15.1 A question has arisen as to whether a Government servant can be discharged from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. The Supreme Court in its judgement in the District Collector, Vizianagram vs. M. Tripura Sundari Devi (1990 (4) SLR 237 went into this issue and observed as under:-

> *"It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a person with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No Court should be a party to the perpetuation of the fraudulent practice."*

It has been decided that wherever it is found that a Government servants who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Govt. servant, he should be discharged or his services should be terminated. If he has become a permanent Govt. servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be hold and if he charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

[Para 2 of the OM No. 11012/7/91-Estt.(A) dated 19.05.1993]

15.2 Such discharge, termination, removal or dismissal from service would, however, be without prejudice to the right of the Government to prosecute such Government servants.

[Para 3 of the OM No. 11012/7/91-Estt.(A) dated 19.05.1993]

16. Disciplinary action against the office bearers of the Staff Association/ Union etc.

16.1 Rule 24(3) of the CCS (CCA) Rules, 1965:

> *(3) A Government servant may prefer an appeal against an order imposing any of the penalties specified in rule 11 to the President, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed by any authority other than the President, on such Government servant in respect of his activities connected with his work as an office-bearer of an association, federation or union, participating in the Joint Consultation and Compulsory Arbitration Scheme.*
>
> [Rule 24(3) of the CCS (CCA) Rules, 1965]

16.2 Rule 24(3) of the CCS (CCA) Rules, 1965 provides that an appeal against an order imposing any of the penalties specified in rule 11 of the said Rules lies to the President, where no such appeal lies to him under sub-rule (1) and (2) of rule 24, if such penalty is imposed by any authority other than the President, on such Government servant in respect of his activities connected with

his work as an office-bearer of an association or union participating in the Joint Consultation and Compulsory Arbitration Scheme. It is clarified that all appeal to the President under this provision should be placed before the Minister-in-charge for final orders, irrespective of whether the general directions in various Ministries, relating to the disposal of appeal addressed to the President require such submission or not.

[OM No. 7/4/64-Ests.(A) dated 18.04.1967]

16.3 The Government servants who are office bearers of the Staff Associations are subject to the provisions of Conduct and Disciplinary Rules like all other Government servants. However, if a Government feels that he is being penalized for any act done by him which is directly or indirectly connected with his position as an office bearer of an association, he can prefer an appeal against such action directly to the President in terms of Rule24(3) of the CCS(CCA) Rules, 1965 bringing forth the reasons which may establish the nexus between the disciplinary action taken against him and his activities as office bearer of an association. If the contention of an officer bearer of an association that his case is covered under the provisions of Rule 24(3) ibid is not accepted and his appeal is decided by some lower appellate authority concerned to seek revision of his case by the President in terms of Rule 29 ibid.

[OM No. 35014/2/89-Ests.(A) dated 10.10.1990]

17 President's power of review under Rule 29 of the CCS (CCA) Rules, 1965

17.1 This Department, vide Notification No. 11012/1/80-Ests(A) dated the 6th August, 1981 amended Rule 29 of the CCS (CCA) Rules, 1965 and introduced Rule 29-A therein. The amendment was necessitated by the judgement of the Delhi High Court in the case of Shri R.K. Gupta Vs. Union of India and another (Civil Writ Petition No.196 of 1978 and 322 of 1979) in which the High Court held that under Rule 29 of the CCS (CCA) Rules, 1965-

(i) The President has power to review any order under the CCS (CCA) Rules, 1965 including an order of exoneration, and

(ii) The aforesaid power of review is in the nature of revisionary power and not in the nature of reviewing one's own order.

17.2 The matter was examined in consultation with the Ministry of Law who had observed that the judgement of the Delhi High Court would indicate that the President cannot exercise his revisionary powers in a case in which the power had already been exercised after full consideration of the facts and circumstances of the case. There is, however, no objection to providing for a review by the President of an order passed by him earlier in revision if some new fact or material having the nature of changing the entire complexion of the case comes to his notice later. Accordingly, Rule 29 of the CCS (CCA) Rules, 1965 has been amended to make it clear that the power available under that rule is the power of revision and a new rule, Rule 29-A, has been introduced specifying the powers of the President to make a review of any order passed earlier,

including an order passed in revision under Rule 29, when any new fact or material which has the effect of changing the nature of the case comes to his notice. It may also be noted while the President and other authorities enumerated in Rule 29 of the CCS (CCA) Rules, 1965, exercise the power of revision under that rule, the power of review, under Rule 29-A is vested in the President only and not in any other authority. With the amendment of Rule 29 and the introduction of Rule 29-A, the heading of Part VIII of the CCS(CCA) Rules, 1965 has also been appropriately changed as "Revision and Review".

[OM No. 11012/1/80-Ests(A) dated 03.09.1981]

18. Imposition of penalty by lower disciplinary authority if the proceeding was initiated by a higher disciplinary authority:

When proceedings are instituted by a "higher disciplinary authority", final orders should also be passed by such "higher disciplinary authority" and the case should not be remitted to lower disciplinary authority on the ground that on merit of the case it is sufficient to impose a minor penalty and such minor penalty could be imposed by a lower disciplinary authority. In such cases the appeal against the punishment order of the "higher disciplinary authority" shall lie to the authority prescribed under the CCS (CCA) Rules as the appellate authority in respect of such order.

[Para 1(3) of the OM No. 6/26/60-Ests.(A) dated 08.06.1962]

19. Closing of disciplinary cases in the event of death of charged official

Where a Government servant dies during the pendency of the inquiry i.e. without charges being proved against him, imposition of any of the penalties prescribed under the CCS(CCA) Rules, 1965, would not be justifiable. Therefore, disciplinary proceedings should be closed immediately on the death of the alleged Government servant.

[OM No. 11012/7/99-Estt.(A) dated 20.10.1999]

20. ISTM publication - Handbook for Inquiry Officer & Disciplinary Authorities:

20.1 Hon'ble High Court of Delhi in WP (C) No. 3510/2013 in the matter of Shri K.K.S. Sirohi & Ors V/s UoI observed that:

> *"19. Copy of this order be sent to Secretary DOPT who is requested to ensure that such Government officials who are appointed as Inquiry Officers be made aware of the procedures of law to be followed so that in future the painful situation as we find in the instant case does not re-occur."*

The said judgement is available on the website of Delhi High Court.

20.2 The above directions may kindly be brought to the notice of all Inquiry Officers presently engaged by the Ministry/Department so that the procedure of law are duly followed, both in letter and spirit. In this regard, attention is also invited to the recently released ISTM publication-'Handbook for Inquiry Officers & Disciplinary Authorities' which can be used as a reference guide in such matters. The Handbook may be accessed under on this Department's website: https://dopt.gov.in/reports/hand-book/hand-book-inquiry-officers-and-disciplinary-authorities-2013.

[OM No. 11012/16/2013-Estt.A dated 15.01.2014]

21. Sharing of advice of UPSC with the Charged Officer:

21.1 Hon'ble Supreme Court in its judgment, on 16.03.2011, while dismissing the Civil Appeal No. 5341 of 2006 in the matter of Union of India & Ors. vs S. K. Kapoor, held that it is a settled principle of natural justice that if any material is to be relied upon in departmental proceedings, a copy of the same must be supplied in advance to the charge sheeted employee so that he may have a chance to rebut the same. In compliance of the judgement of Hon'ble Supreme Court in S.K. Kapoor case, provisions regarding supplying a copy of the advice of UPSC, in all cases where the Commission is consulted, to the Charged Officer were incorporated by amending the CCS (CCA) Rules, 1965 vide G.S.R. No. 769(E) dated 31.10.2014.

21.2 In brief, in the disciplinary cases, where the UPSC are to be consulted, the following procedure should be adopted:

(a) The Disciplinary Authority shall forward or cause to be forwarded to UPSC for its advice:

(i) a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge; and

(ii) comments on the representation of the Government servant on the Inquiry report and disagreement note, if any, with all the case records of the inquiry proceedings.

(b) On receipt of the UPSC advice, the Disciplinary Authority shall forward or cause to be forwarded a copy of the advice to the Government servant who shall be required to submit, if he so desires, his written representation/submission to the Disciplinary Authority within fifteen days. The Disciplinary Authority shall consider such representation and take action as prescribed in sub-rule (4), (5) and (6) of the Rule 15 of the CCS (CCA) Rules, 1965.

[Para 4 of the OM No. 11012/8/2011-Estt.(A) dated 19.11.2014]

21.3 Similarly, in matters relating to Appeal/ Revision/ Review, a copy of the UPSC advice, if consulted, may be supplied to the Government servant and his representation, if any, thereon may be considered by the Appellate/ Revisionary/ Reviewing Authority before passing final order.

[Para 5 of the OM No. 11012/8/2011-Estt.(A) dated 19.11.2014]

21.4 Cases decided before the date of this judgement, i.e., 16th March, 2011 need not be reopened. In cases decided after 16th March, 2011, where a penalty was imposed after relying upon the advice of UPSC, but where a copy of such advice was not given to the Charged Officer before the decision, the penalty may be set aside and inquiry taken up from the stage of supply of copy of the advice of UPSC.

[Para 3 of the OM No. 11012/05/2015-Estt.(A-III) dated 14.07.2016]

21.5 In cases where a penalty of dismissal, removal or compulsory retirement has been imposed, the Charged Officer, if he has not reached the age of superannuation, shall be deemed to be under suspension from the date of original penalty as per rule 10(4) of the CCS (CCA) Rules, 1965.

[Para 4 of the OM No. 11012/05/2015-Estt.(A-III) dated 14.07.2016]

21.6 Cases where the Government servant has retired shall be dealt with as per rule 69 of CCS (Pension) Rules, 1972 (*now Rule 8 of the CCS (Pension) Rules, 2021*). In the cases of any other penalties, only the penalty will be set aside, but no consequential benefits like arrears of pay shall be allowed. This will be decided by the Competent Authority after conclusion of the further inquiry. Similarly, in a case where a penalty of recovery has been imposed, if the recovery is being made in installments, the recovery shall be suspended pending finalization of further inquiry. No refund of recovery already effected will be made. Whether the money already recovered has been refunded will depend on the decision of the Disciplinary Authority. Where a penalty of withholding of increments has been imposed, if a withheld increment has become due, the same may be released. There is no question of release of any arrears till finalization of the proceedings.

[Para 5 of the OM No. 11012/05/2015-Estt.(A-III) dated 14.07.2016]

22. Signing of Charge Sheet/ Penalty order

22.1 Instances have also come to notice where, though the decisions in disciplinary/appellate cases were taken by the competent disciplinary/appellate authorities in the files, the final orders were not issued by that authority but only by a lower authority. As mentioned above, the disciplinary/appellate/reviewing authorities exercise quasi-judicial powers and as such, they cannot delegate their powers to their subordinates. It is, therefore, essential that the decision taken by such authorities are communicated by the competent authority under their own signatures, and the order so issued should comply with the legal requirements as indicated in the preceding paragraphs. It is only in these cases where the President is the prescribed disciplinary/appellate/reviewing authority and where the Minister concerned has considered the

case and given his orders that an order may be authenticated by an officer, who has been authorised to authenticate orders in the name of the President.

[Para 3 of the OM No. 134/1/81-AVD-I dated 13.07.1981]

22.2 Signature on the charge sheet:

) If the President is the DA – An officer authorized under Article 77(2) of the Constitution to authenticate the order on behalf of President.

) In cases where the DA other than the President – DA itself to sign the charge sheet.

[OM No 43020/14/2021-Estt.A-III dated 08.11.2021]

23 Time line for conducting disciplinary inquires

23.1 Crucial Time Limits at various stages of Inquiry

S. No.		What is the time limit for charged officer to submit his written statement of defence on charge sheet?	It is 15 days, which can be further extended by a period not exceeding 15 days at a time for reasons to be recorded in writing by the Disciplinary Authority or any other authority authorized by the Disciplinary Authority on his behalf. The overall limit for filing of reply should not be extended beyond 45 days from the receipt of the articles of charge by the charged officer. [Sub Rule 4 in Rule 14 of CCS (CCA) Rules, 1965]
1.		What is the time limit for producing requisite documents claimed by charged officer during?	Sub rule (13) in Rule 14 provides for producing the documents or issue of non-availability certificate within a period of one month of the receipt of such requisition.
2.		What is the time period for the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge if the Government	It is 30 days. [Sub rule (11) in Rule 14 of CCS (CCA) Rules, 1965]

		Servant fails to appear within the specified time or refuses or omits to plead?	
3.		What is the time period for inspecting the documents produced by Presenting Officer for the purpose of preparing his defence?	Within five days of the order passed by Inquiring Authority, which can be further extended not exceeding 5 days. [Sub rule (11) (i) in Rule 14 of CCS (CCA) Rules, 1965]
4.		What is the notice period for production of any documents, which are in possession of Government but not mentioned in the list of documents served with the charge sheet but a request in this regard is made by the Charged Officer?	The Inquiring Authority can allow a time of 10 days for the purpose, which can further be extended by not exceeding 10 days. [Sub rule (11) (iii) in Rule 14 of CCS (CCA) Rules, 1965]
5.		What is the time limit provided for adjournment before close of the case for Presenting Officer to produce evidences not included in the list given to Charged officer or Inquiring Authority himself call for new evidence or recall and reexamine any witness?	Such adjournment is done for 3 clear days excluding the day of adjournment and the day to which the inquiry is adjourned. [Sub rule 15 in Rule 14 of CCS (CCA) Rules, 1965]
6.		What is the time limit for completing the inquiry and submit report by Inquiring Authority?	In terms of notification No G.S.R. 548 (E) dated 02.06.2017, the Inquiring Authority should conclude the inquiry and submit his report within 6 months from the date of receipt of order of his appointment. An additional time not exceeding six months for completing the inquiry can be allowed at a time on the basis of sufficient and good reasons, to be recorded in writing by Disciplinary Authority. [Sub rule (24) in Rule 14 of CCS (CCA) Rules, 1965]

7.		Whether time limit of 6 months decided vide notification dated 02.06.2017 is also applicable to cases where Inquiring Authority was appointed prior to the 02.06.2017?	Yes. Ideally such cases should have been completed, as per the time limit prescribed in the said notification, if those cases are still pending, the period of six months for completing the inquiry can be reckoned w.e.f. 02.06.2017 and extension should be sought, if required.
8.		What is the time limit for furnishing written representation by charged officer on the advice of UPSC?	It is 15 days from the receipt of the copy of advice of UPSC by the charged officer. [Sub rule (3)(b) in Rule 15 of CCS (CCA) Rules, 1965]
9.		What is the time limit for sending proposal to CVC for first stage advice?	If vigilance angle is involved in any complaint, this case should be referred to CVC for their 1st stage advice within one month of the receipt of investigation report. If vigilance angle is not involved, the case should be put up to disciplinary authority for taking a decision to initiate disciplinary action under CCS (CCA) Rules within one month from the date of receipt of investigation report. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]
10.		What is the time limit to put up the case to Disciplinary Authority after receipt of first stage advice of CVC for taking a decision to initiate disciplinary proceeding?	Within one month of the receipt of first stage advice of CVC. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]
11.		What is the time limit to issue a charge sheet to Charged Officer once a decision is taken by Disciplinary Authority to initiate disciplinary proceeding?	The charge sheet should be issued to Charged Officer within a week from the date of receipt of the decision of Disciplinary Authority. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]
12.		What is the time limit for seeking representation of Charged Officer on inquiry report and disagreement of Disciplinary Authority, if any on it?	The Charged Officer may be allowed 15 days to submit, if he so desires, his written representation or submission to the Disciplinary authority.

		[DoP&T's O.M. No. 11012/13/85-Estt.(A) dated 29.06.1989]
13.	What is the time limit for seeking second stage advice of CVC, if required or to UPSC for their advice?	It should be sent to CVC or UPSC within one month from the date of receipt of representation of Charged Officer on Inquiry Report. (CVC's circular No. 000/VGL/18 dated 23.05.2000)
14.	What is the time limit for concluding major penalty proceeding?	It should be completed within 18 months from the date of issue of the charge sheet to Charged Officer. [DoP&T's O.M. No. 372/3/2007-AVD-III (Vol.10) dated 14.10.2013]

[OM .No. 11012/09/2016-Estt A-III dated 08.12.2017]

23.2 Both in the public interest as well as in the interest of employees no avoidable delay should occur in the disposal of disciplinary cases, it is necessary that sufficient time is available to the disciplinary authority to apply its mind to all relevant facts which are brought out in the inquiry before forming an opinion about the imposition of a penalty, if any, on the Government servant. while therefore it has to be ensured that fixing of any time-limit on the disposal of the inquiry report by the disciplinary authority by making a provision in this regard in the C.C.S (C.C.A.) Rules should not lead to any perfunctory disposal of such cases, taking all relevant factors into consideration it is felt that in cases which do not require consultation with the C.V.C. or the U.P.S.C., it should normally be possible for the disciplinary authority to take a final decision on the inquiry report within a period of three months at the most. In cases where the disciplinary authority feels that it is not possible to adhere to this time-limit, a report may be submitted by him to the next higher authority indicating the additional period within which the case is likely to be disposed of and the reasons for the same. In cases requiring consultation with the C.V.C. and the U.P.S.C also, every effort should be made to ensure that such cases are disposed of as quickly as possible.

[OM No. 39/43/70-Ests(A) dated 08.01.1971]

23.3 Though no specific time limit has been prescribed in the above OM No. 39/43/70-Ests(A) dated 08.01.1971 in respect of cases where consultation with CVC and UPSC is required. It is imperative that the time limit of three months prescribed for other cases should be adhered to in such cases after receipt of the advice of the UPSC. All Ministries/Departments are, therefore,

requested to dispose of disciplinary cases as quickly as possible within the time limit indicated above.

[OM No. 11012/21/98-Estt.(A) dated 11.11.1998]

23.4 Time-limit for the disposal of appeals:

(i) The appellate authorities are expected to give a high priority to the disposal of appeals, there might be cases in which the hands of the appellate authority are too full and it may not be able to devote the time and attention required for the disposal of appeals within a short period. In such case the appellate authority can be relieved of his normal work to such an extent as would be necessary to enable him to devote the required time and attention to the disposal of the appeals pending before him by redistribution of that work amongst other officers. If, however, the number of appeals received or pending with any particular appellate authority is very large, the appellate work itself could be re-distributed as far as possible among a number of officers of equivalent rank and in any case not below the rank of the appellate authority through a general order issued in exercise of the powers under rule 24 of the CCS (CCA) Rule, 1965.

(ii) As regards prescribing procedure for review of the position regarding pending appeals, it has been decided that, apart from the provisions laid down in the Manual of office procedure whereby cases pending disposal for over a month are reviewed by the appropriate higher authorities, a separate detailed statement of appeals pending disposal for over a month should be submitted by the appellate authority to the next higher authority indicting particularly the reasons on account of which the appeals could not be disposed of within a month and the further time likely to be taken for disposal of each such appeal, along with the reasons therefor. This would enable the appropriate higher authority to go into the reasons for the delay in the disposal of appeals pending for more than a month, and take remedial steps wherever necessary to have the pending appeals disposed of without further delay. In cases where the appellate authority is the President under rule 24 of the C.C.S. (C.C.A.) Rules, 1965, the aforesaid statement should be submitted to the Secretary of the Ministry/Department concerned for similar scrutiny.

[OM No. 39/42/70-Ests.(A) dated 15.05.1971]

23.5 Flow chart prescribing the steps involved in the disciplinary cases for better understanding of Rules in their application by the DAs is at **Annexure**.

[OM No. 43020/14/2021-Estt.A-III dated 08.11.2021]

24 In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink of the OMs. List of the OMs mentioned in this document are as under: **374**

S. No.	OM NO.	Date	Subject
1.	No. 39/40/52-Ests.	04.10.1952	Departmental Proceedings against Government Servants - Steps for expeditious and better disposal of - nomination of specified officers in the Ministries/Deptts. to be in charge of all disciplinary inquiries in the Ministry/Department.
2.	No. 6/26/60-Ests (A)	16.02.1961	Recommendations of the Pay Commission regarding disciplinary proceedings - Decisions on the
3.	No. 30/5/61-AVD	25.08.1961	Supply of copies of documents to the delinquent official.
4.	No. 6/26/60-Ests. (A)	08.06.1962	CCS(CCA) Rules, 1967 - Rule 15 - Clarification regarding submission of written statement of defence, approval of the assisting employee by the disciplinary authority, scope of functions of the assisting employees; and the authority competent to impose minor penalties.
5.	No. 39/1/67-Ests(A)	21.02.1967	Recommendation of the Joint Conference of Central Bureau of Investigation and State Anti-Corruption Officers for making a provision in the rules of public sector undertakings to take disciplinary action for acts done by their employees in their previous or earlier employment.
6.	No. 7/4/64-Ests.(A)	18.04.1967	Central Civil Services (Classification, Control and Appeal) Rules, 1965-Appeal in the case of a disciplinary order against an officer bearer of an association or union in respect of activities as such office bearer-Disposal of.
7.	No. 39/2/68-Ests (A)	14.05.1968	Review of disciplinary proceedings against Government servants - Procedure to be followed while proposing enhancement of the penalty already imposed on a Government servant.
8.	No. 134/20/68-AVD	28.08.1968	Disciplinary proceedings- Consideration of past bad record for purpose of imposition of penalty.
9.	No. 7/11/70-Esst(A)	24.09.1970	Central Civil Services (Classification, Control and Appeal) Rules, 1965, - Provision for re-cross-examination in the disciplinary proceedings.
10.	No. 7/1/70-Est(A)	06.01.1971	Departmental proceedings against Government servants – steps for expeditious and better disposal of

			nomination of Specified officers in the Ministries/Departments to be in charge of all disciplinary inquiries in the Ministry/Department.
11.	No. 39/43/70-Ests (A)	08.01.1971	Elimination of delays in the disposal of disciplinary cases - time - limit for passing final orders on the inquiry report.
12.	No. 39/42/70-Ests (A)	15.05.1971	Rule 27 of the C.C.S. (C.C.A) Rules, 1965 - question of fixing a time-limit for the disposal of appeals.
13.	No. 39/40/70-Ests (A)	09.11.1972	Departmental Inquiries against Government servants - appointment of Inquiring Authority.
14.	No. 39/32/72-Ests(A)	13.12.1972	Disciplinary proceedings - appointment of Inquiry Officers.
15.	No. 134/7/75-AVD.I	01.06.1976	Admissibility during oral inquiry, of statements made by the delinquent officers and the witnesses at the stage of preliminary inquiry/investigation.
16.	No. 35014/1/76-Estt (A)	29.07.1976	Inquiry by the disciplinary authority - Item raised in the meeting of the National Council (JCM) held in Nov., 1975.
17.	11012/10/76-Estt. (A)	06.10.1976	CCS (CCA) Rules, 1965 - Recourse to ex-parte proceedings under Rule 14(20) - clarification regarding.
18.	No. 11012/18/77-Estt-A	02.09.1978	CCS (CCA) Rules 1965 – procedure to be followed under rule 14(19) thereof.
19.	No. 134/1/81-AVD-I	13.07.1981	Disciplinary cases need for issuing speaking orders by competent authorities.
20.	11012/1/80-Ests(A)	03.09.1981	Rule 29 of the CCS(CCA) Rules, 1965-President's power of review under Rule 29-Judgement of Delhi High Court in the case of Shri R.K. Gupta, Development Officer, D. G.T.D.
21.	11012/7/83-Estt.(A)	23.07.1984	CCS (CCA) Rules, 1965 – Rule 14(8)(a) – Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer.

22.	No. 11012/18/85-Estt (A)	28.10.1985	Rule 16(1) Holding of inquiry in specific circumstances-Recommendations of Committee of National Council (JCM)
23.	No. 11012/20/85-Estt (A)	28.10.1985	Rule 27 (2) of CCS(CCA) Rules,1965 – Personal hearing in case of major penalties – Recommendations of the National Council (JCM)
24.	11012/3/86-Estt.(A)	29.04.1986	Removal of restriction on engaging Defence Assistant – Rule 14(8) of CCS(CCA) Rules, 1965 – recommendation of National Council (JCM)
25.	No. 11012/9/86-Estt.(A)	24.12.1986	Procedure to be followed in cases where disciplinary proceedings are initiated against a Government servant who is officiating in a higher post on an ad-hoc basis.
26.	No.35014/2/89-Ests.(A)	10.10.1990	Disciplinary action against the office bearers of the Staff Associations/Unions etc.
27.	No. 11012/7/91-Estt. (A)	19.05.1993	Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment.
28.	No. 11012/21/98-Estt. (A)	11.11.1998	Delays in passing orders by the Disciplinary Authorities.
29.	No. 11012/7/99-Estt (A)	20.10.1999	CCS(CCA) Rules, 1965 - Procedure regarding closing of disciplinary cases in the event of death of the charged official.
30.	No. 11012/11/2002-Estt. (A)	05.02.2003	CCS (CCA) Rules, 1965 - retired Government servants appearing as Defence Assistants - conditions reg.
31.	No. 11012/16/2013-Estt.A	15.01.2014	Directions of Hon'ble High Court, New Delhi in WP (C) No.3510/2013 in the matter of Sh. K.K.S, Sirohi and Ors. vs. UOI- regarding..
32.	No. 11012/3/2015-Estt-A-III	18.02.2015	Importance of following the due process in disciplinary proceedings-regarding.

33.	No. 11012/09/2016-Estt.A-III	08.12.2017	Frequently Asked Questions on timeline for completing Disciplinary proceeding in time bound manner under CCS (CCA) Rules, 1965.
34.	F. No. 43020/14/2021-Estt. A-III	08.11.2021	Aid to processing of departmental proceedings under the CCS (CCA) Rules, 1965 - Simplification regarding.

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलेक्स,
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सं./No. 024/VGL/068

दिनांक / Dated 23.05.2025

Master Circular No. 01/MC/2025

Sub:- Master Circular on Definition of Vigilance Angle.

The Central Vigilance Commission has, from time to time, issued a number of guidelines / circulars to the organizations covered under its advisory jurisdiction, regarding the criteria to be followed while determining the existence of vigilance angle or otherwise, in case a misconduct has come to the notice of the authorities concerned. All the guidelines / Office Orders / Circulars issued by Central Vigilance Commission in the past have now been consolidated at one place in the form of 'Master Circular on Definition of Vigilance Angle', which is enclosed herewith.

2. With the issuance of this Master Circular on 'Definition of Vigilance Angle', all earlier guidelines / Office Orders / Circulars issued on this subject stand superseded. The list of such superseded Circulars / Guidelines / Office Orders is attached as Annex-A to the Master Circular. Henceforth, only the present Master Circular should be referred to, while determining existence of Vigilance Angle or otherwise in case any misconduct against employees of organizations covered under Commission's jurisdiction, comes to notice. As and when required in future, the Master Circular may be updated /modified.

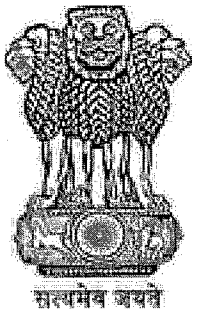
3. The Master Circular has also been uploaded on Commission's website i.e. 'www.cvc.gov.in' under the Head 'Guidelines', Sub-Head 'Vigilance Administration'.

(P. Daniel)
Secretary

Encl: As above.

Copy to:-

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
(iv) Website of CVC



MASTER CIRCULAR
ON
DEFINITION OF VIGILANCE ANGLE

CENTRAL VIGILANCE COMMISSION

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SHORT TITLE & COMMENCEMENT

This circular will be referred as Master Circular on Definition of Vigilance Angle and shall come into effect from the date of its issuance.

PURPOSE

2. The Commission tenders advice in cases involving Vigilance Angle. This master circular is being issued in supersession of all earlier Circulars/Guidelines issued by the Commission from time to time about definition of Vigilance Angle and is aimed at bringing clarity about the same. The list of Circulars/Guidelines being superseded by this Master Circular is enclosed as Annexure 'A'.

(I) DEFINITION OF VIGILANCE ANGLE

3. There are certain categories of misconducts, where existence of vigilance angle becomes quite clear. Vigilance angle would be obvious in following misconducts on the part of an official: -

(i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.

(ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.

(iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(iv) Possession of assets disproportionate to his known sources of income.

(v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

4. There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the official's

integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess where no ostensible public interest is evident; failure to keep the controlling authority/superiors informed in time, any undue / unjustified delay in disposal of a case, are some of the irregularities where the Disciplinary Authority with the help of the CVO should carefully study the case, consider all relevant factors and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the official concerned.

5. It is to be kept in view that the purpose of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking is a part of business activities. Therefore, every loss caused to the organisation, either in pecuniary or non- pecuniary terms, need not be considered as having vigilance angle. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interest of the organization, is one possible criterion for determining the bonafides of the case. A positive response to this question may indicate the existence of bonafides. A negative reply, on the other hand, might indicate their absence and presence of vigilance angle.

(II) VIGILANCE ANGLE IN PUBLIC SECTOR BANKS

6. In Paras 3 to 4 above, common misconducts have been enlisted, indicating presence of vigilance angle in a case. In addition to these misconducts, there are certain acts specific to Public Sector Banks, which may have an identifiable vigilance angle. Some of such misconducts are listed below:-

(a) Irregularities in opening of accounts leading to the creation of fictitious accounts.

(b) Recurrent instances of sanction of Overdrafts (ODs) in excess of discretionary powers / sanctioned limits without reporting.

(c) Frequent instances of accommodations granted to a party against norms e.g., discounting bills against bogus Motor Transport Receipts (MTRs); purchase of bills when bills had earlier been returned unpaid; affording credits against un-cleared effects in the absence of limits and opening Letter of Credits (LCs) when previously opened LCs had devolved;

(d) Cases in which there is a reasonable ground to believe that a penal offence has been committed by the alleged official but the evidence forthcoming is not sufficient for prosecution in a court of law e.g., possession of disproportionate assets;

(e) Misappropriation of Bank's property, money or stores;

(f) Falsification of Bank's records;

(g) Disclosure of secret or confidential information even though it does not fall strictly within the scope of Bank's Secrecy issues;

(h) False claims on the Bank viz., TA claims, reimbursement claims, etc.

(i) Failure to take necessary action to protect the interest of the Bank;

(j) Sacrificing / ignoring the interest of the Bank and causing loss to the Bank.

7. The following actions involving an employee of Public Sector Banks would also come under the purview of vigilance angle, if the employee concerned:

(a) has not acted in accordance with rules and his recommendations are not in the interest of the Bank;

(b) has failed to conduct himself in such a manner that his decisions or recommendations do not appear to be objective and transparent and seem to be calculated to promote improper gains for himself or for anyone else;

(c) has acted in a manner to frustrate or undermine the policies of the Bank or acted against the decisions taken by the management;

(d) seems to have complied with unauthorised and unlawful oral instructions of his seniors without bringing them to the notice of the Competent Authority as per extant guidelines;

(e) has exceeded his discretionary powers and his actions do not appear justifiable or to serve Bank's interest;

(f) has abused or misused his official position to obtain benefit for himself or for another.

8. It may be noted that the list of misconducts as indicated in Paras 6 and 7 above, is only an "illustrative list" and not an exhaustive one. There may be other misconduct by officials of Public Sector Banks which may attract vigilance angle. Therefore, the authorities concerned, including the respective Disciplinary Authority and the Chief Vigilance Officer, should examine a perceived misconduct in the light of broad parameters, as described in Para 3 to 4 above, before arriving at a conclusion regarding presence of vigilance angle or otherwise, in that matter.

(III) VIGILANCE ANGLE IN PUBLIC SECTOR INSURANCE COMPANIES

9. Business in Insurance is a risk transfer mechanism by which an organisation / individual (called "the insured") can exchange uncertainty for certainty. Vigilance angle in Insurance Sectors would be visible in following misconducts:-

(a) Pre-dating of cover notes;

(b) Settlement of bogus claim in collusion with the insured / Surveyor / Workshop;

(c) Payment of an inflated amount as a claim;

(d) Irregularities in disposal of salvage, etc.;

(e) Cases of misappropriation of cash, purchase of inferior material at inflated cost, purchasing, constructing, hiring and releasing of

premises without observing set norms and irregularities in awarding contract;

(f) Acceptance of a bad risk for insurance cover;

(g) Collusion with doctors, Hospitals, Third Party Administrators (TPAs) and other outsourced agencies (Agents, Brokers, Surveyors, Advocates) and others on medical examination of prospects;

(h) Deliberate bad underwriting practices;

(i) Acting against the interest of the company in placement of funds;

10. It may be noted that the list of misconducts as indicated in Para 9 above, is only an "illustrative list" and not an exhaustive one. There may be other misconducts by officials of Public Sector Insurance Companies which may attract vigilance angle. Therefore, the authorities concerned, including the respective Disciplinary Authority and the Chief Vigilance Officer, should examine a perceived misconduct in the light of broad parameters, as described in Para 3 to 4 above, before arriving at a conclusion regarding presence of vigilance angle or otherwise, in that matter.

(IV) VIGILANCE ANGLE IN RESPECT OF QUASI-JUDICIAL FUNCTIONS BEING PERFORMED BY OFFICIALS

11. It has been observed that there is lack of uniformity in examination of lapses / misconducts committed by officials performing quasi-judicial functions. In certain cases, it is routinely defended that the official had exercised his quasi-judicial powers and no disciplinary proceedings were warranted. In certain other cases, for similar lapses, disciplinary proceedings were proposed alleging that the official had shown recklessness or acted negligently and lacked devotion to duty. It may be noted that the Hon'ble Supreme Court had laid down the criteria for examination of cases against officers exercising quasi-judicial functions in the *K.K. Dhawan Vs. UoI case (1993 AIR 1478)* case. The same was being ignored by organizations consequent upon Hon'ble Supreme Court's judgement in another case of Z.B. Nagarkar Vs.

Union of India [(1999) INSC 311]. Later on, the Hon'ble Supreme Court in its judgment in the case of Union of India Vs. Duli Chand has clarified that the decision in the Z.B. Nagarkar's case did not represent the law correctly and the decision in the *K.K. Dhawan Vs. UoI case (1993 AIR 1478)* case (decided earlier by a larger bench of the Supreme Court) would prevail. The criteria laid down by the Hon'ble Supreme Court in K.K. Dhawan's case is reproduced below:-

(a) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty.

(b) If there is prima facie material to show recklessness or misconduct in the discharge of his duty;

(c) If he has acted in a manner which is unbecoming of a Government Servant;

(d) If he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;

(e) If he had acted in order to unduly favour a party;

(f) If he had actuated by corrupt motive, however, small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great".

12. Further, The Hon'ble Supreme Court in its judgment dated 12th July 2016 in *R.R. Parekh Vs. Gujarat High Court Case (Civil Appeal Nos. 6116-6117 of 2016 [AIR 2016 SC 3356]*, has prescribed the procedure / principles to be followed while examining cases against an official exercising judicial function. The relevant part (Para 15) of the judgment is reproduced below:

"The issue of whether a judicial officer has been actuated by an oblique motive or corrupt practice has to be determined upon a careful appraisal of the material on the record. Direct evidence of corruption may not always be forthcoming in every case involving a misconduct of this nature. A wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle. In the absence of a cogent

explanation to the contrary, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that the judicial officer was actuated by extraneous considerations can be drawn. Cases involving misdemeanours of a judicial officer have to be dealt with sensitivity and care. A robust common sense must guide the disciplinary authority. At one end of the spectrum are those cases where direct evidence of a misdemeanour is available. Evidence in regard to the existence of an incriminating trail must be carefully scrutinized to determine whether an act of misconduct is established on the basis of legally acceptable evidence. Yet in other cases, direct evidence of a decision being actuated by a corrupt motive may not be available. The issue which arises in such cases is whether there are circumstances from which an inference that extraneous considerations have actuated a judicial officer can legitimately be drawn. Such an inference cannot obviously be drawn merely from a hypothesis that a decision is erroneous. A wrong decision can yet be a bona fide error of judgment. Inadvertence is consistent with an honest error of judgment. A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact.....".

13. The principles laid down by Hon'ble Supreme Court for determining as to whether an act of a judicial officer has been actuated by an oblique manner or corrupt practice are as below:

(a) Since, direct evidence of corruption may not always be forthcoming in every case involving a misconduct, a wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle.

(b) In the absence of cogent explanation, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that an officer was actuated by extraneous considerations can be drawn.

(c) The disciplinary authority has to determine whether there has emerged from the record one or more circumstances that indicate that the

decision which form the basis of the charge of misconduct was not an honest exercise of judicial power.

(d) A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact.

14. The commission desires that the CVOs and the authorities concerned in the respective organisations while considering the lapses of officials exercising quasi-judicial powers, should keep in mind the criteria laid down by the Hon'ble Supreme Court in its decisions in case of K.K.Dhawan's Vs. UoI case (1993 AIR 1478) & R.R.Parekh Vs. Gujarat High Court Case (Civil Appeal Nos. 6116-6117 of 2016 [AIR 2016 SC 3356] as brought out in Paras 10 and 12 above, and arrive at a decision accordingly including in those cases, where CVC is to be approached for advice.

(V) ACTION ON ADMINISTRATIVE MISCONDUCT

15. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the relevant service rules.

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Annexure – 'A'

LIST OF CIRCULARS / GUIDELINES BEING SUPERCEDED BY MASTER CIRCULAR ON DEFINITION OF VIGILANCE ANGLE

S. No.	Subject	Office Order / Circular No.	Date
1	Vigilance Angle – definition of.	23/04/04	13.04.2004
2	Vigilance angle - definition of (partial modification regarding)	74/12/05	21.12.2005
3	Criteria to be followed while examining the lapses of authorities exercising quasi-judicial powers in accordance with the criteria laid down by the Hon'ble Supreme Court.	39/11/07	01.11.2007
4	Criteria to be followed while examining the lapses of authorities exercising judicial or quasi-judicial functions -regarding.	12/10/16	24.10.2016
5	Amendment/Modification to Para 8.1 of Chapter VIII of Vigilance Manual, 2021 -Vigilance Angle in Public Sector Banks – Reg.	16/08/22	29.08.2022
6	Para 9.1 of Special Chapter on Vigilance Management in Public Sector Insurance Companies vis-à-vis the role and Functions of the CVC.	98/VGL/62	15.10.2001