

DRAFT
UJVN Limited

UJVN Limited Employees General Conditions of Service Regulations, 2014

In exercise of the powers conferred by Article-49 read with Article-50 Sub Article (16) & (19) of Articles of Association of UJVN Limited, the Board of Directors of UJVN Limited, hereby make the following rules regarding Employees Condition of Service.

PART – I
GENERAL

- 1. Short title and commencement:**
 - (a) These rules may be called, the UJVN Limited Employees Conditions of Service Regulations 2014.
 - (b) These shall come into force with immediate effect.
 - (c) The Uttar Pradesh Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1975 as applicable to the employees of UJVN Limited are hereby repealed.

- 2. Applicability:** (1) These Regulations shall apply to the Engineer Officers (Civil) of the company including those who have been transferred from U.P Jal Vidyut Nigam Limited and have been absorbed in the service of UJVN Limited (comprising original employees of UPJVNL and employees transferred from erstwhile UPSEB to UPJVNL) in pursuance of Uttar Pradesh Re-organization Act, 2000 and the employees who may be appointed in the Company in future until & unless they are specifically covered under any other rules / regulations or orders.

- 3. Overriding effect of these rules:** In the event of any inconsistency in between these rules and a specific rule or rules pertaining to the employment in the Company;
 - (i) the provisions, contained in these rules shall prevail to extent to the inconsistency in case the specific rules were made prior to the commencement of these rules, and
 - (ii) the provisions, contained in the specific rules shall prevail in case they are made after the commencement of these rules.

- 4. Definitions:** In these Regulations, unless the context otherwise require;
 - (i) 'Appointment' means appointment in any post of the cadre by direct recruitment or by selection through departmental examination or by promotion
 - (ii) 'Appointing Authority' for the members of the service shall be the authority specified in clause 7 of the regulation or notified by any other order of the Nigam.
 - (iii) 'Board' means the Board of Directors of the Company;
 - (iv) 'Company' means UJVN Limited incorporated under Companies Act-1956 which may also be referred as Nigam under these rules.
 - (v) 'Chairman' means Chairman of the Board of Directors of the Company;
 - (vi) 'Competent Authority' means the Director(s) and such other officers(s) of the company designated as such by the Board of Directors or Committee of the Board or Managing Director of the company to act as such under these rules.

- (vii) "Degree" means a Degree of a University/ Deemed University established by a Central or State Act or of any other Institution recognized for this purpose by the UGC or AICTE.
- (viii) 'Director' means full time or part time or ex-officio member of Board of Directors;
- (ix) 'Director (HR)' means the Director who is appointed or nominated to look after the matters related to Human Resources & Administration of the Company;
- (x) 'Disciplinary Authority' means the appointing authority or any other authority as may be specified to be the Disciplinary Authority in respect of any of the post/posts and includes all the authorities superior to the disciplinary authority.
- (xi) 'Government' means Government of Uttarakhand State;
- (xii) 'M.D.' means Managing Director of the company and shall also include any Director authorized to discharge the function of M.D. either by delegation or otherwise by the State Government;
- (xiii) 'Departmental Promotion Committee (D.P.C)' means a Committee constituted by the Competent Authority for selecting the eligible employees for promotion to higher post.
- (xiv) 'Select List' means the list of candidates prepared on the basis of their merit of the written exam. or written exam. & interview proficiency test both or interview as the case may be. 'Waiting List' means the list of selected candidates waiting for appointment;
- (xv) 'Year of Recruitment' means the year starting from 1st of July to 30th June of next year;

PART – II

DIRECT APPOINTMENT

5. Nationality: A candidate for direct recruitment must be;

- (a) a citizen of India, or
- (b) a Tibetan refugee who come over to India before January 1, 1962 with the intention of permanently settling in India, or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African countries of Kenya, Uganda and United Republic of Tanzania (Formerly known as Tanganayika and Zenzibar) with the intention of permanently settling in India.

Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government.

Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector-General of Police, Intelligence Branch, Uttarakhand;

Provided also that if a candidate belongs to category (c) above no certificate of eligibility will be issued for a period of more than one year and such candidate can be retained in service after a period of one year only if he has acquired Indian Citizenship.

Note: A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to interview and may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

- 6. Age:** A candidate for direct recruitment must have attained the age of 18 years and must not have attained the age of 35 years as on 1st day of January if the advertisement for direct recruitment is published between 1st January to 30th June and on 1st day of July if advertisement is published between 1st July to 31st December of the year. There will be no upper age limit for departmental candidates. Age for the purpose of these regulations shall be computed from the date of Birth. The evidence for the date of birth will be High School certificate or equivalent examination passed before entering the service or date of birth certificate issued by Registrar of birth & death.

Provided that the upper age-limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes, other backward classes (OBCs) and such other categories as may be notified by the Government from time to time shall be greater by such number of years as may be specified.

7. Academic/ Professional qualification:

As specified for direct recruitment to various posts under different service regulations or by any other general orders of the Nigam.

8. Relaxation for ex-servicemen and certain other categories:

Relaxation, if any, from any maximum age-limit, educational qualifications or / and any procedural requirements of recruitment in favour of the ex-servicemen, disabled military personnel, dependants of military personnel dying in action, dependants of Nigam servants dying in harness and sportsmen & any other category shall be in accordance with the general rules or orders of the Uttarakhand Government in this behalf in force at the time of recruitment.

9. Character:

The character of a candidate for direct recruitment must be such as to render him suitable in all respects for employment under the Nigam/Company. He must produce a certificate of good character from:

- (i) The Proctor or the Principal academic officer of the University or College or last employer in which he was last studied/employed, and

- (ii) Two responsible persons (not being relatives) who are well acquainted with him and are not connected with his University, College or School:

Provided that the appointing authority may make further inquiries regarding the character and antecedents of a candidate in such manner and from such authorities as may be considered necessary.

Note:- Persons dismissed by the State Government or the Union Government or by a local authority or a Nigam or a Body owned or controlled by the Union Government or a State Government shall be deemed ineligible for appointment to a post in the Establishments. Persons convicted of an offence involving moral turpitude shall also be ineligible.

10. Marital Status:

- (a) A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to the Establishment. Provided that the MD, if satisfied that there exist special ground for doing so exempt any person from the operation of this rule.)
- (b) Every employee shall be required to inform the Nigam in case of marriage with some foreign woman / man. Such marriage shall be recorded in Character Roll/Personal File of the employee. Keeping in view the same, such official shall not be posted on sensitive posts. Violation of the same will be misconduct.

11. Physical Fitness:

No person shall be appointed by direct recruitment as a member of the Service unless he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. A candidate found suitable for appointment shall be required to produce a certificate of fitness for Nigam service from a State Medical Board or a Civil Surgeon/ Chief Medical Officer as applicable.

12. Appointing Authority:

<u>Posts</u>	<u>Appointing Authorities</u>
(i) ED/GM (CE)/DGM (SE) /EE & Equivalent posts	Managing Director
(ii) For the posts of AE and equivalent & Posts of JE	Director (HR) / ED-HR
(iii) Class III posts – Ministerial Secretarial Accounts staff	General Manager (P&IR) General Manager (P&IR) General Manager (Accounts)
(iv) Operating cadre P1 to P6 & Class-IV posts	DGM (HR/Personnel)/ DGM/ SE of concerned circle.

Provided the appointing authorities specified here above shall be considered as the appointing authority even when the appointment orders in respect of any employee

have been issued by any authority superior to the Appointing Authority specified in respect of the post.

13. Appointment in substantive capacity & Lien:

The appointment in substantive capacity and acquiring & retaining lien to the post shall be as per the provisions of Fundamental rules as applicable to State Government servants.

14. Submission of certificates/Testimonial/Affidavits/ Bond & declaration by candidates on Direct Appointment;

A directly recruited candidate shall be required to produce /submit the certificates/ testimonials/ Affidavits/ Bond and declarations in the prescribed formats at the time of joining as given here under. In the absence of the same joining shall not be accepted.

(a) Certificates/ testimonials/ Affidavits/ Bond:

(I) Self attested photocopies of all the Academic/Technical/Professional qualifications from High School onwards & experience certificate along with originals for verification. The originals shall be returned after verification.

(II) Proof of date of birth.

(III) Character Certificates;

Candidate shall be required to produce;

(i) A certificate of good character in original from the Proctor or the Principal/ Academic officer of the College or University last attended or his/her last employer.

(ii) Certificate of good character in original from two responsible persons (not being relatives) who are well acquainted with him and are not connected with his University, College or School:

Provided that the appointing authority may make further inquiries regarding the character and antecedents of a candidate in such manner and from such authorities as may be considered necessary.

(IV) Relieving letter/order from the last employer if the candidate was employed in any Government or Semi Government / Public Sector organization or Autonomous body

(V) Certificate of medical fitness for service issued by a State Medical Board.

(VI) SC/ST/OBC certificate wherever applicable.

(VII) Permanent resident / Original inhabitant of Uttarakhand State certificate wherever applicable.

(VIII) Employment Exchange registration certificate wherever required for class III & Class IV posts.

(b) Declarations /Nomination forms/ Affidavits

(IX) Declaration about the marital status & of not having more than one wife living/not married to a person already married. Format-A

(X) Declaration of his/ her relationship to any person employed in the Company in Format-B

(XI) Declaration of being free from debt. Format-C

(XII) Declaration of all movable or immovable property including house property owned or acquired by him/her or member of his/her family dependent on him/her. Full and accurate details of such property be given by him/her in the prescribed Format-D

(XIII) Oath of Allegiance to the Nigam in the prescribed Format-E on a Stamp Paper duly verified by the Notary/Magistrate

(XIV) Declaration of not having any affiliation/association with any political party on the prescribed Format-F

(XV) Declaration of being /not being employed with any Govt./Semi Govt./Public Sector Organization on the prescribed Format-G

(XVI) Declaration of family members and dependents in the prescribed format-H

(VII) Details in prescribed format for Character and antecedents verification in prescribed format-I in (four copies).

(XVIII) Nomination for payment of gratuity as per Payment of Gratuity Act, 1972 as amended in the prescribed format

(XIX) Nomination under the Provident Fund & Misc. Provisions Act, 1952 as amended and Employees Pension Scheme, 1995 in the prescribed Performa.

(XX) Affidavit about the correctness and authenticity of the certificates / testimonials/declarations produced/ submitted by the candidates.

(XXI) Personal Bond on stamp paper for serving the company for three years after the training in the prescribed format-J in case of Trainees appointed against the substantive posts.

15. Verification of Character & antecedents of the candidate :

Verification of character and antecedents of the employee shall be got done immediately on appointment and in any case before confirmation. Confirmation orders can be issued only on receipt of verification report.

16. On the job training & absorption in the substantive post :

The employees who are recruited as Trainees against the substantive posts in any cadre shall be put on the job training for the period as may be decided by the management which will not be less than one year. He shall during the training period, receive the initial pay of the post against which he is appointed. On successful completion of the training, the trainee shall be absorbed in the substantive post on probation. The Trainee shall not be allowed to pursue any other course of study or apply for outside employment. The Trainee shall be allowed to avail only casual / medical leave during the training. If the Trainee remain absent from duty without the written authorization of the controlling officer, his period of training can be extended for the period of such absence without prejudice to the right to take any disciplinary action as deemed fit for such unauthorized absence from duty and / or to terminate the services of the Trainee.

17. Service Bond:

A candidate selected as a Trainee against a substantive post has to execute a Service bond on a Non-Judicial Stamp Paper of Rs 100/- (or as applicable under Indian Stamp ACT) at the time of joining as Trainee together with a surety for not less than Rs. 1,00,000/-(one lac) or such amount as may be specified by the Company from time to time, for serving the Company for at least three years from the date of initial appointment on the substantive post after training. In case the Trainee leaves the

service of the Company before completion of three years service period from the date of initial appointment in substantive post, the trainee and the surety will pay the amount of Bond money to the Nigam jointly or severally. The bond has to be executed before a first class magistrate or equivalent. The signature of the Trainee & the Surety on each page of the Bond should be verified by the magistrate with Court Stamp. The bond has to be supported by a solvency certificate in respect of the surety from a Revenue Officer not below the rank of Tehsildar. If the Surety is serving in any Govt./Semi-Govt./ Public Sector organization, a latest service certificate with complete salary details issued by the employer can be accepted in original in lieu of the solvency certificate.

Or

The candidate can also get a Fixed Deposit of Rs one Lac made with any Nationalized Bank / Scheduled Commercial Bank for a period of four years from the date of start of training and pledge the same to the Nigam and deposit the same with the Nigam in original, if he is unable to execute the bond. Along with the FDR, he will be required to submit an authorization letter in the name of the Nigam on a Non Judicial Stamp Paper of Rs 10/-authorizing the Nigam to encash the FDR if the Trainee leaves the service of the Nigam before the completion of three years service after the training. The Bond shall be Non-Transferable and the employee shall be relieved from the service of the Nigam only after payment of Bond money.

18. Probation –

- (1) All candidates, on appointment in or against a substantive vacancy, shall be placed on probation for a period of two years.

Provided that the appointing authority for reasons to be recorded in writing, may extend the period of probation in individual case for a maximum period of one year. An order of extension shall specify the exact date up to which the extension is granted, but continuance in service beyond this date would not, in the absence of a specific order to that effect, amount to confirmation.

- (2) If it appears at any time, during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction, he may be reverted to his substantive post if he holds one, or if directly recruited, his services may be terminated.
- (3) A person whose services are dispensed with during or at the end of the period of probation or extended period of probation above shall not be entitled to any compensation.

19. Confirmation:

A probationer shall be confirmed in his appointment at the end of the period of probation or extended period of probation, as the case may be if his work and conduct have been found to be satisfactory, the appointing authority considers him fit for confirmation and his integrity is certified. The employee after successful completion of the probation shall be considered as temporary employee till an order in writing is issued confirming him in the service.

PART-III

PAY ETC

20. PAY SCALES

The scale of pay admissible to persons appointed to the various categories of posts in the Establishment whether in a substantive or officiating capacity or as a temporary measure shall be such as may be determined by the Nigam from time to time.

21. Pay & Allowances During Probation & Annual Increments:

- (1) A person other than one already in Nigam/Company service, appointed to the service by direct recruitment shall during the probation period, receive the initial pay of the post against which he is appointed or such pay as may have been agreed by the company. He will also be entitled to Dearness Allowance & other admissible allowances. The Employees who have been recruited after 14th January 2000 shall be covered by the Provident Fund & Misc. Provisions Act, 1952 & Employee Pension Scheme 1995 as amended and Payment of Gratuity Act, 1972 as amended.
- (2) He will receive his Annual increment on satisfactory completion of one year of his probation and subsequent increment on satisfactory completion of second year of probation provided that if the period of probation is extended on account of failure to give satisfaction, such extended period shall not count for increment unless the Appointing Authority directs otherwise.
- (3) The pay during probation of person already in Nigam/Company service shall be regulated by the relevant rules as amended from time to time.
Provided the pay of the persons appointed as trainee shall be regulated as specified in these rules or under the service regulations of the respective cadre for the Trainees.
- (4) Subject to any exception specifically made in these rules, a Nigam servant shall begin to draw the pay and allowance attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

PART –IV

Seniority & Promotion:

22. Seniority

The seniority of the employees on their appointment to the service shall be determined as per the Nigam/Company Employees Seniority Rules notified from time to time.

23. Promotion:

(a) Criteria of Promotion:

1. Promotion to the posts of DGM/ Superintending Engineer and above shall be done on the basis of “merit cum Seniority” subject to fulfillment of other conditions /criteria prescribed for consideration for promotion.
2. Promotion to the posts below DGM/ SE shall be based on seniority subject to the elimination of unfit subject to fulfillment of other conditions /criteria prescribed for consideration for promotion.

(b) Procedure of Promotion:

Promotions shall be made within the cadre from amongst eligible candidates through selection by the Departmental Promotion Committee (DPC) constituted as per the approval of the appointing authority as per concerned regulation. Detail rules of promotion shall be notified separately.

**PART-V
CONDUCT & DISCIPLINE**

24. CONDUCT:

- (i) Every employee shall at all times:
 - (a) Maintain his integrity above board;
 - (b) Maintain devotion to duty; and
 - (c) Do nothing which is unbecoming of a Public servant.
- (ii) Every employee shall at all times conduct him soberly and temperately, while on official premises and show proper respect and civility to all concerned and shall use his utmost endeavor to promote the interest of the Company and to promote and maintain good reputation thereof.
- (iii) Every employee holding a Managerial / executive or supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control.
- (iv) Conduct of all the employees including the trainees shall be governed by the Uttarakhand Government Servants Conduct rules read with the provisions of UJVN Limited employees conditions of service regulation 2014 as amended from time to time except those employees who are specifically exempted from the same or covered by any other specific rules or standing orders of the company.

25. “Misconduct”, without prejudice to the generality of the term 'Misconduct' and the specific provisions made in these Rules, includes acts of omissions and commissions specified in the Uttarakhand Government Servants Conduct rules & Schedule I annexed to these Rules.)

26. Disciplinary Action & Penalties for misconduct: Disciplinary action against the employees for misconduct shall be taken as per the provisions of Uttarakhand Government Servants Discipline & Appeal Rules as amended from time to time. Provided, for any misconduct which is specified as major misconduct, a major penalty as specified in the Uttarakhand Government Servants Discipline & Appeal Rules shall be awarded. For any other proven misconduct, the quantum of punishment shall depend on the gravity and circumstances of the misconduct and past conduct of the employee.

27. Authority for imposition of penalty:

- (I) The Appointing Authority or the Disciplinary Authority as specified in Schedule II or any authority superior to it, may impose any of the penalties specified in the Uttarakhand Government Servants Discipline & Appeal Rule on any employee for the misconduct.
 - (a) Provided the penalty of termination of service or dismissal from service or reduction

in rank can be awarded only by the Appointing Authority or any other authority superior to the Appointing Authority.

- (b) Provided that no penalty shall be imposed on an employee who is on deputation with the Company, without consultation with the Disciplinary Authority with reference to the post held by him in his parent department.

Schedule II

DISCIPLINARY , APPELLATE AND REVIEWING AUTHORITIES

Post	Competent Authority for Disciplinary Action	Appellate Authority	Reviewing Authority
Operating cadre employees in P1 to P6 posts & Class IV employees	Concerned EE under whose control the employee is posted Provided the penalty of termination of service or dismissal from service or reduction in rank can be awarded only by the Appointing Authority or any other authority superior to the Appointing Authority.	Concerned DGM/ SE under whose control the employee is posted	Concerned GM/ CE under whose control the employee is posted
JEs / Ministerial staff/ Secretarial staff/ Accounts staff / Asstt. Law Officer	Concerned DGM/ SE under whose control the employee is posted Provided the penalty of termination of service or dismissal from service or reduction in rank can be awarded only by the Appointing Authority or any other authority superior to the Appointing Authority.	Concerned GM/ CE under whose control the employee is posted / GM(P&IR)	Functional Director/ Director (HR)
Asstt. Engg./ Eng. Trainee/Acct. Officer/P.S./Law Officer or Officers of equivalent grade	Functional Director/Director (HR)/ Executive Director(HR) Provided the penalty of termination of service or dismissal from service or reduction in rank can be awarded only by the Appointing Authority or any other authority superior to the Appointing Authority.	Managing Director	Chairman
Exe. Eng. and officers in the equivalent grade	Managing Director	Chairman	BOD or a Committee appointed by the Board
Dy. Chief Acct. Officer/DCPO/ Sr. Manager	Managing Director	Chairman	BOD or a Committee appointed by the Board
Dy. Gen. Manager/	Managing Director	Chairman	BOD or a Committee appointed by the

Company Secy./SE			Board
General Manager/CE	Managing Director	Chairman	BOD or a Committee appointed by the Board
Executive Director	Managing Director	Chairman	BOD or a Committee appointed by the Board

28. SUSPENSION:

(1) Competent Authority to Suspend:

The Appointing Authority, or the Disciplinary Authority as mentioned in Schedule-II or any other Authority empowered by the Company by general or special order to impose a major penalty as specified in the Uttarakhand Government Servant Discipline & Appeal Rules may place an employee under suspension pending conclusion of the inquiry in its discretion.

(2) Deemed Suspension:

- (a) Where an employee is detained in police custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours, he shall be deemed to have been suspended with effect from the date of detention by an order of the Authority competent to suspend and shall remain under suspension until further orders.
- (b) An employee shall also be deemed to have been placed under suspension with effect from the date of his conviction if in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed consequent to such conviction.

NOTE: The period of 48 hours referred to above shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any shall be taken into account.

- (c) Where a penalty of dismissal or removal from service imposed upon an Employee under suspension is set aside in appeal or on review and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal or removal and shall remain in force until further orders.
- (d) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Appointing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal from service was originally imposed, whether the allegations remain in their original form or are clarified or their particulars better specified or any part thereof of a minor nature omitted, the employee shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal or removal from service and shall continue to remain under suspension until further orders.

(3) Competent Authority to Revoke Suspension:

- (a) An order of suspension made or deemed to have been made under these rules may at any time, be modified or revoked by the Authority which made or is deemed to have made the order or by any other Authority superior to him.
- (b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the Authority competent to place him under suspension may, for reasons to be recorded by it in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under these rules shall continue to remain in force until it is modified or revoked by the Authority competent to do so.

(4) Payment of subsistence allowance:

Payment of subsistence allowance will be regulated as follows:

- (a) Where the enquiry contemplated or pending and a workman is suspended, the subsistence allowance shall, for the first ninety days from the date of suspension be equal to half of the basic wages, dearness allowance and other compensatory allowance to which the workman would have been entitled to if he would have been on leave with wages.
- (b) If the domestic enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall, for such period, be equal to three fourth of such basic wages, dearness allowance and compensatory allowance.

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and compensatory allowance.

- (c) Where criminal proceedings against the workman are under investigation or trial, during the period of suspension the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension be equal to half of his basic wages, dearness allowance and other compensatory allowance to which the workman would have been entitled to, if he were on leave with wages.
- (d) If such criminal proceedings get prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall be for such period be equal to three fourth of such wages.

Provided that where such investigation is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistence allowance shall, for the period excluding one hundred and eighty days, be reduced to one-fourth of such wages.

- (e) During suspension pending domestic enquiry the workman may be asked to report at the gate of the work premises or at such office once a day on working days to receive communication from the management, if any, failing which the subsistence allowance may be reduced proportionately. A suspended workman has to obtain station-leaving permission from the Disciplinary Authority, if he has to go out of station.
- (f) During the period of suspension pending domestic enquiry, the subsistence allowance shall not be paid to the workman concerned for the period for which he takes sickness benefit etc. if any from the E.S.I. Nigam.

- (g) Leave shall not be granted to an Employee under suspension.
- (h) If an employee is arrested by the police on a criminal charge and bail is not granted to him, no subsistence allowance shall be payable. On grant of bail if the Competent Authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.
- (i) Payment of allowances shall be subject to all other conditions under which such allowances are admissible.

29. Procedure for taking disciplinary action:

- (1) On receipt of any complaint or report alleging / pointing out any irregularity or misconduct done by any employee under his control, the concerned disciplinary authority will decide whether any formal legal or departmental action is required to be taken against the employee in respect of the complaint/ report of irregularity/ misconduct.
- (2) If the material facts in the complaint/ report are clear and sufficient to make out prima-facie a case of misconduct against the concerned employee as per the applicable rules of the Company, the disciplinary authority can take the following actions:-
 - (a) If the nature of misconduct suggest that it would be just a reasonable to award a minor penalty to the employee concerned, the competent disciplinary authority can issue a show cause notice to the employee giving him complete details of the alleged irregularity/ misconduct and require him to submit his explanation within a specified time. After considering his explanation, the disciplinary authority can pass a reasoned order awarding any minor penalty/ penalties to the employee. If the disciplinary authority comes to the conclusion that no misconduct has been done by the employee, an order exonerating the employee shall be issued.
 - (b) If after considering the nature of the misconduct, the disciplinary authority of the opinion that a major penalty is warranted in the case, then a charge sheet shall be issued to the employee clearly mentioning the allegations of misconduct against the employees as per the applicable rules of the company and a domestic enquiry shall be conducted to establish the charges against the employee following the principles of natural justice. The disciplinary authority can himself conduct the enquiry or get the enquiry conducted by any sub-ordinate officer or by an outside expert as per the Uttarakhand Government Servant Discipline & Appeal Rules. If the charge(s) of misconduct established against the employee after the domestic enquiry, the disciplinary authority can award any penalty as per the Uttarakhand Government Servant Discipline & Appeal Rules. If it is concluded after the domestic enquiry that that no misconduct has been done by the employee and the disciplinary authority is satisfied with the findings of the domestic enquiry , an order exonerating the employee shall be issued.
- (3) If the information/ details given in the complaint or report are not clear or are insufficient to suggest whether prima facie any misconduct has been done and by whom , a preliminary enquiry can be instituted to collect relevant facts about the case so that the disciplinary authority may reach to the conclusion whether prima facie any misconduct has been done and whether any formal, legal or departmental action is required in the case. The objects of the preliminary enquiry shall be to find out:-
 - (a) Whether the employee has any relation with the alleged misconduct or not?
 - (b) Whether there is any prima-facie case of misconduct against the employee?
 - (c) Whether there is need to issue a charge sheet to the employee in the case and conduct a domestic enquiry?

The preliminary enquiry can be conducted by the disciplinary authority himself or by any other officer/officers of the company sub-ordinate to the disciplinary

authority, in the discretion of the disciplinary authority.

Based on the findings of the preliminary enquiry, the disciplinary authority can take the following actions:-

- (a) If the disciplinary authority is satisfied that prima-facie there is no case of misconduct against the employee as per the applicable rules of the Company, he can order to drop the proceeding against the employee. or
- (b) If the nature of misconduct suggest that it would be just a reasonable to award a minor penalty to the employee concerned, the competent disciplinary authority can issue a show cause notice to the employee giving him complete details of the alleged irregularity/ misconduct and require him to submit his explanation within a specified time. After considering his explanation, the disciplinary authority can pass a reasoned order awarding any minor penalty/ penalties to the employee. If the disciplinary authority comes to the conclusion that no misconduct has been done by the employee, an order exonerating the employee shall be issued.
- (c) If after considering the nature of the misconduct, the disciplinary authority of the opinion that a major penalty is warranted in the case, then a charge sheet shall be issued to the employee clearly mentioning the allegations of misconduct against the employees as per the applicable rules of the company and a domestic enquiry shall be conducted to establish the charges against the employee following the principles of natural justice. The disciplinary authority can himself conduct the enquiry or get the enquiry conducted by any sub-ordinate officer or by an outside expert as per provisions of the Uttarakhand Government Servant Discipline & Appeal Rules. If the charge(s) of misconduct established against the employee after the domestic enquiry, the disciplinary authority can award any penalty as per the Uttarakhand Government Servant Discipline & Appeal Rules. If it is concluded after the domestic enquiry that that no misconduct has been done by the employee and the disciplinary authority is satisfied with the findings of the domestic enquiry , an order exonerating the employee shall be issued.
- (4) If there is any complaint or report of theft, fraud, dishonesty, falsification of records or misappropriation of company's money/assets or taking or giving bribe or illegal gratification or possession of pecuniary resources/property disproportionate to the known sources of income, or Physically assaulting any employee of the company or causing violence or disorder within the company premises or its residential colonies or sabotaging or causing willful damage to the work in progress/process or any property or asset of the company or to property of another person or employee within the premises to the company against any employee, the disciplinary authority or any authority superior to the disciplinary authority can refer the matter for investigation and further action as deemed necessary in the case to the Vigilance Department of the State Government or to the State Police Department.

30. SPECIAL PROCEDURE IN CERTAIN CASES:

- (a) Where the employee has been convicted on a criminal charge, the appointing authority may on the basis of the said conviction or on the strength of facts or conclusions arrived at by a judicial trial, pass such orders thereon as it deems fit to remove or dismiss the employee from service without holding a domestic enquiry.
- (b) Where the appointing authority is satisfied for reasons to be recorded in writing that due to an atmosphere of violence or general indiscipline or insubordination or social consequences arising out of the domestic enquiry it is not reasonable or practicable to hold a domestic enquiry, the appointing authority may award the penalty of dismissal, removal or reduction in rank without holding an enquiry without prejudice to the

- right to adduce evidence in the court of law if required.
- (c) Disciplinary Proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- (d) During the pendency of the disciplinary proceedings the Disciplinary Authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972, or to have caused pecuniary loss to the Company by misconduct or negligence during his service including service rendered on deputation or on reemployment after retirement. However, the provision of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.
- (e) Common Proceeding:
Where two or more employees are concerned in any case, the appointing authority or any other authority competent to impose penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in common proceedings.

NOTE: If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in common proceedings may be made by the highest of such authorities with the consent of the others.

PART-IX CESSATION OF SERVICES

31. Removal from service:

Termination simpliciter: (a) Services of an employee appointed in a temporary capacity or as a trainee or on probation shall be liable to termination at any time giving one month notice in writing by the appointing authority to the employee.

Provided that the services of any such employee may be terminated forthwith and on such termination the employee shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the period of the notice or as the case may be, for the period by which such notice falls short of one month at the same rate at which he was drawing them immediately before the termination of his services.

- (b) Termination of an Employee in accordance with the terms of his appointment or in accordance with the terms of an agreement or where the appointment was illegal or obtained by fraud or concealment of facts.

32. Compulsory Retirement: The appointing authority may, at any time, by three months notice in writing to any employee whether temporary or permanent, without assigning any reason, require him to retire after he attains the age of fifty years

Provided that any such employee may by order of the appointing authority, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years and on such retirement the employee shall be entitled to claim a sum

equivalent to the amount of his pay plus allowances, if any, for the period of the notice or as the case may be, for the period by which such notice falls short of three months at the same rate at which he was drawing them immediately before his retirement..

- 33. Voluntary Retirement:** An employee may by three months notice in writing to the appointing authority voluntarily retire at any time after attaining the age of forty five years or after he has completed qualifying service of twenty years.
It shall be open to the appointing authority to relieve an employee without any notice or accept notice for a shorter period without requiring the employee to pay any penalty in lieu of the notice.
Provided further that such notice given by the employee against whom a disciplinary proceeding is pending or contemplated shall be effective only if it is accepted by the appointing authority, provided in the case of a contemplated disciplinary proceeding the employee is informed of non-acceptance of his notice before the expiry of that notice.
- 34. Retirement on attaining the age of superannuation:** Every employee in the service of the company shall retire from service in the afternoon of the last day of the month in which he attains the age of sixty years.
Provided that an employee whose date of birth is the first day of a month, shall retire service on the afternoon of the last day of the preceding month on attaining the age of sixty years.
- 35. Resignation:**
- (a) An employee appointed in a temporary capacity or as a trainee or on probation can resign from the service of the company at any time by giving one month notice in writing to the appointing authority.
Provided that it shall be open to the appointing authority to relieve an employee without any notice or accept notice for a shorter period without requiring the employee to pay any penalty in lieu of the notice.
Provided further that such notice given by the employee against whom a disciplinary proceeding is pending or contemplated shall be effective only if it is accepted by the appointing authority, provided in the case of a contemplated disciplinary proceeding the employee is informed of non-acceptance of his notice before the expiry of that notice.
- (b) An employee who is confirmed in the service can resign from the service of the company at any time by giving three months notice in writing to the appointing authority or make payment of a sum equivalent to the amount of his pay plus allowances, if any, for the period of the notice or as the case may be, for the period by which such notice falls short of three months at the same rate at which he was drawing them immediately before his retirement..
The notice of resignation should be voluntary and unconditional.
Provided that it shall be open to the appointing authority to relieve an employee without any notice or accept notice for a shorter period without requiring the employee to pay any penalty in lieu of the notice.
Provided further that such notice given by the employee against whom a disciplinary proceeding is pending or contemplated shall be effective only if it is accepted by the appointing authority, provided in the case of a contemplated disciplinary proceeding the employee is informed of non-acceptance of his notice before the expiry of that notice period.

- 36. Termination of the services as a result of disciplinary action:** Removal from the service of the company which does not disqualify for future employment as per the provisions of Uttarakhand Government Servants Discipline & Appeals Rules. It will also include termination of service due to unauthorized continuous long absence from duty
- 37. Dismissal from service:** Dismissal, from the service of the company which disqualifies for future employment, as per the provisions of Uttarakhand Government Servants Discipline & Appeal Rules.

**PART-X
OTHER PROVISIONS**

- 38. Transfer & Posting:** An employee may be transferred & posted, at the discretion of the Management, from one location to another location of the Nigam within or outside the State of Uttarakhand or from one office or department, section, shop or place to another or from one job to another or to any subsidiary or joint venture company of the Nigam. However, the terms and conditions of service of the employee shall not be adversely affected by such transfer.
- 39. Prohibition of engaging in other employment or business:** Unless in any case it be otherwise distinctly provided, the whole time of a Nigam servant is at the disposal of the Nigam, and he may be employed in any manner required by proper authority, without claim for additional remuneration. No employee shall, during his services with the Nigam, except with written permission of the management, enter the services or employment of any other person or firm, or himself carry on any business or engage himself in any other commercial activity directly or indirectly.
- 40. Forwarding application for employment elsewhere:** An employee seeking employment elsewhere shall forward his application through the appropriate authority. No application for outside employment shall be forwarded during training period. Breach of this order shall be deemed as misconduct punishable in accordance with these rules.
- 41. Information of conviction or arrest of an employee:** An Employee convicted by a court of law or arrested shall report promptly the fact of his conviction or arrest to his departmental superiors; and failure to do so shall render him liable to disciplinary action on this ground.
- 42. Submission of Information after joining the Nigam;**
- a.** Whenever there is change in Permanent or Correspondence address the same shall be intimated by the employee in writing immediately or latest by one month of such change. If no such intimation of change is given, all communications sent in the normal course to the address given by the employee shall be deemed to have been received by him.
 - b.** Whenever there is change in the marital status or family members/ dependents, information of the same is to be submitted by the employee in writing immediately or latest by one month of such change, in the prescribed format and also submit fresh nomination forms as required.

- c. Information about the sale /purchase of property or other items and property returns shall be submitted as per the rules of the Nigam.
- d. Information about other matters shall be submitted as & when required as per the rules of the Nigam.

43. Pressing of claim or seeking redress of a grievance in service matters:

- (i) An Employee shall address his immediate superior or such other Authority at the lowest level as may be competent to deal with service matters.
- (ii) An appeal or representation to higher authorities shall not be made unless the appropriate lower Authority has already rejected the claim or refused relief or unduly delayed the disposal of the case.
- (iii) A representation to the Executive Director or Director or Managing Director & the Chairman of the Company shall not be made unless all means of seeking redress from lower authorities have been completely exhausted.
- (iv) No representation, appeal, petition or memorial shall be addressed by an employee to any Director or Managing Director or the Chairman of the Company personally or to any outside Authority or an Authority not specified under these Rules.
- (v) No Employee shall send a representation or advance copies thereof to higher authorities except through proper channel or send copies of a representation outside authorities.
- (vi) No joint representation regarding service matters should be sent.
- (vii) Any violation of this rule will be considered as misconduct.

Provided an advance copy of representation may be sent direct to the addressee when the stage mentioned in sub rule (ii) is reached.

NOTE: An Employee can send advance copy of representation directly to the Director (HR) or Executive Director (HR) or General Manager (P&IR).

- 44. Canvassing:** No recommendation for recruitment, either written or oral other than that required under these regulations shall be taken into consideration, and any attempt on the part of the candidate to enlist support, directly or indirectly, for his candidature will render him liable for disqualification.

- 45. Regulations of Pay, Allowances & Other Matters:** Except as otherwise provided in any other rules or as specially covenanted in any Service Agreement, the pay, allowances, leave and other matters not specifically covered by these rules or by special orders shall be governed by such corresponding rules/ regulation and orders of the State Government applicable to similar category of officers as may be or may have been adopted by the Nigam or such general rules/orders of the Nigam applicable to similar category of Employees.

46. Relaxation from conditions of service:

- (1) When the Nigam/Company considers it expedient to do so, it may make any appointment or appointments to the service in relaxation of these regulations or in partial relaxation of any or some of the regulations and, in case of any appointment which is not in strict accordance with these regulations, such appointments shall be deemed to have made in relaxation of these regulations.
- (2) Where the Nigam is satisfied that the operation of any rule regulating the conditions of service of persons appointed to the service causes undue hardship in any particular

case, it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

- (3) Nothing in these Regulations shall be construed to limit or abridge the power of the Nigam/Company to deal with the case of any person appointed by the Nigam/Company and governed by these regulations in such manner as may appear just and equitable.

47. SAVINGS

Notwithstanding anything contained in these regulations: -

- (a) The conditions of service of persons who have been appointed or may be appointed to posts in any cadre or to posts declared in addition to the cadres of the service, on foreign service from the State Government or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Company and the State Government or other Appointing Authorities, as the case may be.
- (b) The selection and appointments already made to the posts / cadres of the Service before the promulgation of these Regulations shall be deemed to have been made in accordance with these Regulations.
- (c) The conditions of service of the persons of the Nigam/Company, who have been taken over or may, in future, be taken over by the Nigam/Company and who may be holding or who may hold posts in the cadre of the service or posts declared in addition to the cadres of the Service shall be governed by the Nigam/Company standard terms and conditions of service if they have been taken over by the Nigam/Company on such terms, and conditions of Nigam/Company, if they have been taken over on such terms, as the case may be, unless they are given option and they opt to be governed by such rules and regulations as may be promulgated by the Nigam/Company hereafter in this behalf.
- (d) However the service conditions of the employees who were transferred and absorbed from the erstwhile UPSEB/UPPCL/UPCL/UPJVNL as per the transfer scheme, will not in any way be less favorable than those which were applicable to the concerned employee on the date of his/her absorption.

48. DELEGATION OF POWERS

The Nigam/Company may, whenever deemed expedient, delegate any of its powers to any officer or authority under these Regulations or the powers conferred on any officer or authority under these Regulations to any other Officer or authority.

49. INTERPRETATIONS OF RULES

In case of any doubt or in the event of conflicting claims arising about the interpretation of any regulation, sub-regulation or clause thereof, the Managing Director's interpretation shall be final and binding.

50. POWER TO AMEND

At any time, the Nigam/Company may make such amendments/changes in the Regulation as deemed fit and expedient in the interest of the Nigam/Company.

SCHEDULE I

ACTS OF OMISSIONS & COMMISSIONS CONSTITUTING MISCONDUCT

Major misconducts;

1. Drunkenness, intoxication, riotous or disorderly behavior within the premises of the company or near or in front of such premises, whether such behavior is related to or connected with the employment or otherwise.
2. Commission of any act which amounts to criminal offence involving moral turpitude.
3. Sabotaging or causing willful damage to the work in progress/process or any property or asset of the company or to property of another person or employee within the premises to the company.
4. Accepting or giving bribe, illegal gratification whatsoever.
5. Theft, fraud or dishonesty in connection with the business of the Nigam or the property of the Nigam or its employees.
6. Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or any other person on his behalf, which the employee cannot satisfactorily account for.
7. Physically assaulting any employee of the company or causing violence or disorder within the company premises or its residential colonies.
8. Causing major financial irregularities deliberately or negligently or falsification of records resulting into loss to the company irrespective of the fact that the same may or may not have been recovered or made good subsequently.
9. Gambling within the premises of the establishment.
10. Conviction in any court of law for any criminal offence.
11. Sexual harassment of women at work place.
12. Using the company premises including its residential colonies or allowing any other person to use the same for any illegal or immoral activities.
13. Furnishing false information regarding name, age, father's name, qualification, experience or previous service or any other matter related to the employment, at the time of employment or subsequently during the course of employment.
14. Possession of any arms, lethal weapon or explosive or incendiary substance in the company premises or within its precincts without the prior permission of the competent authority.

Other misconducts:

15. Willful insubordination or disobedience of any lawful or reasonable orders of a superior, either alone or in combination with others.
16. Habitual late attendance or irregular attendance, neglect of duty, sleeping while on duty under any pretext whatsoever, malingering, willful or habitual absence from duty, absence without permission/prior intimation, overstaying the sanctioned leave without sufficient cause, or absence from the appointed place of work without permission or sufficient cause.

17. Spreading rumours which tends to bring company or its employees into disrepute or spread panic among them.
18. Making false or vicious or malicious statements or propaganda against the Nigam or its directors or supervisory or technical or administrative or managerial personnel.
19. Unauthorized disclosure of any information with regard to the working or process of the company which comes into the possession of the employee during the course of his work, to any person or persons.
20. Indulging in money lending, canvassing in support of the business of insurance agency, commission agency etc. Owned or managed by his spouse or any other member of his family or engaging in any trade or business without permission of the competent authority.
21. Habitual indebtedness or insolvency.
22. Writing of anonymous or pseudonymous letters/complaints against the company officials or getting such letters written by others or associating oneself in writing such letters.
23. Striking work alone or in combination with other employees, or inciting them to strike work in contravention of the provisions of any law or rules or orders in force.
24. Shouting of defamatory or disrespectful slogans or issuing or distributing pamphlets and hand bills or leveling malicious or false allegations against the company officials /government authorities or both.
25. Threatening, intimidating, teasing, abusing, in person or over telephone/mobile phone or through SMS or through any letter, any employee of the company or superior or uttering indecent/ vulgar words or making vulgar gesticulations towards them.
26. Refusal to accept, warning/notice/charge sheet/memo or any other communication issued by the management.
27. Breach or violation of any 'terms and conditions' relating to occupation of residential accommodation provided by the company or taking unauthorized possession and or trespass of any premises or refusal to vacate any of the premises owned/ hired by the company when required to do so.
28. Unauthorized removal or causing damage to or interference or tampering with or/ by-passing any safety/ security device installed in the premises or on any equipment.
29. Failure to observe safety instructions or violating or neglecting laid down safety instructions/ practices or using naked lights, where it is prohibited.
30. Smoking within the premises of the establishment.
31. Misuse of any advance or non compliance with the provisions or the rules for grant of any advance.
32. Collection of any money within the premises of the company without the permission of the competent authority, except as permitted by any law of the land or rules of the company for the time being in force.
33. Publication of any newspaper, journal, paper or book or an article on any subject prejudicial to the company or connected with any work of the company without the prior permission of the competent authority.
34. Use of insolent or impertinent or un-parliamentary language in any official correspondence or in any representation including appeal.
35. Commission of any act subversive of discipline or of good behavior or abetment of any act which amounts to misconduct.
36. To bring or attempt to bring any political or other influence to bear upon any of his / her superiors to further his interest in respect of matters pertaining to his service

37. Attending or holding union/association meetings inside the Nigam's premises without the previous permission in writing of the management.
38. Breaking or damaging the property of the Nigam or others properties in the premises of the Nigam due to carelessness or negligence.
39. Any act likely to endanger the life and safety of others besides the property of the Nigam.
40. Gherao and/ or abatement and/ or instigation thereof.
41. To resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Employee of the Company.

Note -1: the above are only illustrative and not exhaustive.

DRAFT REGULATION