



# ***MAHANAGAR TELEPHONE NIGAM LIMITED***

**(A Government of India Enterprise)**

## **MTNL CONDCUT DISCIPLINE AND APPEAL RULES 1998**

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## MTNL CONDUCT, DISCIPLINE AND APPEAL RULES 1998

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## Mahanagar Telephone Nigam Limited Conduct, Discipline & appeal Rules. 1998

### ❖ **RULE 1 SHORT TITLE AND COMMENCEMENT**

- (1) These rules may be called "Mahanagar Telephone Nigam Ltd. Conduct, Discipline & Appeal Rules, 1998.
- (2) These Rules shall come into force with effect from the date of absorption of DOT employees or date of joining of direct recruits which ever may be the case.( amended by 218<sup>th</sup> board meeting 6.9.06)

### **RULE 2 APPLICATION**

These Rules shall apply to all employees including those persons whose terms & conditions of service be governed by the standing orders certified under the Industrial Employment (Standing Orders) Act, 1964 ( 20 of 1946) to the extent they are not inconsistent with the provisions of the Industrial Employment (Standing Orders) Act 1946 ( 20 of 1946) Industrial Disputes Act. 1947 but shall not apply to those persons who are in casual employment or paid from contingencies.

### ❖ **RULE 3 DEFINITION**

In these rules, unless the context otherwise requires:

- (a) "Employee" means a person in employment of the MTNL other than casual, work charged and includes person on deputation to MTNL.
- (b) "Workman" means a person as defined in Clause(s) of section 2 of the ID Act 1947 (14 of 1947)
- (c) "Company" means MAHANAGAR TELEPHONE NIGAM LIMITED (M. T. N. L.).
- (d) "Board" means the Board of Directors of MAHANAGAR TELEPHONE NIGAM LIMITED and includes, in relation to the exercise of powers, any committee of the Board/Management or any officer of the Undertaking to whom the Board delegates any of its powers.
- (e) "Chairman: means the Chairman of the Board of Directors.
- (f) "Managing Director" means Managing Director of the Company.
- (g) "Disciplinary Authority" means the authority specified in the schedule appended to the rules and competent to impose any of the penalties specified in Rule 23.
- (h) "Competent Authority" means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the Rule or order.
- (i) "Government" means the Government of India.
- (j) "Appellate Authority" means the authority specified so in the schedule appended to these rules.

- (k) "Reviewing Authority" means the authority specified so in the schedule attached to these rules.
- (l) "Family" in relation to an employee includes:
- (i) the wife or husband of the employee, as the case may be whether residing with him or not but does not include a wife or husband as the case may be separated from the employee by decree or order of a competent court.
  - (ii) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
  - (iii) Any other person related whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.
- Explanation: Any person as mentioned at (ii) & (iii) above and is dependent upon the employee will cease to be so on attaining the age of 25 years or gets employed whichever is earlier except the unmarried and unemployed daughters.
- (m) "Public Servant" shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.

❖ **RULE 4 GENERAL**

- (1) Every employee of the company shall at all times:
- (i) Maintain absolute integrity;
  - (ii) Maintain devotion to duty;
  - (iii) do nothing which is unbecoming of a company employee.
  - (iv) Conduct himself at all times in a manner which will enhance the reputation of the company;
  - (v) Do nothing to lower the image of the company in the eyes of public.
  - (vi) No employee shall indulge in any act of sexual harassment of any woman employee.

**Explanation:** For the purpose of this rule, "Sexual harassment" includes such unwelcome sexually determined behaviour, whether, directly or otherwise, as:

- (a) Physical contact and advances.
  - (b) Demand or request for sexual favour.
  - (c) Sexually coloured remarks.
  - (d) Showing any pornography. Or
  - (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- (2) (i) Every employee of the company holding a supervisory post shall take steps to ensure the integrity and devotion to duty of all employees who are for the time being under his control and authority.
- (ii) Every employee of the company holding a supervisory post shall take appropriate steps to prevent sexual harassment to any woman at her work place.

❖ **RULE 5 MISCONDUCT**

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

- (1) Theft, fraud or dishonesty in connection with the business or property of the company, or of property of another person within the premises of the company.
- (2) Taking or giving bribes or any illegal gratification.
- (3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee can not satisfactorily account for.
- (4) Furnishing false information regarding name, age, father's name, qualifications, ability or previous service or any other matter generally to the employer at the time of employment or during the course of employment.
- (5) Acting in a manner prejudicial to the interest of the company.
- (6) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- (7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- (8) Habitual late or irregular attendance.
- (9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (10) Damage to any property of the company.
- (11) Interference or, riotous or disorderly or indecent behaviour in the premises of the company.
- (12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the company or outside such premises where such behaviour is related to or connected with the employment.
- (13) Gambling within the premises of the company.
- (14) Smoking within the premises of the company where it is prohibited.
- (15) Collection without the permission of the competent authority of any money within the premises of the company except as sanctioned by any law of the land for the time being in force or rules of the company.
- (16) Sleeping while on duty.
- (17) Commission of any act which amounts to a criminal offence involving moral turpitude.
- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores, etc. to the company without express permission in writing from the competent authority.
- (20) Commission of any act subversive of discipline or of good behaviour.
- (21) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (22) Interference or tampering with any safety devices installed or violating the safety or environmental regulations in or about the premises of the company.
- (23) Tempering with or willfully damaging office records/files.
- (24) Subletting or unauthorised use of company's premises.
- (25) Misuse of any amenity provided by the company.
- (26) Participation and/or inciting others to participate in strikes, gheraos, go-slow and similar other agitational activities, or abetting, inciting, instigating or acting in furtherance thereof.

- (27) Unauthorised custody and use of the company's premises, equipment, tools or any other property of the company.
- (28) Falsification of company's records, impersonation or forgery.
- (29) Making representations in order to bring any political or any outside influences to bear upon any superior authority to further employee's interest in respect of matters pertaining to employment.
- (30) Making representation or sending grievance petitions to the Members of the Board of Directors or the Senior Management Officers except through proper channels.  
(This does not prevent submission of appeals to the prescribed Appellate Authorities under these rules).
- (31) Attending or holding meeting other than in the course of duty within the company's premises without prior written permission of the competent authority.
- (32) Distribution or exhibition of any newspapers, handbills, pamphlets etc.
- (33) Deliberately making any false statement before a superior knowing it to be false.
- (34) Proxy registering of attendance or abetting in the act of registering attendance of another employee.
- (35) Spreading or encouraging casteism, regionalism or communalism.
- (36) Spreading false rumours or spreading false information.
- (37) Carrying on money lending or any other private business without the written permission of the company.
- (38) Habitual indebtedness or insolvency.
- (39) Writing of anonymous or pseudonymous letters or associating oneself in writing such letters in respect of company affairs.
- (40) An act of sexual harassment of any woman at her work place.
- (41) An act to lower the image of the company in the eyes of the public.  
(Note: Any employee who lowers the image of the company in the eyes of the public is liable for a major penalty).
- (42) Any other act or omission, which could be classified as misconduct.
- (43) Any misconduct committed by an employee in previous organisation and if the organisation refer the case to MTNL, it will be taken cognizance of an disciplinary action will be taken in spite of the clearance given by that organisation at the time of his/her resignation or relieving. It may also be ensured that the previous organisation where an employee has committed the misconduct, lends all cooperation to MTNL in this regard (amended vide MTTNL/CO/PERS/SR/Vol.ii/1/04 Pt File/289 dated 19.12.2005).
- (44) Hold an elective office, or canvas for a candidate for an elective office connected with any political party. ( addition by 218<sup>th</sup> board meeting 6.9.06)  
Note: The above instances of misconduct are illustrative in nature and not exhaustive.

**❖ RULE 6                    EMPLOYMENT OF NEAR RELATIVE OF HE EMPLOYEE OF THE COMPANY IN PRIVATE UNDERTAKINGS ENJOYING PATRONAGE OF THE COMPANY.**

- (1) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependant on the employee or not.
- (2) No employee in the executive cadre shall, except with the intimation of the Competent Authority, permit his son, daughter or any member of his family/other

dependents, accept employment with any Company or firm with which he or she has official dealings or with any Company or Firm having official dealings with MTNL. The intimation for acceptance of such an employment shall be furnished within a period of one month to the Competent Authority. No such intimation will, however, be required from non-executive employees.

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

❖ **RULE 7 TAKING PART IN DEMONSTRATIONS, STRIKES AND JOINING OF UNLAWFUL ASSOCIATIONS:**

- (a) Taking part in Demonstration: No employee of the Company shall engage himself or participate in any demonstration which involves incitement to an offence.
- (b) Joining of unlawful association by employees:-No employee shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interest of the company or of the sovereignty and integrity of India or Public Order or morality.
- (c) Taking part in demonstrations and strikes :-No employee shall:
- (i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the states, 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 in connection with any matter pertaining to his service or the service of any other employee of the company.

❖ **RULE 8 CONNECTION WITH PRESS OR RADIO OR TELEVISION:**

- (1) No employee shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication. If he accepts an advisory post without any remuneration, he shall intimate the fact with details of the newspaper, periodical etc. to the company which in its judgment may require the employee to disassociate himself from the newspaper or periodical, if it considers such an association to be prejudicial to the company/Govt. interests.
- (2) No employee shall, except with the previous sanction of the competent authority or the prescribed authority or in the Bonafide discharge of his duties, participate in a radio/television broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical or other media or publicity, whatsoever ;

Provided that no such sanction shall be required if such letter, broadcast or such contribution is of a purely literary artistic or scientific or Engineering/ Sociological/ historical character.

❖ **RULE 9 CRITICISM OF GOVERNMENT AND/OR THE COMPANY/ MANAGEMENT/ MANAGER**

No employee shall, in any radio broadcast or TV telecast or in any document published under his name or in the name of any other person or in any communication to the press or in any public utterances, make any statement:

- (a) which has the effect of adverse criticism of any policy or action of the Central or State Govt. or of the company; or
- (b) which is capable of embarrassing the relations between the Company and the public; or between the Company and the Govt.

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee of purely factual nature which are not considered to be of confidential nature in his official capacity or in due performance of the duties assigned to him;

Provided further that nothing contained in this clause shall apply to bonafide expression of views by him as an office bearer of a recognised Trade Union/ Association/ Society/ Institution for the purpose of safeguarding the conditions of service of such employees or for securing any improvement thereof.

❖ **RULE 10 EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY.**

- (1) Save as provided in sub-rule (3), no employee of the company shall, except with the previous sanction of the competent authority, 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 employee giving such evidence shall criticise the policy or any action of the Government, or of the company.
- (3) Nothing in this rule shall apply to :-
  - (a) Evidence given at any enquiry before an authority appointed by the Govt., Parliament or a State Legislature or the Company or a Subsidiary Company
  - (b) Evidence given in any judicial enquiry;  
Or
  - (c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Government.
  - (d) Evidence given at any departmental enquiry ordered by Company.

❖ **RULE 11 UNAUTHORISED COMMUNICATION OF INFORMATION**

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

**Explanation:**

Quotation by an employee in the representation to the Chief Executive or to the Chairman or to the Board of Directors of the Company or to any authority of the Company/Government, or to any other person, from any letter, circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody for personal purpose, shall amount to unauthorised communication of information within the meaning of this rule.

- (2) Every employee of the company shall follow the instructions with regard to security of information, as issued from time to time.

❖ **RULE 12 GIFTS:**

- (1) Save as otherwise provided in the rules, no employee of the company 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, board, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

**Note:**

- (1) A casual meal, lift or other social hospitality shall not be deemed to be a gift.
- (2) An employee shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.
- (3) On occasion such as weddings, anniversaries, funerals, or religious functions, when the making of a gift is in conformity with the prevailing religious or social practices an employee may accept gifts from his near relatives by the shall make a report to the competent authority if the value of any gift exceeds Rs.5000/-
- (4) On such occasions as are specified at (3) above, an employee may accept gifts from his personal friends having no official dealings with him but he shall make a report to the competent authority if the value of any such gift exceeds Rs.2500/-
- (5) Gift received from foreign dignitaries/firm may be retained by the recipient if the value thereof does not exceed Rs.2500/-
- (6) In any other case an employee of the company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gift without the sanction of the competent authority if the value thereof exceeds Rs.5000/-.

- (7) When more than one gift has been received from the same person/firm within a period of twelve months the matter shall be reported to the competent authority if the aggregate value of the gift exceeds Rs.10,000/-.

❖ **RULE 12 A DOWRY**

No employee of the company shall:

- (i) Give or take or abet the giving or taking of dowry; or
- (ii) Demand, directly and indirectly, from the parents or guardian of a bride or bridegroom, as the case may be any dowry,

**Explanation:** For the purpose of this rule “Dowry” has the same meaning as in Dowry Prohibition Act, 1961 (28 of 1961).

❖ **RULE 13 PRIVATE TRADES OR EMPLOYMENT**

- (1) No employee of the company shall, except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment.

Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

- (2) Every employee of the company shall report to the competent authority if any member of his family is engaged in any trade or business or owns or manages an insurance agency or commission agency.

- (3) No employee of the company shall, without the previous sanctions of the competent authority, except in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956 or any other law for the time being in force or any co-operative society for commercial purposes;

Provided that an employee of the company may take part in the registration, promotion or management of a Consumer /House Building Co-operative Society substantially for the benefits of employees of the Company or a subsidiary company, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or literary, scientific or charitable-society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

- (4) No employee of the company may accept any fee or any remuneration or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

- (5) Approaching Foreign Government for Financial Assistance:

No employee shall approach directly or indirectly a foreign Government or a foreign organisation for financial assistance for visiting a foreign country or attending a course abroad without the prior permission of the Company.

❖ **RULE 13A RESTRICTIONS ON OFFICERS/ EXECUTIVES OF THE COMPANY JOINING PRIVATE COMMERCIAL UNDERTAKINGS AFTER RETIREMENT** (amended in 203<sup>rd</sup> board meeting on 29.01.2002005).

- (1) No officer/executive (including functional director/chief executive) of the company who has retired from service of the company, after such retirement, shall accept any appointment or post, whether advisory or administrative, in any firm or company, whether Indian or foreign, with which the company has or had business relations, within two years from the date of retirement without prior approval of the Government (amended in 203<sup>rd</sup> board meeting on 29.01.2002005).
- (i) The term retirement includes resignation, but not cases of those whose term of appointment was not extended by government for reasons other than proven misconduct.
- (ii) The term “ Business relations” includes official dealings as well
- (2) Subject to compliance with (1) above, so far as giving contracts to the private firm which employs the officer in question after his retirement from the public Enterprise (MTNL) is concerned, contracts with such firms should be entered into by the Public Sector Enterprise (MTNL) in question only after approval from the Board of Directors of the enterprise is obtained – this restriction will be effected for a period of two years from the date of retirement of the officer concerned from the public sector enterprise (MTNL).  
The above provisions are based on Govt’s directions contained in DPE’s OM No.2 (22)/99-GM-GL-022 dt. 25<sup>th</sup> January 2000 read with BPE OM No.2 (11)/68-BPE (GM) dt. 26.4.1969.

❖ **RULE 14 INVESTMENTS, LENDING AND BORROWING:**

No employee shall, save in the ordinary course of business with a bank, in Life Insurance Corporation or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealing or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

❖ **RULE 15 INSOLVENCY AND HABITUAL INDEBTEDNESS**

- (1) An employee shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control And does not proceed from extravagance or dissipation.
- (2) An employee of the company who applies to be, or is adjudged or Declared insolvent shall forthwith report the fact to the competent authority.

❖ **RULE 16 MOVEABLE, IMMOVABLE AND VALUABLE PROPERTY:**

- (1) No employee of the company shall, except with the previous knowledge of the competent 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. [Form at Annex. ‘A’]
- (2) No employee of the company shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate. [Form at Annex ‘A’]

**(3)**

The competent authority for the purpose of this clause shall be CMD or ED, as the case may be or such authority to whom the power is delegated by CMD, for this purpose (amended in 206<sup>th</sup> board meeting on 25.7.2005).

**Explanation No. 1:** The term every transaction concerning movable property owned or held by him includes all transactions of sales or purchase. For the purpose of this sub-rule, the definition of movable property would include: -

- (a) Jewellery, insurance policies the annual premium of which exceeds Rs. 10,000/- or one sixth of the total annual emoluments received from the company whichever is less, shares, securities and debentures;
- (b) Loans advanced by such employee whether secured or not;
- (c) Motor cars, motor cycle, or any other means of conveyance;
- (d) Refrigerators, radios (radiogram and television sets).

**Explanation No. 2:** -Transaction entered into by the spouse or any other member of family of an employee of the company out of his or her own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of the employee of the company himself, in his or her own name and in his or her own right, would not attract the provisions of the above sub-rule.

**Explanation No. 3:** - (included in 206<sup>th</sup> board meeting on 25.7.2005) The respective EDs of the units will function as competent authority under sub delegated powers for the officers below the rank of GMs. In case of officers of the rank of GM & above, CMD shall be the competent authority. For the purpose of intimation/sanction requirements, govt rules as prevailed for Central Govt servants, shall be followed in respect of the deemed Deputationist

**(4)**

Every employee of the company shall within one month, report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the names of member of his family, if the value of such property exceeds:

- (i) Rs. 30,000/- in the case of Executives; and
- (ii) Rs.20,000/- in the case of Non-executives.

**(5)**

Every employee shall, on first appointment in the company, submit a return of assets and liabilities in the prescribed form giving the particulars regarding: (Form at annexure : 'B').

- (a) The movable 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, if the value of such property exceeds.
  - (i) Rs. 30,000/- in the case of Executives; and
  - (ii) Rs. 20,000/- in the case of non-Executives
- (d) Debts and other liabilities incurred by him directly or indirectly.

- (e) Every employee shall, beginning 1<sup>st</sup> January submit a return of immovable property inherited/owned/acquired every year on the prescribed form. (Form at Annexure 'B')

**(6)**

The competent authority may, at any time, by general or special order require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family, as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which or the source from which such property was acquired.

❖ **RULE 17 CONVAISSING OF NON-OFFICIAL OR OTHER INFLUENCE:**

No employee shall bring or attempt to bring any outside influence to further his interests in respect of matters pertaining to his service in the company.

❖ **RULE 18 BIGAMOUS MARRIAGES:**

- (1) No employee shall enter into or contract, a marriage with a person having a spouse living; and
- (2) No employee, having a spouse living shall enter into, or contract, a marriage with any person.  
Provided that the Board may permit an employee 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 employee and the other party to the marriage; and
  - (b) There are other grounds for so doing.
- (3) The employee who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to the Company.

❖ **RULE 19 CONSUMPTION OF INTOXICATING DRINKS AND DRUGS**

An employee of the company shall:

- (a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) Not be under the influence of any intoxicating 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 drinks or drugs;
- (c) Refrain from consuming any intoxicating drink or drug in a public place;
- (d) Do not appear in public place in a state of intoxication;
- (e) Not use any intoxicating drink or drug to excess.

**Explanation:** For the purpose of this rule, 'Public Place' means any place or premises (including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

❖ **RULE 20 SUSPENSION**

- (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Management by a general or special order may place an employee under Suspension: -
- (a) Where a disciplinary proceeding against him is contemplated or is pending; or
  - (b) Where, in the opinion of the authority aforesaid he had engaged himself in activities prejudicial to the interest of the security of the Company/State.
  - (c) Where a case against him in respect of any criminal offence is under investigation or trial.
  - (d) An employee connected with a dowry death case in the following circumstances shall be placed under suspension forthwith by invoking the provisions of Rule 12A.
    - (i) If an employee is connected with the registration of a Police case under Sec.304 B of IPC viz. Involvement in case of "dowry death", he shall be placed under suspension immediately irrespective of the period of detention.
    - (ii) If he is not arrested by the Police in "dowry death" case, he shall be placed under suspension on submission of a Police Report under sub sec (2) of Sec 173 of the Code of Criminal Procedure,
    - (iii) Provided that if, an authority makes the suspension lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the orders were made. (Addition by 218<sup>th</sup> board meeting 6.9.06) 1973 to the Magistrate, if the report prima facie indicates that the offence has been committed by the employee.
- Explanation:** For the purpose of this sub sec., dowry death shall have the same meaning as in Sec. 2 of the Dowry prohibition Act, 1961."
- (2) An employee shall be deemed to have been placed under suspension by an order of appointing authority:
- (a) i.e. the date of his detention, If detained in police / judicial custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours. (Amended by 218<sup>th</sup> board meeting 6.9.06)
  - (b) w.e.f the date of his conviction, if in the event of a conviction, he is sentenced to any term of imprisonment exceeding 48 hours and not forthwith dismissed or removed consequent to such conviction. ( amended by 218<sup>th</sup> board meeting 6.9.06)
- (3) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspensions shall deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (4) Where a penalty of dismissal or removal from service imposed upon employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary, on consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, he shall be deemed to have been placed under

suspension by the appointing authority from the date of original order or dismissal or removal and shall continue to remain under suspension until further orders.

- (5) An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- (6) The order of suspension should specify the headquarters of the employee during the period when the order will be in force. If an employee under suspension requests for change of Headquarters, the competent authority may take appropriate decision taking into consideration the additional expenditure that it may involve as well as difficulties in investigation or in processing departmental proceedings. The employee under suspension is subject to conditions of service applicable to other employees and cannot leave headquarters without prior permission.
- (7) An order of suspension made or deemed to have been made under these rules shall not be valid after 90 days from the date of order of Suspension, unless it is extended after review for a further period before the expiry of 90 days from the date of order of suspension and this order of suspension will be reviewed by the competent authority on recommendation of the reviewing committee constituted for the purpose. Subsequent reviews shall be made before expiry of the extended period of suspension. It is further provided that the extension of suspension shall not be for a period exceeding 180 days at a time. ( amended by 218<sup>th</sup> board meeting 6.9.06)  
The composition of review committee may be as follows:
  - (a) The disciplinary Authority, the Appellate Authority and another officer of the level of Disciplinary/Appellate Authority. . ( amended by 218<sup>th</sup> board meeting 6.9.06)
  - (b) The review committee shall take a view regarding revocation/continuation of suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involve payment subsistence allowance without employee performing any useful service to the Company. Without prejudice to the foregoing, if the employee has been under suspension for one year without any charges being filed in Court of law or no charge memo has been issued, he. However, in the case of employee is in Police/Judicial custody or is accused of a serious crime or a matter involving national security or in any other serious offence/crime which is cognizable and non bail able, the review committee may recommend continuation of suspension of the employee concerned in consultation the investigating agency and after taking their views/status on the case, if the suspension was resorted to based on their recommendation. .( amended by 218<sup>th</sup> board meeting 6.9.06)

**❖ RULE 21 SUBSISTENCE ALLOWANCE:**

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50% of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to dearness allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- (2) Where the period of suspension exceeds 90 days.( amended by 218<sup>th</sup> board meeting 6.9.06), the authority which made or is deemed to have made the order of suspension, shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows :-

- (i) The amount of subsistence allowance may be increased to 75% of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
- (ii) The amount of subsistence allowance may be reduced to 25 per cent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.
- (3) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

❖ **RULE 22 TREATMENT OF THE PERIOD OF SUSPENSION**

- (1) When the employee under suspension is reinstated, the competent authority may grant him the following pay and allowances for the period of suspension: -
  - (a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 23 the full pay and allowances which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him is payable to him, and
  - (b) If otherwise, such proportion of pay and allowances as the competent authority may prescribe.
  - (c) When the proceedings against a suspended employee for imposition of a Major penalty finally end with imposition of a minor penalty, the suspension can be wholly unjustified and the employee concerned should therefore be eligible for full pay and allowance for the period of suspension. ( amended vide MTTNL/CO/PERS/SR/Vol.II/2001 Pt File/289 dated 05.05.2001)
- (2) In a case falling under sub-clause (a), the period of absence from duty will be treated as a period spent on duty. In a case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

❖ **RULE 23 PENALTIES**

The following penalties may, for good and sufficient reasons and as here in after provided, be imposed on an employee namely: -

➤ **Minor Penalties –**

- (a) Censure;
- (b) Withholding of increments of pay with or without cumulative effect;
- (c) Withholding of promotion;
- (d) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the company by negligence or breach of orders.
- (e) Reduction to a lower stage in the time scale of pay not exceeding 3 years, without cumulative effect and not adversely affecting his terminal benefits. ( amended by 218<sup>th</sup> board meeting 6.9.06)

➤ **Major Penalties**

- (f) Save as provided in clause. (amended by 218<sup>th</sup> board meeting 6.9.06) (e), reduction to a lower grade or post, or to a lower stage in a time scale or pay for a specified period with further directions as to whether or not the employee shall earn increments of pay during the period of such reduction and whether on expiry of such period, the reduction will not have the effect of postponing the further increments of his pay;
- (g) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post from which he was reduced with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post. (amended by 218<sup>th</sup> board meeting 6.9.06);
- (h) Compulsory retirement;
- (i) Removal from service which shall not be a disqualification for further employment under the Govt or the Corporation/Company owned or controlled by the Govt. (amended by 218<sup>th</sup> board meeting 6.9.06).
- (j) Dismissal from service, which shall be a disqualification for further employment under the Govt or the Corporation/Company owned or controlled by the Govt. (amended by 218<sup>th</sup> board meeting 6.9.06).

**Explanation:** The following shall not amount to a penalty within the meaning of this rule:

- (k) Withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard or for failure to pass a prescribed test or examinations;
- (ii) Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- (iii) non-promotion, whether in an officiating Capacity, or otherwise, of an employee to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) Reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- (v) Reversion to his previous grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment.
- (vi) Termination of service:
  - (a) Of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
  - (b) Of an employee appointed in a temporary capacity otherwise under a contract or agreement, on the expiration of the period for which he was appointed or earlier in accordance with the terms of his appointment;

- (c) of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement; and
- (d) of an employee on reduction of establishment.

❖ **RULE 24 DISCIPLINARY AUTHORITIES:**

The disciplinary authority competent under these rules to impose any of the penalties in clause (a) to (e) of Rule 23 may institute disciplinary proceedings against any employee for the imposition of any penalty specified in clause (f) to (j) of Rule 23 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the later penalties. However, the competent disciplinary authority. As per the schedule shall issue the final orders imposing major Penalty.( amended by 218<sup>th</sup> board meeting 6.9.06).

❖ **RULE 25 PROCEDURE FOR IMPOSING MAJOR PENALTIES:**

- (1) No order imposing any of the major penalties specified in clauses (f) to (j) of Rule 23 shall be made except after an inquiry is held in accordance with this rule for only those charges which were denied/not accepted unconditionally, by the charged officer/official( amended by 218<sup>th</sup> board meeting 6.9.06).
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint any public servant or retired public servant(amended by 206<sup>th</sup> board meeting 6.9.06). (Hereinafter called the inquiring authority) to inquire into the truth thereof.
- (3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, list of documents by which and a list of witness by whom, the articles of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time, as may be specified by the Disciplinary authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the Articles of charge.

**Explanation:** It will not be necessary to show the documents listed with the charge sheet or any other document to the employee at this stage.

- (4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary authority itself, or by any other public servant appointed as an inquiring authority under sub-clause (2).

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee I his written statement. The disciplinary authority shall, however, record its findings on each such charge.

- (5) Whether the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may by an order appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (6) The employee may take the assistance of any other public servant but may not engage a legal practitioner for the purpose.

- (7) On the date fixed by the inquiry authority, the employee shall appear before the inquiring authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any one of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The inquiring authority shall return a finding of guilt in respect of those articles or charge to which the employee concerned pleads guilty.

Note: It is not necessary to give access to the employee the following report, if no reference is made in the statement of allegations/charge memo. (amended by 218<sup>th</sup> board meeting 6.9.06)..

- (a) Report submitted to the Company or other Competent authority including the Disciplinary Authority by an officer appointed to hold preliminary enquiry to ascertain facts; and  
(b) Report submitted to the Company or other Competent authority including the disciplinary Authority by the Police/CBI/any other investigating agency after investigation.

The guideline given under the provisions of RTI Act 2005 shall also be adhered to while giving access to the employee the reports. (amended by 218<sup>th</sup> board meeting 6.9.06).

- (8) If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence:

- (i) Inspect the documents listed with the charge- sheet;  
(ii) Submit a list of additional documents and witnesses that he wants to examine; and  
(iii) supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

Note:-Relevancy of the additional documents and the witnesses referred to in sub-clause 8(ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.

- (9) The inquiry authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.  
(10) The authority, in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession of the requisitioned documents of such documents will be against the public interest or the interest of the company. In that event, it shall inform the inquiring authority accordingly.

- (11) 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 employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiring authority. The Inquiring authority may also put such questions to the witness as it thinks fit.

- (12) Before the close of the prosecution case, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record; or to cross examine a witness, who has been so summoned.
- (13) When the case of the disciplinary authority is closed, the employee may be required to state his defence orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the presenting officer, if any, appointed.
- (14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witness for the disciplinary authority.
- (15) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (16) After the completion of the production of the evidence, the employee and the presenting officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence. If the employee does not submit the written statement of defence for the charges and allegations as referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the inquiry *ex parte*.
- (17) Whenever any inquiring authority after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by itself.  
Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein-before provided.
- (18) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain :
  - (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
  - (b) a gist of the defence of the employee in respect of each article of charge;
  - (c) an assessment of the evidence in respect of each article of charge;
  - (d) The findings on each article of charge and the reasons therefor.

**Explanation:** If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include :

- (a) The report of the inquiry prepared by it under sub-clause (l) above;
- (b) The written statement of defence, if any submitted by the employee referred to in sub-rule (13);
- (c) The oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs referred to in sub-rule (16), if any, and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority is regard to the inquiry.

❖ **RULE 26 ACTIONS ON THE INQUIRY REPORT:**

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 25 as far as may be.
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record it own findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in rule 23 should be imposed on the employee it shall, notwithstanding anything contained in rule 27 make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

❖ **RULE 27 PROCEDURE FOR IMPOSING MINOR PENALTIES:**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days. The defence statement if any submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include:
  - (i) a copy of the statement of imputations of misconduct or misbehaviour of the proposal to take action against him and its intimation on delivered to the employee. ( amended by 218<sup>th</sup> board meeting 6.9.06).
  - (ii) His defence statement, if any,

- (iii) The evidence produced during the enquiry.( amended by 218<sup>th</sup> board meeting 6.9.06).
- (iv) The orders of the disciplinary authority together with the reasons thereof.

(3) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, he should hold an enquiry in the matter laid down in sub rule (2) to (19) of Rule 25.( amended by 218<sup>th</sup> board meeting 6.9.06).

❖ **RULE 28 COMMUNICATION OF ORDERS :**

Orders made by the Disciplinary Authority under Rule 26 or Rule 27 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

❖ **RULE 29 COMMON PROCEEDINGS :**

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in common proceeding and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

❖ **RULE 30 SPECIAL PROCEDURE IN CERTAIN CASES**

Notwithstanding anything contained in Rule 25 or 26 or 27, the disciplinary authority may impose any or the penalties specified in Rule 23 in any of the following circumstances:

- (i) the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial; or
- (ii) where the disciplinary authority is satisfied or reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules; or
- (iii) where the Board is satisfied that in the interest of the security of the Company/State/Country.( amended by 218<sup>th</sup> board meeting 6.9.06)., it is not expedient to hold any inquiry in the manner provided in these rules;
- (iv) The workers of MTNL are covered by the provision of Industrial Dispute Act.

❖ **RULE 31 EMPLOYEE ON DEPUTATION FROM THE CENTRAL GOVT. OR THE STATE GOVT.**

- (1) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Company from the Central or State Government, or another Public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against the employee:-
  - (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with Lending Authority.

- (b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.
- (3) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (2) (a), it will be disposed of after consultation with the lending Authority provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.
- ❖ **RULE 31-A. SPECIAL PROVISIONS IN RESPECT OF D.O.T. STAFF ON PERMENENT ABSORPTION IN MTNL – CONFERRING SAFEGUARDS RELATING TO SECURITY OF SERVICE ON DISMISSAL/ REMOVAL (IN TERMS OF PARA 5 OF DOPT OM NO.4/18/87-P&P W (D) DATED 5<sup>TH</sup> JULY, 1989). ( amended by 218<sup>th</sup> board meeting 6.9.06).**

The DOT employees on absorption in MTNL are governed by these rules (i.e. MTNL Conduct, Discipline & appeal Rules) from the date of their absorption in the Company. However, dismissal/removal from the service of MTNL after absorption, for any subsequent misconduct shall not amount to forfeiture of his retirement benefits for the service rendered in the Central Govt. Also in the event of dismissal/removal of such an employee from MTNL (i.e. DOT staff permanently absorbed in MTNL), the employees concerned will be allowed protection to the extent that DOT will review such order before final decision is taken by MTNL.

❖ **31-B. PROVISION REGARDING EMPLOYEES LENT TO GOVERNMENT/ SUBSIDIARY COMPANY OR OTHER PUBLIC DERTAKINGS, ETC.**

- (1) Where the services of an employee are lent to the Government or any authority subordinate, or to a Subsidiary Company or to any other public sector undertaking (hereinafter referred to as the "borrowing authority") the borrowing authority shall have the powers of the appointing authority for the purpose of placing such an employee under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceedings against him, provided that the borrowing authority shall forthwith inform MTNL(hereinafter referred to as the lending authority) of the circumstances leading to the order or the commencement of the disciplinary proceedings as the case may be.
- (2) In the light of the findings of the inquiring authority against the employee:
- (i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (a) to (d) of Rule 23 (minor penalties) should be imposed on the employee, it may, after consultation with the lending authority, make such orders in the case, as it deems necessary. Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.
- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (e) to (h) of Rule 23(major penalties) should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry for such action as deemed necessary.

**Explanation:** The disciplinary authority may make an order under this clause on the record of inquiry transmitted to it by the borrowing authority or by the holding such further enquiry, as it may deem necessary, as far as may be in accordance with rules 25,26 or 27.

❖ **RULE 32 APPEALS**

- (1) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 23 or against the order of suspension referred to in Rule 20.

The appeal shall lie to the authority specified in the Schedule.

- (2) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the appellate authority specified in the schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the Appellate Authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass orders confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case. Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in the clauses (e) to (h) of Rule 23 and an inquiry is provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an inquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in Rule- 25 the appellate authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

❖ **RULE 33 REVIEW**

Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit. Provided that if the enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in the clauses (e) to (h) of Rule-23 and an inquiry as provided under Rule-25 has not already been held in the case, the reviewing authority shall direct that such an inquiry be held in accordance with the provisions of Rule-25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the reviewing authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of

Rule-25, the reviewing authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final orders after taking into account the representation, if any, submitted by the employee.

❖ **RULE 34 SERVICE OF ORDERS, NOTICES ETC.**

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

❖ **RULE 35 POWERS TO RELAX TIME LIMIT AND TO CONDONE DELAY.**

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

❖ **RULE 36 SAVINGS**

- (1) Nothing in these rules shall be constructed as depriving any person to whom these rules apply of any right of appeal, which has accrued to him under the rules, which have been superseded by these rules.
- (2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.
- (3) The proceedings pending at the commencement of these rules (under the company's existing rules) shall be continued and disposed as far as may be in accordance with the provisions of these rules as if such proceedings were proceeding under these rules.
- (4) Any misconduct, etc. committed prior to the issue of these rules, which was misconduct under a superseded rule, shall be deemed to be misconduct under these rules.
- (5) Disciplinary proceedings will come to an end immediately on the death of the alleged offender. No disciplinary proceedings under MTNL rules are continued after the death of the concerned official.
- (6) Regarding disciplinary procedure after retirement – taken up as a separate point in another file. ( amended by 218<sup>th</sup> board meeting 6.9.06).
- (7) 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 proceedings or judicial proceedings have been guilty of offence/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 provisions of the section 7(3) and 7(3A) of the payment of gratuity act 1972 should be kept( amended vide MTTNL/CO/PERS/SR/Vol.ii/1/04 Pt File/289 dated 19.12.2005) in view in the event of delayed payment in case the employee is fully exonerated.

❖ **RULE 38** .( modified on 218<sup>th</sup> board meeting 6.9.06). **REMOVAL OF DOUBTS :**

Where a doubt arises as to interpretation of any of these rules, the matter shall be referred to the Board for final decision.

❖ **RULE 39**.( modified on 218<sup>th</sup> board meeting 6.9.06). **AMENDMENTS :**

- (i) The Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.
- (ii) The amendment/clarification/decisions of DOP&T relating to CDA Rules of PSUs issued by the Ministry from time to time shall also be applicable to MTNL to the extent that they are not repugnant or contrary to the safe guards provided concerning security of service of the DOT staff absorbed permanently in MTNL by Government of India. .( amended by 218<sup>th</sup> board meeting 6.9.06).
- (iii) In respect of any item not covered, expressed or covered briefly, the provisions of Government of India will apply so far as they are not in contradiction to MTNL Rules .( amended by 218<sup>th</sup> board meeting 6.9.06).

**Annexure 'A'**

From prescribed by the MTNL (Mahanagar Telephone Nigam Ltd.) for intimation/seeking sanction of the Competent Authority in respect of transaction/proposed transactions in Immovable/Movable property (Other than additions & alteration to a house) as required under Rule-16 of MTNL Conduct Discipline & Appeal Rules.

(While filling up this form, delete the words which are not applicable. Also give the appropriate answer to each question/item. Dots & dashes are not to be used.)

1. Name of the employee :  
in block letters)
2. Date of joining Govt. :  
Service/MTNL
3. (a) Substantive Grade/Post :  
(b) Substantive pay :
- (c) Date of confirmation :
4. (a) Officiating grade/post :  
held at present, if any  
(b) Date from which continuously :  
Offtg. In the present grad/post.  
(c) Scale of pay :
- (d) Present pay drawn :
5. Whether the application/intimation :  
Is in respect of acquisition/disposal  
Of property & what is the nature of  
Property.
6. If the property has already been :  
acquired/disposed off, the actual  
date of the transaction.
7. In the case of immovable Property :  
(a) Full details about its location,  
Viz. Municipal No. Street,  
Village, Taluk Distt. & State  
In which situated.  
(b) Description of the property :  
in the case of cultivable land,  
dry or garden land.  
(c) Whether freehold/Leasehold :  
(d) Whether the applicant' interest  
In the property is in full or in  
Part. (in case of partial interest  
The extent of such interest must  
be indicated).  
(e) Mode of acquisition/disposal :  
(purchase/sale/gift/Mortgage deed or otherwise).
8. In case of movable property :  
(a) Description of the property  
(e.g. Car/Scooter/Motorcycle/  
Refrigerator/Radiogram/  
Jewellery/Loan/Insurance  
Policies etc.).  
  
(b) Make model (& also registration :  
No. in case of Vehicles) where  
Necessary.

9. Sale/Purchase price of the new Property (Market value in the case Of gifts).
10. In case of acquisition, source Or sources from which financed/ proposed to be financed.
  - (a) Personal Saving.
  - (b) Other sources giving details
11. In the case of disposal of property, Was requisite sanction/intimation Obtained/given for its disposal? (A copy of the Sanction/ acknowledgement should be attached.)
12. (a) Name & address of the party with whom transaction is proposed to be made/has been made.
  - (b) Is the party related to the applicant? If so, state the relationship.
  - (c) Did the applicant have any Dealing with the party in his Official capacity at any time, Or is the applicant likely to have Dealing with him in the near future?
13. Was/ is the transaction made/proposed To be made through a regular or Reputed dealer? If so, full, name & Address of the dealer.
14. Any other relevant fact which the Applicant may likely to mention.

**Declaration**

I \_\_\_\_\_ hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose off property as described above from/to the party whose name is mentioned in item 12 above or

I \_\_\_\_\_ hereby intimate the acquisition/disposal of property by means detailed above through the dealer whose address is furnished against item (13) I declare that the particulars given above are true.

Signature:

Designation & Staff No. \_\_\_\_\_  
Phone No. \_\_\_\_\_

**SCHEDULE OF APPOINTING, DISCIPLINARY, APPELLATE AND REVIEWING AUTHORITIES  
UNDER MTNL CONDUCT, DISCIPLINE AND APPEAL RULES 1998 (Approved in the 223<sup>rd</sup> h  
MTNL Board meeting held on 29.03.2007)**

Group	Appointing Authority	DA for minor penalty	DA for Major penalty	Appellate Authority	Reviewing Authorities
NE 1 to NE 4	DGM	Officer in the rank of E-3 to E-5	DGM	Next Higher authority than the authority imposing the penalty/ GM	CGM/ED ( Note-1)
NE 5 to NE 11	GM	Officer in the rank of E- 5 to E-7	GM	Next Higher authority than the authority imposing the penalty/ CGM	ED ( Note-1)
E 1 to E 4	Director-HR	GM	ED/Functional Director ( Note-4)	Functional Director/CM D	CMD
E 5 to E 7	Director HR	CGM/ED ( Note-2)	Functional Director ( Note-3)	CMD	CMD
E 8 to E 9	CMD	Functional Director ( Note-3)	CMD	Board of Directors	Board of Directors
E 9 +	Board of Directors	CMD	Board of Directors	Board of Directors	Board of Directors

**Note:**

**I**

1. For employees working in Corporate office, The Reviewing authority will be Director-HR/Functional Director.
2. For employees working in Corporate office, the authority to inflict minor penalty shall rest with respective GM and in the Finance, with DGM/GM/Director (Finance).
3. Director (Finance) will be the Disciplinary Authority for employees from Finance stream and so will be Director (Technical) for employees from Technical stream. For all other departments, the Disciplinary Authority will be Director-HR.
4. While ED shall be vested with the power to award all major penalties except the penalties of Removal, Dismissal and Compulsory Retirement from the services of MTNL, which shall be awarded only by the Functional Directors.

**II** Disciplinary Authority below Board Level shall exercise the said powers in consultation with HR.

**III** In order to have a balanced and single seniority list for both the Units as well as Corporate Office, conducting of DPC of executives shall be handled at Corporate Office.