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प्राधिकार से प्रकाशित
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राष्ट्रीय आवास बैंक कर्मचारी (आचरण)

विनियम, 1994

अधिसूचना

नई दिल्ली, 3 फरवरी, 1995

का.आ. 77(अ) —राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 55 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बोर्ड, भारतीय रिजर्व बैंक की पूर्वानुमति से और केन्द्रीय सरकार के परामर्श से, एतद्वारा निम्नलिखित विनियम बनाती है, अर्थात् :—

अध्याय-I

प्रारंभिक-

1. संक्षिप्त नाम, प्रारम्भ और लागू होना (1) इन विनियमों को राष्ट्रीय आवास बैंक कर्मचारी (आचरण) विनियम, 1994 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से लागू होंगे।

(3) ये राष्ट्रीय आवास बैंक के अत्येक पूर्णकालिक कर्मचारी पर लागू होंगे जब तक कि संविदा करार या

नियुक्ति पत्र की शर्तों में अन्यथा न हो परन्तु निम्नलिखित पर लागू नहीं होंगे :—

(क) अध्यक्ष और प्रबंध निदेशक, और

(ख) अस्थायी तौर पर नियुक्त कर्मचारी।

2. परिभाषाएं: इन विनियमों में जब तक कि कोई बात विषय या संदर्भ के विरुद्ध न हो :

(क) "अधिनियम" से अर्थ राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) अभिप्रेत है;

(ख) "सक्षम प्राधिकारी" का अर्थ इन विनियमों के प्रयोजनार्थ बोर्ड द्वारा नियुक्त प्राधिकारी से है;

(ग) "परिवार" का अर्थ—

(1) पुरुष कर्मचारी के मामले में उसकी पत्नी, चाहे वह उसके साथ रह रही है या नहीं, परन्तु कानूनी तौर पर अलग हुई पत्नी शामिल नहीं है और महिला कर्मचारी के मामले में उसका पति, चाहे उसके साथ रह रहा है या नहीं, परन्तु कानूनी तौर पर अलग हुआ पति शामिल नहीं है;

अनुसूची

क्रम सं०	पद का नाम/श्रेणी	अनुशासन प्राधिकारी	अपील प्राधिकारी	पुनर्विलोकन प्राधिकारी
1.	(i) कनिष्ठ प्रबंध ग्रेड स्केल-I मध्य प्रबंध ग्रेड स्केल-II और III (ii) लिपिकीय कर्मचारी (iii) अधीनस्थ कर्मचारी	उप महाप्रबंधक	महाप्रबंधक	कार्यपालक निदेशक
2.	वरिष्ठ प्रबंध ग्रेड स्केल-IV और-V	महा प्रबंधक	कार्यपालक निदेशक	अध्यक्ष एवं प्रबंध निदेशक
3.	उच्च प्रबंध ग्रेड स्केल-VI और VII	कार्यपालक निदेशक	अध्यक्ष एवं प्रबंध निदेशक	बोर्ड की समिति
4.	उच्च प्रबंधक मुख्य महाप्रबंधक और कार्यपालक निदेशक	अध्यक्ष	बोर्ड की समिति	पूर्ण बोर्ड

[फा०सं० एन०एच०बी० (एन०डी०) स्टाफ/पी०ओ०एल०/26- डिस्पि/95]
बोर्ड के आदेशानुसार
पी०के० हंडा, महा प्रबंधक

NATIONAL HOUSING BANK EMPLOYEES'
REGULATIONS, 1994
NOTIFICATION

(Discipline and Appeals)

New Delhi, the 3rd February, 1995

S.O. 77A(E).—In exercise of the powers conferred by section 55 of the National Housing Bank Act, 1987 (53 of 1987), the Board, with the previous approval of the Reserve Bank of India and in consultation with the Central Government, hereby makes the following regulations, namely :—

CHAPTER I
PRELIMINARY

1. Short title, commencement and application.—
(1) These regulations may be called the National Housing Bank Employees' (Discipline and Appeals) Regulations, 1994.

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

(3) They shall apply to every whole-time employee of the National Housing Bank unless otherwise provided by the terms of any contract, agreement or letter of appointment but shall not apply to:—

(a) the Chairman and the Managing Director, and

(b) staff employed temporarily.

2. Definitions.—In these regulations, unless there is anything repugnant in the subject or context:

(a) "Act" means the National Housing Bank Act, 1987 (53 of 1987);

(b) "Appellate Authority" means the authority specified in the Schedule to dispose of appeals;

(c) "Competent Authority" means the authority appointed by the Board for the purposes of these regulations;

(d) "Disciplinary Authority" means the authority specified in the Schedule which is competent to impose on an Employee any of the penalties specified in regulation 4;

(e) "Government" means the Central Government;

(f) "public financial institution" means—

(i) the Industrial Credit and Investment Corporation of India Limited, a company formed and registered under the Indian Companies Act, 1913 (7 of 1913);

(ii) the Industrial Finance Corporation of India, established under section 3 of

the Industrial Finance Corporation Act, 1948 (15 of 1948);

(iii) the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964);

(iv) the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956);

(v) the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963);

(vi) any other financial institution which is declared by the Central Government by notification to be a public financial institution;

(g) "Public Sector Bank" means--

(i) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(iii) a subsidiary bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(iv) any other bank which the Central Government may determine to be a public sector bank for the purposes of these regulations having regard to its manner of incorporation;

(h) "public servant" means a person as defined as public servant in section 21 of the Indian Penal Code (45 of 1860);

(i) "Reviewing Authority" means the authority specified in the Schedule;

(j) "Schedule" means the Schedule appended to these regulations.

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

3. Power to interpret and implement Regulations.—(1) The power to interpret these regulations vests in the Chairman who is also hereby empowered to issue such administrative instructions as may be

necessary to give effect to, and carry out the purposes of, the provisions of these Regulations or otherwise to secure effective control of the staff employed in the National Housing Bank.

(2) The powers exercisable by an authority under these regulations shall also be exercisable by any authority superior to the authority first mentioned.

CHAPTER II

DISCIPLINE

4. Penalties.—The following are the penalties which may be imposed on an employee, for acts of misconduct or for any other grounds and sufficient reasons.

Minor-penalties

- (a) Censure;
- (b) Withholding of increments of pay with or without cumulative effect;
- (c) Withholding of promotion;
- (d) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the National Housing Bank by negligence or breach of orders.

Major penalties

- (e) reduction to a lower grade or post, or to a lower stage in a time scale;
- (f) Compulsory retirement;
- (g) removal from service which shall not be a disqualification for future employment;
- (h) dismissal which shall ordinarily be a disqualification for future employment.

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

- (i) withholding of one or more increments of an employee on account of his failure to pass a prescribed departmental test or examination in accordance with the terms of appointment to the post which he holds;
- (ii) stoppage of pay 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 grade or 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 or rules or orders governing such probations;
- (vi) reversion of an employee to his parent organisation in case he had come on deputation;
- (vii) termination of the 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 or the rules or orders governing such probation;
 - (b) of an employee appointed in a temporary capacity otherwise than 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 abolition of post;
- (viii) retirement of an employee on his attaining the age of superannuation in accordance with the rules and orders governing such superannuation;
- (ix) termination of employment of a permanent employee by giving 3 months' notice or on payment of 3 months' pay and allowances in lieu of notice;
- (x) termination of employment of an employee on medical grounds, if he is declared unfit to continue in National Housing Bank's service by the National Housing Bank's medical officer.

5. Authority to institute disciplinary proceedings and impose penalties.—(1) The Chairman or any other authority empowered by him by general or special order may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an employee of the National Housing Bank.

(2) The Disciplinary Authority may himself institute disciplinary proceedings.

(3) The Disciplinary Authority or any authority higher than it may impose any of the penalties specified in regulation 4 on any employee.

6. Procedure for imposing major penalties.—

(1) No order imposing any of the major penalties specified in clauses (e), (f), (g) and (h) of regulation 4 shall be made except after an inquiry is held in accordance with this regulation.

(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 enquire into, or appoint any other public servant (hereinafter referred to as "the inquiring authority") to inquire into the truth thereof.

Explanation : When Disciplinary Authority itself holds the inquiry any reference in sub-regulation (8) to sub-regulation (21) to the inquiring authority shall be construed as a reference to Disciplinary Authority.

(3) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the employee and the articles of charge, together with a statement of the allegations, on which they are based, 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), or within such extended time as may be granted by the said Authority, a written statement of his defence.

(4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the Disciplinary Authority itself, or if it considers it necessary so to do appoint under sub regulation (2) an inquiring authority for the purpose. Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the employee in his written statement but shall be necessary to record its findings on each such charge.

(5) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority;

(i) a copy of the articles of charges and statements of imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence, if any, submitted by the employee;

- (iii) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substituted.
- (iv) a copy of statements of the witness, if any;
- (v) evidence proving the delivery of articles of charge under sub-regulation (3);
- (vi) a copy of the order appointing the Presenting Officer in terms of sub-regulation (6).

(6) Where the Disciplinary Authority itself enquires or appoints an inquiring authority for holding an inquiry, it may, by an order, appoint an employee of the National Housing Bank to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(7) The employee may take the assistance of any other employee but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority, having regard to the circumstances of the case, so permits.

Explanation : The Employee shall not take the assistance of any other Employee who has two pending disciplinary cases on hand in which he has to give assistance.

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

(9) If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding 30 days or within such extended time as may be granted by the inquiring authority.

(10)(a) The inquiring authority shall, where the employee does not admit all or any of the articles of charge, furnish to such

employee a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be proved.

- (b) The inquiring authority shall also record an order that employee may for the purpose of preparing his defence—
 - (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow the documents listed;
 - (ii) submit a list of documents and witnesses that he wants for the inquiry;
 - (iii) be supplied with copies of statements of witnesses, if any, recorded earlier and the inquiring authority shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the inquiring authority;
 - (iv) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of the documents referred to in item (ii).

Explanation : The relevancy of the documents and the examination of the witnesses referred to in item (ii) shall be given by the employee concerned.

(11) The inquiring authority shall, on receipt of the notice for the discovery or production of the documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents on such date as may be specified.

(12) On the receipt of the requisition under sub-regulation (11), the authority having the custody or possession of the requisitioned documents, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition :

Provided that the authority having the custody or possession of the requisition documents may claim privilege if the production of such documents will be against the public interest or the interest of the National Housing Bank. In that event, it shall inform the inquiring authority accordingly.

(13) 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 produced by the Presenting Officer shall be examined by the Presenting Officer

and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine his 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 question to the witnesses as it thinks fit.

(14) Before the close of the case, in support of the charges, 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. The inquiry authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

(15) When the case in support of the charges 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 statement of defence shall be given to the Presenting Officer, if any, appointed.

(16) 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 by the employee and may be cross-examined by the Presenting Officer. The employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the inquiry authority.

(17) The inquiring authority may, after the employee closes his evidence, and shall, if the employee has not got himself examined, 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.

(18) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any appointed, and the employee, or permit them to file written briefs of their respective cases within 15 days of the date of completion of the production of evidence, if they so desire.

(19) If the employee does not submit the written statement of defence referred to in sub-regulation (3) on or before the date specified for the purpose or does not appear in person, or

through the assisting employee or otherwise fails or refuses to comply with any of the provisions of these regulations, the inquiring authority may hold the inquiry ex-parte.

(20) 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 its predecessor and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of 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.

(21) (i) On the conclusion of the inquiry, the inquiring authority shall prepare a report which shall contain the following:

- (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 articles 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 article of 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 clause (i);
- (b) the written statement of defence, if any, submitted by the employee referred to in sub-regulation (15);
- (c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs referred to in sub-regulation (18), if any; and

(e) the orders, if any, made by the Disciplinary Authority and the inquiring authority in regard to the inquiry.

7. Action on the inquiry report.—(1) The Disciplinary Authority, if it is not itself the inquiring authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation 6 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 its 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 regulation 4 should be imposed on the employee it shall, notwithstanding anything contained in regulation 8, 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 officer employee concerned.

8. Procedure for imposing minor penalties.—

(1) Where it is proposed to impose any of the minor penalties specified in clause (a) to (d) of regulation 4, the employee concerned shall be informed in writing of the imputations of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority and the defence statement, if any, submitted by the Employee shall be taken into consideration by the Disciplinary Authority before passing orders.

(2) Where, however, the Disciplinary Authority is satisfied that an enquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation 6.

(3) The record of the proceedings in such cases shall include—

(i) a copy of the statement of imputations of lapses furnished to the employee;

(ii) the defence statement, if any, of the employee, and

(iii) the orders of the disciplinary authority together with the reasons therefor.

9. Communication of Orders.—Orders made by the Disciplinary Authority under regulation 7 or regulation 8 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

10. 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 a common proceedings.

11. Special procedure certain cases.—Notwithstanding anything contained in regulation 6 or regulation 7 or regulation 8 the Disciplinary Authority may impose any of the penalties specified in regulation 4 if the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a court or where the employee has abandoned his post.

Explanation.—For the purpose of this regulation, an employee shall be deemed to have abandoned his post if he absents himself from duty without leave or overstays his leave for a continuous period of ninety days without any intimation therefor in writing.

12. Suspension.—(1) An employee may be placed under suspension by the competent authority,—

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) An employee shall be deemed to have been placed under suspension by an order of the competent authority,—

(a) with effect from the date of his detention if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of imprisonment after the conviction and any intermittent periods of imprisonment shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set-aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original orders of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the Disciplinary Authority, on consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority which made or is deemed to have made the order.

13. Leave during suspension.—No leave shall be granted to an employee under suspension.

14. Subsistence allowance during suspension.—

(1) An employee who is placed under suspension shall, during the period of such suspension and subject to sub-regulation (2) to (4) be entitled to receive payment from the National Housing Bank by way of subsistence allowance on the following scale, namely :—

(a) Basic Pay :

(i) For the first three months of suspension $\frac{1}{3}$ of the basic pay which the employee was receiving on the date prior to suspension irrespective of the nature of enquiry.

(ii) for the subsequent period after 3 months from the date of suspension :

(a) where the enquiry is held departmentally by the National Housing Bank, $\frac{1}{2}$ of the basic pay, the employee was drawing on the date prior to the date of suspension; and

(b) where the enquiry is held by an outside agency, $\frac{1}{3}$ of the basic pay for the next 3 months and $\frac{1}{2}$ of the basic pay for the remaining period of suspension.

(b) Allowances :—

For the entire period of suspension dearness allowance and other allowances excepting conveyance allowance, entertainment allowance and special allowance will be calculated on the reduced pay as specified in items (i) and (ii) of clause (a) and at the prevailing rates applicable to similar category of employees.

(2) During the period of suspension an employee shall not be entitled to occupation of a rent-free house or free use of the National Housing Bank's car or receipt of conveyance or entertainment allowance or special allowance.

(3) No employee of the National Housing Bank shall be entitled to receive payment of subsistence allowance unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(4) If, during the period of suspension an employee retire by reason of his attaining the age of superannuation, no subsistence allowance shall be paid to him from the date of his retirement.

15. Pay, allowance and treatment of service on termination of suspension.—(1) Where the competent authority holds that the employee has been fully exonerated or that the suspension was unjustifiable, the employee concerned shall be granted the full pay to which he would have been entitled, had he not been suspended, together with any allowance of which he was in receipt immediately prior to his suspension, or may have been sanctioned subsequently and made applicable to all employees.

(2) In all cases other than those referred to in sub-regulation (1) the employee shall be granted such proportion of pay and allowance as the Competent Authority may direct;

Provided that the payment of allowance under this sub-regulation shall be subject to all other conditions to which such allowance are admissible;

Provided further that the pay and allowances granted under this sub-regulation shall not be less than the subsistence and other allowances admissible under regulation 14.

(3) (a) In a case falling under sub-regulation (1), the period of absence from duty shall, for all purposes, be treated as a period spent on duty;

CHAPTER III

APPEALS AND REVIEW

- (b) In a case falling under sub-regulation (2), the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs, for reasons to be recorded in writing, that it shall be so treated for any specific purpose.

16. Employees on deputation.—(1) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the National Housing Bank from the Central Government or the State Government or Reserve Bank of India or another public sector bank or banking company or a public financial institution or an institution wholly or substantially owned by the Reserve Bank of India or a public financial institution or public undertaking or local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.

(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 the Lending Authority.

Provided that in the event of a difference of opinion between the Disciplinary Authority and the Lending Authority, the service of the employee shall be placed at the disposal of the 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 clause (a) of sub-regulation (2), 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.

17. Appeal.—(1) An employee may appeal against an order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in regulation 12. The appeal shall lie to the Appellate Authority.

(2) An appeal shall be preferred within 45 days from the date of receipt of the order appealed against. The appeal shall be addressed to the Appellate Authority 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. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

Provided that—(i) if the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in clauses (e), (f), (g) and (h) of regulation 4 and an inquiry as provided in regulation 6 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper;

(ii) if the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6 the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the employee.

18. Review.—(1) Notwithstanding anything contained in these regulations, the Reviewing Authority 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—(i) if the enhanced penalty which the Reviewing Authority proposed to impose is a major penalty specified in clauses (e), (f), (g) and (h) of

regulation 4 and an inquiry as provided in regulation 6 has not already been held in the case, the Reviewing Authority shall direct that such an enquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper;

- (ii) if the Reviewing Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Reviewing Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any submitted by the employee.

CHAPTER IV

MISCELLANEOUS

19. Consultation with Central Vigilance Commission.—The National Housing Bank shall consult the Central Vigilance Commission where necessary, in respect of all disciplinary cases having a vigilance angle.

20. Service of orders, notices, etc.—Every order notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

21. Power to relax time-limit and to condone delays.—Save as otherwise expressly provided in these regulations, the authority competent under these regulations to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay.

22. Repeal and saving:—(1) Every rule, regulation, bye-law or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the employees is hereby repealed.

(2) Notwithstanding such repeal—

- (a) any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations;

(b) nothing in these regulations shall be construed as depriving any person to when these regulations apply of any right of appeal which had accrued to him under any of the provisions so repealed;

(c) an appeal pending at the commencement of these regulations against an order made before the commencement of these regulations shall be considered and orders thereon shall be made, in accordance with these regulations;

(d) any proceedings which have already been initiated but not yet been completed at the commencement of these regulations shall be continued and disposed as far as may be, in accordance with the provisions of these regulations, as if such proceedings were proceedings under these regulation.

THE SCHEDULE

Sl. No.	Name/Category of the Post	Disciplinary Authority	Appellate Authority	Reviewing Authority
1.	(i) Junior Management Grade scale I Middle Management Grade scale II & III	Dy. Gen. Manager	General Manager	Executive Director
	(ii) Clerical Staff			
	(iii) Subordinate Staff			
2.	Senior Management Grade scale IV & V	General Manager	Executive Director	Chairman & M.D.
3.	Top Management Grade scale VI & VII	Executive Director	Chairman & M.D.	Committee of Board
4.	Top Management Chief General Manager & Executive Director	Chairman	Committee of Board	Full Board

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By order of the Board
P.K. HANDA, General Manager