
10. Common Proceedings

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

11. Special Procedure in certain cases

Notwithstanding anything contained in regulation (6) of regulation (7) or regulation (8) the Disciplinary Authority may impose any of the penalties specified in regulation (4) if the officer employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial.

Provided that the officer employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made.

12. Suspension

- (1) An officer 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 officer 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 the imprisonment, after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.*

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer 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
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order 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 officer 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 the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer 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 officer employee under suspension.

14. Subsistence Allowance during Suspension

- (1) An officer employee who is placed under suspension shall during the period of such suspension and subject to sub-regulations (2) to (4) be entitled to receive payment from the Bank by way of subsistence allowance on the following scale, namely-
- (a) *Basic Pay*
- (i) for the first three months of suspension, 1/3 of the Basic Pay which the officer employee was receiving the date prior to the date of suspension irrespective of the nature of the enquiry.
- (ii) For the subsequent period after 3 months from the date of suspension.
- (1) where the enquiry is held departmentally by the Bank, ½ of the basic pay the officer employee was drawing on the date prior to the date of suspension; and
- (2) where the enquiry is held by an outside agency, 1/3 of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the next three months and ½ of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the remaining period of the suspension.
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(b) *Allowances*

- (1) 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 or at rates applicable to similar category of officers.
- (2) During the period of suspension an officer employee shall not be entitled to occupation of rent free house or free use of the Bank's car or receipt of conveyance or entertainment allowance or special allowance.
- (3) No Officer employee of the 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 officer employee retires 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, allowances and treatment of service on termination of suspension

- (1) Where the competent authority holds that the officer employee has been fully exonerated or that the suspension was unjustifiable, the officer 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 the officer employee.
 - (2) In all cases other than those referred to in sub-regulation (1) the officer employee shall be granted such proportion of pay and allowances as the Competent Authority may direct:

Provided that the payment of allowances under this sub-regulation shall be subject to all other conditions to which such allowances 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:

(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 purposes.
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16. Employees on deputation from the Central Government, State Government, etc

(1) Where an order of suspension is made or disciplinary proceeding is taken against an officer employee, who is on deputation to the 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 Reserve Bank of India or a public financial institution or public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the 'Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be

(2) In the light of the findings of the disciplinary proceeding taken against the officer 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 services of the employee shall be placed at the disposal of the lending Authority.

(a) 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 officer 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 officer 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. Appeals

(1) An officer employee may prefer an appeal to the Appellate Authority within forty five days from the date of receipt of the order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in regulation 12:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

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- (2) The appeal shall be presented to the Appellate authority with a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.
- (3) The authority which made the order appealed against shall, on receipt of a copy of the appeal from the appellant, forward the same with its comments thereon together with the relevant records to the Appellate Authority within a period not exceeding forty five days from the date of the receipt of the appeal.
- (4) The Appellate Authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension/ 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 / suspension or remitting the case to the authority which imposed the penalty or to any other authority with such directions 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 (f), (g), (h), (i) and (j) 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 officer 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 officer employee.
- (5) The Appellate Authority shall dispose of the appeal within a period of ninety days from the date of its receipt from the appellant:

Provided that the time limit specified in this regulation shall not apply to cases having a vigilance angle and where major/ minor penalty proceedings against the officer employee have commenced on recommendations of the Police or Central Bureau of Investigation or Central Vigilance Commission, as the case may be, investigating the matter.

(6) The cases lying pending over ninety days shall be reviewed periodically by the Appellate Authority and reasons for non disposal of the cases shall be recorded in writing”.

18. Review

Notwithstanding anything contained in these regulations the Reviewing Authority may at any time within six months from the date of the final order, either on his own motion or otherwise review the said order, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to the notice and pass such orders thereon as it may deem fit:

Provided that-

- (i) if any enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clauses (f), (g), (h), (i) or (j) of Regulation 4 and an enquiry as provided under 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 enquiry 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 in accordance with the provisions of Regulation 6, the Reviewing Authority shall give show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass an order after taking into account the representation, if any, submitted by the officer employee.

19. Consultation with Central Vigilance Commission

The Bank shall consult the Central Vigilance Commission wherever 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 officer employee concerned or communicated to him by registered post at his last known address.

21. Power to relax time-limit and to condone delay

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 officer 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 whom 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 regulations.
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