

CHAPTER-III
CONDUCT AND DISCIPLINE

3.1 Conduct and Discipline Rules — The Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957 (hereinafter referred to as “the 1957 Rules”) framed by the President after consultation with the Chairman, Rajya Sabha in the exercise of the powers conferred by clause (3) of Article 98 of the Constitution of India, regulates the recruitment and the conditions of service of persons appointed to the Secretarial staff of the Rajya Sabha. Part-IV of the said Rules consists of provisions pertaining to ‘Control and Discipline’. The relevant Rules briefly stated are as follows:

- (a) **Rule 13 : Control** — All officers shall be subject to the superintendence and control of the Hon’ble Chairman.
- (b) **Under Rule 14 [read with rule 11 of CCS (CCA) Rules, 1965]** the following types of penalties may be imposed on an officer for good and sufficient reasons:

Minor Penalties:—

- (i) censure;
- (ii) withholding of promotion;
- (iii) recovery from his/her pay of the whole or part of any pecuniary loss caused by him/her to the Secretariat by negligence and breach of orders;
- (iv) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his/her pension; and
- (v) withholding of increments of pay without cumulative effect.

Major Penalties:—

- (vi) save as provided in clause (iv) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his/her pay
- (vii) reduction to lower time-scale of pay, grade, post or service which will ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post or Service from which he/she was reduced, with or without further directions regarding conditions of restoration to the grade or post or Service from which the employee was reduced and his/her seniority and pay on such restoration to that grade, post or Service;
- (viii) compulsory retirement;
- (ix) removal from service of the Secretariat which shall not be a disqualification for future employment;
- (x) dismissal from service of the Secretariat which shall ordinarily be a disqualification for future employment:

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other

than legal remuneration, as a motive of reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed:

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

- (c) **Disciplinary Authorities** — Rule 15 of the 1957 Rules empowers the Hon'ble Chairman to impose any of the penalties specified in Rule 14 on any officer. Under the proviso to Rule 15, the power to impose such penalties on any officer other than a Group 'A' officer has been delegated to the Secretary-General.
- (d) **Procedure for imposing major penalties** — Rule 16 of the 1957 Rules lays down the procedure to be followed before imposing any of the penalties specified in clause (v) to (ix) of para 3.1 (b) on an officer.
- (e) **Procedure for imposing minor penalties** — Rule 17 of the 1957 Rules lays down the procedure to be followed before imposing any of the penalties specified in clauses (i) to (iv) of para. 3.1(b) on an officer.
- (f) **Special procedure in certain cases** — Rule 18 of the 1957 Rules empowers the Disciplinary Authority to dispense with the procedures prescribed in either Rule 16 or 17 in cases:
 - (i) where the penalty is imposed on an officer on the ground of conduct which has led to his/her conviction on a criminal charge;
 - (ii) where for reasons to be recorded in writing it is not reasonably practicable to follow the procedure prescribed in the said rules; or
 - (iii) where the Chairman, Rajya Sabha is satisfied that in the interest of the security of the State it is not expedient to follow such procedure.
- (g) **Suspension pending disciplinary proceedings** — Rule 19 empowers the Disciplinary Authority, who initiates any disciplinary proceedings to place the officer, against whom such proceedings are started, under suspension, if he/she is satisfied that it is necessary or desirable to do so.
- (h) **Disciplinary action against an officer on deputation outside the Secretariat** — Rule 20 provides as under:

“Where the services of an officer of the Secretariat are lent to any other organisation (Central Government, State Government etc.) the borrowing authority shall have the powers of the Disciplinary Authority for the purpose of placing him/her under suspension and for the purpose of initiating disciplinary proceedings against him/her”.

Provided that the borrowing authority shall forthwith inform the Secretariat of the circumstances leading to the suspension or the commencement of the disciplinary proceedings as the case may be.

- (a) If the findings of the disciplinary proceedings establish misconduct for which in the opinion of borrowing authority, a minor penalty needs to be imposed, as at para 3.1(b) then with the concurrence of the Secretariat such penalty may be imposed by the borrowing authority.

Provided that, in the event of difference of opinion between the Secretariat and the borrowing authority on the minor penalty to be imposed, the services of the officer shall be placed back at the disposal of the Secretariat;

- (b) If the borrowing authority is of the opinion that any of the major penalties specified in para 3.1 (b) be imposed on the officer, the service of such officer shall be placed back at the disposal of the Secretariat and the record of inquiry shall be transmitted to this Secretariat for such action as it deems appropriate.

- (i) **Disciplinary Action against an officer on deputation to the Secretariat** — Rule 21 provides as under:

Where an order of suspension is made or a disciplinary proceeding is initiated against an officer whose services have been borrowed from the Central Government, State Government, etc. the authority lending his/her services shall forthwith be informed of the circumstances leading to the order of his/her suspension or the commencement of the disciplinary proceeding against him/her as the case may be.

- (a) If the findings of the disciplinary proceedings against the officer lead to the establishment of misconduct for which, in the opinion of the Secretariat, a minor penalty needs to be imposed, such penalty after concurrence of the lending authority may be imposed on the officer.

Provided that, in the event of difference of opinion between the Secretariat and the lending authority, the services of the officer shall be placed back at the disposal of the lending authority.

- (b) If the Secretariat is of the opinion that any of the major penalties specified in para. 3.1 (b) be imposed on the officer, the service of such officer shall be placed back at the disposal of the lending authority and the record of inquiry shall be transmitted to such authority for such action as it deems appropriate.

Appeal and Review: Part V of the 1957 Rules consists of 8 Rules under the following heads:

Rule 22	—	Right to Appeal
Rule 23	—	Form and Contents of Appeal
Rule 24	—	Submission of Appeals
Rule 25	—	Withholding of Appeals
Rule 26	—	Transmission of Appeals
Rule 27	—	Consideration of Appeals
Rule 28	—	Implementation of Orders in Appeal
Rule 29	—	Review

3.2 Application of CCS Rules — *Rule 10 of the 1957 Rules* states that in respect of all other matters regulating the conditions of service of officers for which no provision or insufficient provision has been made in these rules, officers shall be governed by such rules as are applicable to the officers holding corresponding posts in the Central Secretariat, subject to such modifications, variations or exceptions, if any, in such rules, as the Chairman may, after consultation with the concerned Ministry of Central Government, from time to time, by order specify.

Rule 30 of the Recruitment and Conditions of Service Rules states that “subject to the provisions of these rules, every officer shall be governed by such rules of conduct, discipline and control as the Chairman may, from time to time, by general or special order specify.” The Fundamental Rules, **CCS (Conduct) Rules, 1964**, **CCS (CCA) Rules, 1965** and others Rules framed for Government servants are applicable to the secretarial staff of Rajya Sabha to the extent these have been adopted in the Secretariat. *Important provisions in this regard as applicable to the employees of this Secretariat are detailed below:*

3.3 Fundamental Rules—

- (1) *Fundamental Rule 11* provides that unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Secretariat which pays him/her and he/she may be employed in any manner required by proper authority without claim for additional remuneration.

- (2) Proviso under *Fundamental Rule 17(1)* provides that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence. Further, *Fundamental Rule 17-A* provides that a period of unauthorised absence:
- (i) in the case of employees working in individual establishments, during a strike which has been declared illegal under the provisions of Industrial Disputes Act, 1947, or any other law for the time being in force;
 - (ii) in the case of other employees as a result of acting in combination or in concerted manner, such as during a strike without any authority from, or valid reason to the satisfaction of, the competent authority; and
 - (iii) in the case of an individual employee, remaining absent unauthorisedly or deserting the post;
- shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in departmental examination for which a minimum period of continuous service is required.

3.4 CCS (Conduct) Rules — The Central Civil Services (Conduct) Rules, 1964 impose various restrictions on the Government servants. Important provisions of the Central Civil Services (Conduct) Rules, 1964, which impose such restrictions and as made applicable to employees of the Secretariat are as given below:

(1) Rule 3. General

- (1) Every employee of the Secretariat shall at all times
 - (i) maintain absolute integrity;
 - (ii) maintain devotion to duty; and
 - (iii) do nothing which is unbecoming of an employee of the Secretariat.
- (2) (i) Every employee of the Secretariat holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees of the Secretariat for the time being under his/her control and authority;
- (ii) no employee of the Secretariat shall, in the performance of his/her official duties, or in the exercise of powers conferred on him/her, act otherwise than in his/her best judgment extent when he/she is acting under the direction of his/her official superior;
- (iii) the direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter; and
- (iv) an employee of the Secretariat who has received oral direction from his/her official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

3-A. Promptness and Courtesy

No employee of the Secretariat shall—

- (a) in the performance of his/her official duties, act in a discourteous manner;
- (b) in his/her official dealing with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him/her.

3-B. Observance of Government's policies

Every employee of the Secretariat shall, at all times—

- (a) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- (b) Observe the Government's policies regarding preventing of crime against women.

3-C. Prohibition of sexual harassment of working women

- (a) No employee of the Secretariat shall indulge in any act of sexual harassment of any woman at her work place.
- (b) Every employee of the Secretariat who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

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 favours;
- (c) sexually coloured remarks;
- (d) showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(2) Rule 4. Employment of near relatives of employee of the Secretariat in companies or firms

- (1) No employee of the Secretariat shall use his/her position or influence directly or indirectly to secure employment for any member of his/her family in any company or firm.
- (2) (i) No Group 'A' officer shall, except with the previous sanction of the Secretariat, permit his/her son, daughter or other dependant, to accept employment in any company or firm with which he/she has official dealings or in any other company or firm having official dealings with the Secretariat:

Provided that where the acceptance of the employment cannot await prior permission of the Secretariat or is otherwise considered urgent, the matter shall be reported to the Secretariat; and the employment may be accepted provisionally subject to the permission of the Secretariat.
- (ii) An employee of the Secretariat shall, as soon as he/she becomes aware of the acceptance by a member of his/her family of an employment in any company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he/she has or has had any official dealings with that company or firm:

Provided that no such intimation shall be necessary in the case of a Group 'A' officer if he/she has already obtained the sanction of, or sent a report to the Secretariat under Clause (i).
- (3) No employee of the Secretariat shall in the discharge of his/her official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his/her family is employed in that company or firm or under that person or he/she or any member of his/her family is interested in such matter or contract in any other manner and the employee of the Secretariat shall refer every such matter or contract to his/her official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

(3) Rule 5. Taking part in politics and election

- (1) No employee of the Secretariat shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he/she take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every employee of the Secretariat to endeavour to prevent any member of his/her family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where an employee of the Secretariat is unable to prevent a member of his/her family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he/she shall make a report to that effect to the Secretariat.
- (3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Secretariat thereon shall be final.
- (4) No employee of the Secretariat shall canvass or otherwise interfere with, or use his/her influence in connection with or take part in an election to any Legislature or Local Authority:

Provided, that —

- (i) an employee of the Secretariat qualified to vote at such election may exercise his/her right to vote, but where he/she does so, he/she shall give no indication of the manner in which he/she proposes to vote or has voted;
- (ii) an employee of the Secretariat shall not be deemed to have contravened the provisions of this sub-rule by reason only that he/she assists in the conduct of an election in the due performance of a duty imposed on him/her by or under any law for the time being in force.

Explanation. — The display by an employee of the Secretariat on his/her person, vehicle or residence of any electoral symbol shall amount to using his/her influence in connection with an election within the meaning of this sub-rule.

(4) Rule 6. Joining of associations by employees of the Secretariat

No employee of the Secretariat shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

(5) Rule 7. Demonstration and Strikes

No employee of the Secretariat shall —

- (i) engage himself/herself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence, or
- (ii) resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his/her service or the service of any other employee of the Secretariat.

(6) Rule 8. Connection with press or other media

- (1) No employee of the Secretariat shall, except with the previous sanction of the Secretariat, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.

- (2) Nothing in sub-rule (1) shall apply in case an employee of the Secretariat in the *bona fide* discharge of his/her official duties publishes a book or participates in a public media.
- (3) An employee of the Secretariat publishing a book or participating in a public media shall at all times make it clear that the views expressed by him/her are his/her own and not that of Secretariat.

(7) Rule 9. Criticism of Government

No employee of the Secretariat shall, in any radio broadcast, telecast through any electronic media or in any document published in his/her own name or anonymously, pseudonymously or in the name of any other person or in any public utterance, make any statement of fact or opinion —

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government;
- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State.

Provided that nothing in this rule shall apply to any statement made or views expressed by an employee of the Secretariat in his/her official capacity or in the due performance of the duties assigned to him/her.

(8) Rule 10. Evidence before Committee or any other authority

- (1) Save as provided in sub-rule (3), no employee of the Secretariat shall, except with the previous sanction of the Secretariat, 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 of the Secretariat giving such evidence shall criticize the policy or any action of the Central Government or of a State Government.
- (3) Nothing in this rule shall apply to —
 - (a) evidence given at any enquiry before an authority appointed by the Government, Parliament or State Legislatures; or
 - (b) evidence given in any judicial enquiry; or
 - (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

(9) Rule 11. Unauthorized communication of information

No employee of the Secretariat shall, except in accordance with any general or special order of the Secretariat or in the performance in good faith of the duties assigned to him/her, communicate, directly or indirectly, any official document or any part thereof or information to any employee of the Secretariat or any other person to whom he/she is not authorized to communicate such document or information.

Explanation. — Quotation by an employee of the Secretariat (in his/her representation to the Head of Office, or Head of Department or Chairman) of or from any letter, circular or office memorandum or from the notes on any file, to which he/she is not authorized to have access, or which he/she is not authorized to keep in his/her personal custody or for personal purposes, shall amount to unauthorized communication of information within the meaning of this rule,

(10) Rule 12. Subscriptions

No employee of the Secretariat shall, except with the previous sanction of the Secretariat or of the prescribed

authority, ask for or accept contributions to, or otherwise associate himself/herself with the raising of, any funds or other collections in cash or in kind in pursuance of any subject whatsoever.

(11) Rule 13. Gifts

- (1) Save as otherwise provided in these rules, no employee of the Secretariat shall accept, or permit any member of his/her family or any other person acting on his/her behalf to accept any gift.

Explanation. — The expression “gift” shall include free transport, boarding, lodging or other service or any other pecuniary advantage provided by any person other than a near relative or personal friend having no official dealings with the Employee of the Secretariat.

NOTE 1. A casual meal, lift or other social hospitality shall not be deemed to be a gift.

NOTE 2. An employee of the Secretariat shall avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firm, organization, etc., having official dealings with him/her.

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious and social practice, an employee of the Secretariat may accept gifts from his/her near relatives or from his/her personal friends having no official dealing with him/her, but shall make a report to the Secretariat, if the value of such gift exceeds —
- (i) rupees seven thousand in the case of an employee of the Secretariat holding any Group ‘A’ post;
 - (ii) rupees four thousand in the case of an employee of the Secretariat holding any Group ‘B’ post; and
 - (iii) rupees two thousand in the case of an employee of the Secretariat holding any Group ‘C’ post
- (3) In any other case, an employee of the Secretariat shall not accept any gift without the sanction of the Secretariat, if the value exceeds
- (i) rupees one thousand five hundred in the case of employee of the Secretariat holding any Group ‘A’ or Group ‘B’ post; and
 - (ii) rupees five hundred in the case of employee of the Secretariat holding any Group ‘C’ post.
- (4) Notwithstanding anything contained in sub-rule (2) and (3), an employee of the Secretariat, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.
- (5) An employee of the Secretariat shall not accept gifts from any foreign firm which is either contracting with the Secretariat or is one with which the employee of the Secretariat had, has or is likely to have official dealings. Acceptance of gifts by an employee of the Secretariat from any other firm shall be subject to the provisions of sub-rule (3).

Rule 13-A. Dowry

No employee of the Secretariat shall —

- (i) give or take or abet in giving or taking of dowry; or
- (ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation. — For the purposes of this rule, “dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

(12) Rule 14. Public demonstrations in honour of employee of the Secretariat

No employee of the Secretariat shall, except with the previous sanction of the Secretariat, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his/her honour; or in the honour of any other employee of the Secretariat:

Provided that nothing in this rule shall apply to —

- (i) a farewell entertainment of a substantially private and informal character held in honour of an employee of the Secretariat or any other employee of the Secretariat on the occasion of his/her retirement or transfer or any person who has recently quit the service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Note. Exercise of pressure or influence of any sort on any employee of the Secretariat to induce him/her to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscription from Group 'C' employees under any circumstances for the entertainment of any employee of the Secretariat not belonging to Group 'C', is forbidden.

(13) Rule 15. Private trade or employment

- (1) Subject to the provisions of sub-rule (2), no employee of the Secretariat shall, except with the previous sanction of the Secretariat —
 - (a) engage directly or indirectly in any trade or business; or
 - (b) negotiate for, or undertake, any other employment; or
 - (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not; or
 - (d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by a member of his/her family; or
 - (e) take part except in the discharge of his/her official duties, in the registration, promotion or management of any Bank, or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any co-operative society for commercial purposes.
 - (f) participate in or associate himself/herself in any manner in the making of —
 - (i) a sponsored media (radio or television) programme; or
 - (ii) a media programme commissioned by Government media but produced by a private agency; or
 - (iii) a privately produced media programme including video magazine;

Provided that no previous permission shall be necessary in case where the employee of the Secretariat participates in a programme produced or commissioned by Government media in his/her official capacity.

- (2) An employee of the Secretariat may, without the previous sanction of the Secretariat —
 - (a) undertake honorary work of a social or charitable nature; or
 - (b) undertake occasional work of a literary, artistic or scientific character; or
 - (c) participate in sports activities as an amateur; or

- (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force; or
- (e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of employee of the Secretariat, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force;

Provided that —

- (i) he/she shall discontinue taking part in such activities, if so directed by the Secretariat; and
 - (ii) in a case falling under Clause (d) or Clause (e) of this sub-rule, his/her official duties shall not suffer thereby and he/she shall, within a period of one month of his/her taking part in such activity, report to the Secretariat giving details of the nature of his/her participation.
- (3) Every employee of the Secretariat shall report to the Secretariat if any member of his/her family is engaged in a trade or business or owns or manages any insurance agency or commission agency.
 - (4) Unless otherwise provided by general or special orders of the Secretariat, no employee of the Secretariat may accept any fee for any work done by him/her for any private or public body or any private person without the sanction of the prescribed authority.

Explanation. — The term ‘fee’ used here shall have the meaning assigned to it in Fundamental Rule 9 (6-A).

Rule 15-A. Subletting any vacation of official accommodation

- (1) Save as otherwise provided in any other law for the time being in force, no employee of the Secretariat shall sublet, lease or otherwise allow occupation by any other person of official accommodation which has been allotted to him/her.
- (2) An employee of the Secretariat shall, after the cancellation of his/her allotment of official accommodation vacate the same within the time-limit prescribed by the allotting authority.

(14) Rule 16. Investments, lending and borrowing

- (1) No employee of the Secretariat shall speculate in any stock; share or other investment:

Provided that nothing in this sub-rule shall apply to occasional investments made through stock brokers or other persons duly authorized and licensed or who have obtained a certificate of registration under the relevant law.

Explanation. — Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule

- (2) No Employee of the Secretariat shall make, or permit any member of his/her family or any person acting on his/her behalf to make, any investment which is likely to embarrass or influence him/her in the discharge of his/her official duties. For this purpose, any purchase of shares out of the quotas reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to influence the employee of the Secretariat.
- (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Secretariat thereon shall be final.

- (4) (i) No employee of the Secretariat shall, save in the ordinary course of business with a Bank or a public limited company, either himself/herself or through any member of his/her family or any other person acting on his/her behalf, —
- (a) lend or borrow or deposit money, as a principal or an agent to, or from or with, any person or firm or private limited company within the local limits of his/her authority or with whom he/she is likely to have official dealings or otherwise place himself/herself under any pecuniary obligation to such person or firm or private limited company; or
 - (b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:
- Provided that an employee of the Secretariat may give to, or accept from a relative or a personal friend purely temporary loan of a small amount free of interest, or operate credit account with a *bona fide* tradesman or make an advance of pay to his/her private employee:
- Provided further that nothing in this sub-rule apply in respect of any transaction entered into by an employee of the Secretariat with the previous sanction of the Secretariat.
- (ii) When an employee of the Secretariat is appointed or transferred to a post of such nature as would involve him/her in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he/she shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

(15) Rule 17. Insolvency and habitual indebtedness

An employee of the Secretariat shall so manage his/her private affairs as to avoid habitual indebtedness or insolvency. An employee of the Secretariat against whom any legal proceeding is instituted for the recovery of any debt due from him/her or for adjudging him/her as an insolvent, shall forthwith report the full facts of the legal proceedings to the Secretariat.

NOTE — The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the employee of the Secretariat could not have foreseen, or over which he/she had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee of the Secretariat.

(16) Rule 18. Movable, immovable and valuable property

- (1) (i) Every employee of the Secretariat shall on his/her first appointment to any service or post submit a return of his/her assets and liabilities, in his/her own name or in the name of any member of his/her family or in the name of any other person;
- (a) the immovable property inherited by him/her, or owned or acquired by him/her or held by him/her on lease or mortgage, either in his/her own name or in the name of any member of his/her family or in the name of any other person;
 - (b) shares, debentures and cash including bank deposits inherited by him/her or similarly owned, acquired, or held by him/her;
 - (c) other movable property inherited by him/her or similarly owned, acquired or held by him/her; and
 - (d) debts and other liabilities incurred by him/her directly or indirectly.

NOTE 1. Sub-rule (1) shall not ordinarily apply to Group 'C' employees but the Secretariat may direct that it shall apply to any such employee of the Secretariat or class of such employee of the Secretariat.

NOTE 2. In all returns, the values of items of movable property worth less than Rs. 10,000/- may be added and shown as a lumpsum. The value of article of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

NOTE 3. Where an employee of the Secretariat already belonging to a service or holding a post is appointed to any other civil service or post, he/she shall not be required to submit a fresh return under this clause.

(ii) Every employee of Secretariat belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him/her or owned or acquired by him/her or held by him/her on lease or mortgage either in his/her name or in the name of any member of his/her family or in the name of the other person.

(2) No employee of Secretariat shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his/her own name or in the name of any member of his/her family.

Provided that the previous sanction of the prescribed authority shall be obtained by the employee of the Secretariat if any such transaction is with a person having official dealings with him/her.

(3) Where an employee of the Secretariat enters into a transaction in respect of movable property either in his/her own name or in the name of the member of his/her family, he/she shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand rupees in the case of an employee of the Secretariat holding any Group 'A' or Group 'B' post or fifteen thousand rupees in the case of employee of the Secretariat holding any Group 'C' post:

Provided that the previous sanction of the prescribed authority shall be obtained by the employee of the Secretariat if any such transaction is with a person having official dealings with him/her.

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

(5) The Secretariat may exempt any category of employee of the Secretariat belonging to Group 'C' from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of prescribed Authority.

Explanation 1. — For the purposes of this rule —

(1) the expression "movable property" includes —

- (a) jewellery, insurance policies, the annual premia of which exceeds Rs. 10,000/- or one sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;
- (b) all loans, whether secured or not, advanced or taken by the employee of the Secretariat;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios [radiograms and television sets].

- (2) (a) “prescribed authority” in respect of an employee of the Secretariat shall mean Hon’ble Chairman, Rajya Sabha for Group ‘A’ employees and Secretary-General, Rajya Sabha for Group ‘B’ & ‘C’ employees.
- (b) “prescribed authority” in respect of an employee of the Secretariat on foreign service or on deputation to any other Ministry or any other Government, means — the parent department on the cadre of which such employee of the Secretariat is borne or the Ministry to which he/she is administratively subordinate as member of that cadre.

Explanation II. — For the purposes of this rule ‘lease’ means, except where it is obtained from, or granted to, a person having official dealings with the employee of the Secretariat, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

Rule 18-A. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.

Notwithstanding anything contained in sub-rule (2) of Rule 18, no employee of the Secretariat shall, except with the previous sanction of the prescribed authority —

- (a) acquire, by purchase, mortgage, lease, gift or otherwise; either in his/her own name or in the name of any member of his/her family, any immovable property situated outside India;
- (b) dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him/her either in his/her own name or in the name of any member of his/her family.
- (c) enter into any transaction with any foreigner, foreign Government, foreign organization or concern,—
- (i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his/her own name or in the name of any member of his/her family, or any immovable property;
- (ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him/her either in his/her own name or in the name of any member of his/her family.

Explanation. — In this rule ‘prescribed authority’ has the same meaning as in Rule 18.

(17) Rule 19. Vindication of acts and character of employee of the Secretariat

- (1) No employee of the Secretariat shall, except with the previous sanction of the Secretariat, have recourse to any Court or to the press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character.

Provided that if no such sanction is received by the employee of the Secretariat within a period of three months from the date of receipt of his/her request by the Secretariat, he/she shall be free to assume that the permission as sought for has been granted to him/her.

- (2) Nothing in this rule shall be deemed to prohibit an employee of the Secretariat from vindicating his/her private character or any act done by him/her in his/her private capacity and where any action for vindicating his/her private character or any act done by him/her in private capacity is taken, the employee of the Secretariat shall submit a report to the prescribed authority regarding such action.

(18) Rule 20. Canvassing of non-official or other outside influence

No employee of the Secretariat shall bring or attempt to bring any political or other outside influence to bear

upon any superior authority to further his/her interests in respect of matters pertaining to his/her service under the Secretariat.

(19) Rule 21. Restriction regarding marriage

- (1) No employee of the Secretariat shall enter into, or contract, a marriage with a person having a spouse living; and
- (2) No employee of the Secretariat having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Secretariat 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 of the Secretariat and the other party to the marriage; and
 - (b) there are other grounds for so doing.
- (3) An employee of the Secretariat who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Secretariat.

(20) Rule 22. Consumption of intoxicating drinks and drugs

An employee of the Secretariat shall —

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he/she 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/her duty and shall also take due care that the performance of his/her duties at any time is not affected in any way by the influence of such drink or drug;
- (c) not appear in a public place in a state of intoxication; and
- (d) not use any intoxicating drink or drug to excess.

Rule 22-A. Prohibition regarding employment of children below 14 years of age

No employee of the Secretariat shall employ to work any child below the age of 14 years.

3.5 Misconduct — The following acts may amount to misconduct —

- (i) if the act or conduct is prejudicial or likely to be prejudicial to the interests of the employer or to the reputation of the employer;
- (ii) if the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his/her duty to his/her employer;
- (iii) if the act or conduct of an employee makes it unsafe for the employer to retain him/her in service;
- (iv) if the act or conduct of the employee is so grossly immoral that a reasonable man will say that the employee cannot be trusted;
- (v) if the act or conduct of the employee is such that the employer cannot rely on the faithfulness of his/her employee;
- (vi) if the act or conduct of the employee is such as to open before him/her temptations for not discharging his/her duties properly;

- (vii) if the employee is abusive or if he/she disturbs the peace at the place of his/her employment;
- (viii) if he/she is insulting and insubordinate to such a degree as to be incompatible with the continuance of the relation of employer and employee;
- (ix) if the employee is habitually negligent in respect of the duties for which he/she is engaged; and
- (x) if the neglect of the employee though isolated, tends to cause serious consequences.

3.6 Acts and omissions amounting to misconduct — The following acts and omissions (not to be taken to be an exhaustive list) may amount to misconduct: —

- (i) Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior.
- (ii) Infidelity, unfaithfulness, dishonesty, untrustworthiness, theft and fraud, or dishonesty in connection with the employer's business or property.
- (iii) Strike, picketing, *gherao*, striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
- (iv) Gross moral misconduct — Acts subversive of discipline — Riotous or disorderly behaviour during office hours at the 'establishment' or any act subversive of discipline.
- (v) Habitual late attendance.
- (vi) Habitual negligence or neglect of work.
- (vii) Habitual absence without permission and over-staying leave.
- (viii) Conviction by a criminal court.

3.7 Serious misconduct meriting major penalty — The procedures for initiating disciplinary action against a Government servant for misconduct are provided under the Central Civil Services (Classification, Control & Appeal) Rules, 1965. These rules broadly correspond to the rules mentioned in part IV and V of the 1957 rules. The Government of India's instructions under Rule 14 of the CCS (CCA) Rules state that the nature of the disciplinary action and quantum of punishment has to commensurate with the gravity of the offence committed. The following types of cases have been indicated as those which may merit imposition of one of the major penalties —

- (i) Cases in which there is a reasonable ground to believe that a penal offence has been committed by a Government servant but the evidence forthcoming is not sufficient for prosecution in a Court of law, e.g.,
 - (a) possession of disproportionate assets;
 - (b) obtaining or attempting to obtain illegal gratification;
 - (c) misappropriation of Government property, money or stores;
 - (d) obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate;
- (ii) Falsification of Government records
- (iii) Gross irregularity or negligence in the discharge of official duties with a dishonest motive
- (iv) Misuse of official position or power for personal gain
- (v) Disclosure of secret or confidential information even though it did not fall strictly with the scope of the Official Secrets Act
- (vi) False claims on the Secretariat — like T.A. claims, Medical/Tuition fee reimbursement claims, etc.

3.8 Procedure in Disciplinary Cases —The breach of code of conduct and discipline or any errant behaviour by an official of the Secretariat is to be reported to the Personnel Section, by the Officer in charge of the Section/ Unit (through the Joint Director/Director), in case of Section staff and by the appropriate superior officer in other cases. In cases where the gravity of the offence does not demand immediate disciplinary action the concerned officer of the level of Deputy Director may, after calling for written explanation in the matter, issue a written warning to the individual, in the first instance, if felt desirable. Only in the event of repetition of the lapse/misconduct by the same individual, the matter may be referred to the Personnel Section alongwith the earlier/connected papers for suitable action. Similarly, when an official proceeds on leave without prior permission, the concerned officer of the level of Deputy Director should in the first instance, recall the person concerned on duty immediately and in the event of non-compliance of such directions, the matter may be referred to Personnel Section for suitable action. All such reports will be in writing, giving specific details of the misconduct the names of witnesses or documentary evidence etc. On receipt of such information in the Personnel Section, any additional material that may be required for processing the case is sought from the concerned officer/section before the case is submitted to the Joint Director/Director (Admn.) along with proposal for action. (The Section concerned is required to submit the necessary information without delay. Failure to do so will be dealt with seriously.) The nature of disciplinary action against the official would depend on the gravity of offence. After examining all the materials available in case it is felt that the matter is not serious enough to justify the imposition of some formal punishment, but calls for some informal action such as the communication of a written warning, admonition or reprimand, action is taken accordingly under orders of the appropriate authority.

Where the alleged act by an official amounting to misconduct warrants some formal punishment by way of imposition of either a minor or major penalty, the procedures stipulated in the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957 read with CCS (CCA) Rules are followed.

The following table indicates the various stages, channels/levels of decision-making and time-schedule in the procedure followed for the imposition of minor/major penalties:—

Stage:	Time Schedule	Level of Decision-making
Minor Penalties		
1. Intimation to the official of the proposal to take action against him/her alongwith the statement of imputations of misconduct	1 month from the date a report with complete details is received in Personnel Section.	Joint Director/Director (in case of officials upto Group 'B') and Secretary-General in case of Group 'A' Officer.
2. Opportunity to the official for making representation against the proposal	7-10 days	
3. Holding of inquiry, if necessary	2 months	Disciplinary Authority
4. Orders or the case together with reasons therefor	1 month	-do-
Major Penalties		
1. Orders for initiating inquiry proceedings	2 months from the date a report with complete details is received in Personnel Section.	-do-
2. Approval of the charge sheet	2 weeks	-do-

Stage:	Time Schedule	Level of Decision-making
3. Intimation to the official of the proposal to hold inquiry alongwith the distinct articles of charge, statement of imputations of misconduct and list of documents by which and list of witness by whom the charges are proposed to be sustained.	within 7 days thereafter	Joint Director/Director
4. Opportunity to the employee for making a written statement of defence.	10 days	
5. Appointment of Inquiry Officer and Presenting Officer	within 5 days thereafter	Disciplinary Authority
5A. Completion of Inquiry	3 months	
6. Forwarding of Inquiry Officer's report to the charged official	within 5 days of receipt of Report	Joint Director/Director
7. Opportunity for written representation against the inquiry report	15 days	
8. Order of imposition of Penalty	within 1 month thereafter	Disciplinary Authority

The following are the Disciplinary Authorities in respect of various categories of officials:—

- (i) Group 'A'— Chairman
- (ii) Group 'B' & 'C'— Secretary-General

3.9 Expeditious disposal of cases of suspension etc. — As per instructions issued from time to time, under CCS Rules, (applicable *mutatis mutandis* in the case of Rajya Sabha Secretariat) generally suspension should only be resorted to in the following circumstances:—

- (i) where a disciplinary proceeding against a Government servant is contemplated or is pending;
- (ii) where in the opinion of the competent authority a Government servant has engaged himself/herself in activities prejudicial to the interest of the security of the State; and
- (iii) where a case against an employee of the Secretariat in respect of any criminal offence is under investigation, inquiry or trial.

An order of suspension should not be made in a perfunctory or in a routine and casual manner without proper regard to the guiding principles and where no public interest is likely to be served. Suspension should not be resorted to for petty offences unrelated to morality or official duties, Whenever a Secretariat employee continues to remain absent from duty or overstays leave without permission and his/her movements are not known, he/she should not be mechanically placed under suspension, as this would entail payment of subsistence allowance, as against treating the period of absence as *dies non*. But when an official who is under suspension disappears and cannot be contacted, at his/her last known address the suspension order should be lifted and proceedings initiated for his/her removal *in absentia*.

While public interest is to be the guiding factor in deciding to place an employee of the Secretariat under suspension, the competent authority should take all factors into account and exercise his/her discretion, with due

care while taking such action even when the matter is under investigation and before a *prima-facie* case is established. The following circumstances may be considered appropriate to place a Secretariat employee under suspension:

- (i) where his/her continuance in office will prejudice investigation, trial or any inquiry (*e.g.*, apprehended tampering with witnesses or documents);
- (ii) where his/her continuance in office is likely to seriously subvert discipline in the office in which he/she is working;
- (iii) where his/her continuance in office will be against the wider public interest, *e.g.*, if there is a public scandal and it is considered necessary to place the employee under suspension to demonstrate the policy of the Secretariat to sternly deal with officers involved in such scandals, particularly corruption;
- (iv) where a preliminary inquiry revealed a *prima-facie* case justifying criminal or departmental proceedings, which is likely to lead to his/her conviction and/or dismissal; removal of compulsory retirement from service; and
- (v) where he/she is suspected to have engaged himself/herself in activities prejudicial to the interest of the security of the State.

Certain types of misdemeanour where suspension may be desirable in the circumstances mentioned above are indicated below:

- (i) an offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of public money, possession of disproportionate assets, misuse of official powers for personal gain;
- (iii) serious negligence and dereliction of duty resulting in considerable loss to the Secretariat;
- (iv) desertion of duty; and
- (v) refusal or deliberate failure to carry out written orders of superior officers.

A Secretariat employee is, however, *deemed* to have been placed under suspension from the date of his/her detention if detained in custody for a period exceeding forty eight hours or from the date of conviction if sentenced to a term exceeding forty eight hours. It has been decided that disciplinary cases of Secretariat employees/officials should be finally decided within a period of six months from the date the employee/official was placed under suspension.

3.10 Official and Confidential Documents —

3.10.1 Official information is confidential: Official information acquired by the staff in their capacity as employees must be considered and treated as strictly confidential. No member of staff, except in so far as may be necessary in the discharge of his/her official duties, may take a spare copy of any writing on any official document which comes before him/her in his/her official capacity, or to which he/she is allowed, to have access.

3.10.2 Use of unpublished documents: No member of the staff may make use of any unpublished record or letter for communication to the press, or to unauthorised persons, whether official or not.

3.10.3 Treatment of Office Record: Office notes must be considered to be strictly confidential documents, and must not be removed from the office or be used by anyone outside the office on any pretext whatsoever. If any dealing hand of a Branch/Section wants to take any file or files home for study, the Branch/Sections in Charge can allow him/her to do so if circumstances justify the need, but he/she should keep a note of the file so removed from the office and should ensure that it is brought back to the office by the dealing hand on the following morning in a complete form. The office files taken home by the dealing hand should be carefully guarded by him/her and not shown to anyone.

3.10.4 Movement of Confidential and Secret Cases: In their passage from the office to officers and *vice versa*, confidential and secret papers should either be passed direct from hand-to-hand, or be submitted and returned under sealed cover. It should be ensured that: —

- (i) When a case is sent in a closed cover the date on which it is sent and the diary number of the case should be inserted on the cover or on the label.
- (ii) The officer who sends out the file or papers in a sealed cover should write his/her initials or signatures on the slip in such a way that part-of the signature or initials is on the portion of the slip attached to the flap of the envelope and the rest on the remaining portion of the slip. This will enable detection of efforts to open or tamper with the cover.
- (iii) Where confidential papers have to be sent to officers at their residences, they should invariably be sent in a sealed cover. The messenger/attendant taking the cover to the officers residence should be instructed to obtain the signature (with date and time) of the Officer to whom the papers are addressed if he/she is present, and if not, he/she may obtain the signature (with date and time) of any person of the household in token of having received them.

3.10.5 Confidential reference to Outside Offices: When it is required to consult another organisation in connection with a confidential case, only the papers that are absolutely necessary for the purpose of the reference should be sent with the file, and a list of the papers so sent should be kept on the retained portion.

3.10.6 Treatment of Covers marked 'Secret' or 'Confidential': Covers received, which are marked with the word 'Secret' or 'Confidential' should be sent unopened to the officer to whom they are addressed by his/her personal staff. Covers marked with the word 'Secret' or 'Confidential' only, and without the name or designation of any Officer on either the inner or outer cover should be submitted unopened to the Head of office/Department. Papers received from the Government of India or State Governments and marked 'Top Secret' will be dealt with by the officer concerned and will remain in his/her custody after disposal; on no account must such papers be allowed to be seen by an official lower in status than that of a Section in-Charge.

3.10.7 'Secret' and 'Confidential' references from Government: Secret and confidential information supplied by Ministries of the Government of India in response to notices of Questions etc. or in connection with matter before Parliamentary Committees must be generally treated as such, subject to specific orders with regard to circulation or transmission of the information to any party.

3.11 Handing over Charge on Transfer — Officials on their transfer from one Section or Office to another cannot just leave the Section or Office and join in the new Section or new Office of posting. They are required to first properly handover the pending receipts, all registers and files in their custody or under their charge besides preparing a list of important and time-bound papers/matters so that the records remain in proper custody at all times and no important and time-bound case remains unattended or delayed.

With the above end in view the following procedure is required to be observed when an official is transferred to or out of a Section:—

- (i) The official transferred out of the Section/Cell or from an Office will prepare three lists, consisting respectively of:—
 - (a) all undealt receipt remaining with him/her. The undealt receipts will be tallied with the entries in the Assistant's diary;
 - (b) registers and records and Assistant's diary maintained by him/her; and
 - (c) all files including guard files in his/her custody.

In addition to this, he/she will also separately prepare a list of receipts/files/matters of urgent nature, court cases, and other important matters, which need to be attended to without delay by his/her successor.

- (ii) In case, at the time of his/her transfer his/her replacement/successor has been posted and has joined, he/she will hand over the undealt receipts/all registers and records including Assistant's diary and files according to the three lists prepared as at above under proper signatures of the relieved and relieving official. A copy of each of the three lists will be retained by both the officials and the third copy will be handed over to the Section Officer or senior-most Assistant supervising the work.
- (iii) Where an official is transferred out without his/her replacement/successor having been posted, the official transferred out shall, before leaving for his/her new posting, prepare the three lists of receipts, registers and files as above and hand over the same together with the receipts/files/registers to the Section Officer or Senior Assistant supervising his/her work. He/she will also prepare another list indicating the receipts of urgent nature, court cases, and other important matters needing attention without delay and hand over the same to the supervisory officer supervising his/her work, so that he/she assigns such receipts/matters to some other dealing hand as an interim measure. As and when the replacement/successor joins, he/she shall take over the undealt receipts, files and registers by signing.
- (iv) Where an official posted in a Section or an office is not able to take over the charge because of his/her predecessor being on leave etc. at the time of his/her joining, the official shall prepare lists of pending receipts, registers (including Assistant's diary) and current files, including guards files and hand over a copy of all these lists to the Section's supervisor pointing out the important pending receipts left unattended so that the Section's supervisor may initiate measures for their immediate disposal and if necessary inform the Branch Officer of the position. As and when the official posted out rejoins duty in the office, he/she should be asked by the supervisor of the Section to verify the entries in the lists and sign the lists.

It is the personal responsibility of the official transferred to or from the Section/Office to prepare the lists in the above manner and to hand over the same to the supervisor of the Section/Office personally. A copy of these lists is to be attached with the joining/departure reports by the Supervisor while forwarding the joining/departure reports to the next superior/high authority without which the joining/departure reports will not be deemed to be complete.

The Executive Officer/Senior Assistant supervising the work of the officer concerned will bring to the notice of the Branch Officer in writing both any deviation from this procedure as well as details of important papers and cases left unattended or likely to remain unattended and ensure issue of orders for their prompt disposal. Any lapse in this behalf is the personal responsibility of the supervisor of the Section.

3.12 Representations/applications — Procedure for submission —

3.12.1 Submission of application or representations:

- (i) No member of the staff shall submit on any subject connected with the office his/her application for leave or his/her representation direct to the Chairman/Deputy Chairman/Secretary - General/Secretary/Additional Secretary/Joint Secretary.
- (ii) Representation should not be made jointly. In no case should office forms or papers be used for making personal representation or requests.
- (iii) In making applications, representations, appeals or petitions, the language used should not be improper or offensive. Failure to observe this by the person concerned must be suitably dealt with.

3.12.2 Application for outside posts will ordinarily be forwarded at the discretion of Secretary-General. Such applications should be submitted through the Branch/Section in-Charge in case of non-gazetted staff and through Supervisory Officer in case of Gazetted Officers.

3.13 Attendance and Leave —

3.13.1 Hours of Attendance: Office hours unless otherwise specified are from 10 a.m. to 6 p.m. with a half-an-hour lunch-break from 1.30 p.m. to 2 p.m. Any member of the staff may, however, be required to work beyond office hours or on holidays (except Independence Day and Republic Day), if his/her work is not up-to-date or the business of the Secretariat demands. The order of the Joint Secretary supervising the Section will be obtained on such occasions, in advance.

3.13.2 Attendance Register: An attendance register will be kept in each Branch/Section under the supervision of the Executive Officer/Assistant Director. On arrival in office every official will mark his/her attendance in this register. It will be removed from the office and placed before the Branch Officer at 10.10 a.m. In case any official is on leave, the kind of leave will be mentioned. In case of absence the letter 'A' will be written in pencil. If the absence is regulated as leave, appropriate entry will be substituted. Any member of the staff arriving after 10.10 a.m. will report himself/herself to the Branch Officer and give the reasons for his/her late attendance verbally or in writing. For late attendance or short leaves, the following deductions should be made from the casual leave account of the official:—

Upto 2 hours 1/3rd of a day

Upto 3½ hours 1/2 of a day

3.13.3 Checking of attendance:

- (i) Surprise checks of all Sections are to be conducted by the officers/officials deputed by the Administration Section.
- (ii) The Branch Officers will conduct surprise checks of their Sections once a week for ensuring that officials come to office in time and also remain present in the Sections during working hours.

3.13.4 Leave not to be presumed: Absence without leave is an infringement of discipline, which, unless satisfactory explanation is submitted, will be severely dealt with. Leave must be applied for and sanctioned before it is taken, and it is only in cases of sudden and serious illness, or other exceptional circumstances to be proved to the satisfaction of the officer concerned, that the rule can be relaxed.

Private Secretaries, Personal Assistants, Stenographers and Messengers/Attendants attached to officers should not leave office while the officers are sitting or proceed on leave without personally informing the officer concerned.

Absence of officials from duty or refusal to perform duty assigned is a breach of discipline and will attract disciplinary action. The period in question may also be treated as '*dies non*'.

3.13.5 Casual leave : The following general instructions will apply:

- (i) The maximum amount of casual leave allowed during the calendar year must not exceed the admissible limit of 8 days.
- (ii) Casual leave will not ordinarily be granted for more than 5 days at a time.
- (iii) Casual leave shall not be combined with any other kind of leave. This may, however, be combined with restricted holidays, or gazetted holidays.
- (iv) Casual leave on medical grounds for more than two days will not be allowed without a medical certificate.

- (v) Special casual leave for participating in National Sports Events etc., may be given as per orders by the Government.
- (vi) Casual leave shall not be applied from home except on medical grounds.
- (vii) If any Government servant avails himself/herself of casual leave when it is not admissible, he/she will do so at his/her own risk and ordinarily will be treated as absent on leave without pay.
- (viii) Prior permission for casual leave on account of anticipated causes will be taken through proper channel. Absence in anticipation of sanction will be condoned only if the necessity for the leave could not have been foreseen. In such cases, the nature of sudden emergency should be stated in the application. Failure to obtain prior permission may invite disciplinary action.
- (ix) An official without adequate cause applying for casual leave on account of temporary indisposition may, if considered necessary by the leave sanctioning authority, be required to produce a medical certificate or hospital ticket.
- (x) An application for casual leave submitted from the residence of an applicant should contain his/her residential address. If he/she proposes to leave the headquarters during the leave period, permission to leave the headquarters should be taken and the leave address should also be given.
- (xi) In all cases where prior approval has not been taken, the official shall inform his/her Superior Officer on telephone as soon as possible.

An abstract statement showing casual leave taken and late attendance will be exhibited in the last column of the attendance register and consolidated by the Section in-Charge immediately after a month is over.

3.13.6 Maintenance of Record of Casual Leave/Restricted Holidays:

- (i) Casual leave in respect of Section in-Charge and staff of all Sections will be sanctioned by Deputy Director/Joint Director and the record of casual leave will be maintained by the Section in-Charge.
- (ii) Casual leave of Deputy Director/Joint Director/Director of all the Services will be sanctioned by the Joint Secretary/Additional Secretary concerned and record of casual leave will be maintained by Private Secretary/Personal Assistant to the Joint Secretary/Additional Secretary concerned.

Casual leave in respect of these Deputy Directors/Joint Directors/Directors who report to more than one Joint Secretary/Additional Secretary will be sanctioned by each of the Joint Secretary/Additional Secretary concerned. However casual leave record in respect of such an officer would be maintained by the Private Secretary/Personal Assistant of the superior or senior-most officer amongst them.

- (iii) Casual leave for Joint Secretary/Additional Secretary will be sanctioned by the Secretary-General and Private Secretary to Secretary-General will maintain the record of casual leave.
- (iv) Casual leave in respect of personal staff of officers will be sanctioned by the officer concerned and the register would be maintained by his/her Private Secretary/Personal Assistant.
- (v) Casual leave of personal staff (Gazetted only) attached with Hon'ble Chairman/Deputy Chairman/Leader of Opposition and Chairmen of Parliamentary Committees, Rajya Sabha will be maintained by Establishment (General) Section.

3.13.7 Procedure for grant of regular leave: Regular leave account of all staff is maintained in the Estt. (G) Section and grant of leave is regulated by CCS (Leave) Rules. Sanction of leave is accorded only after verification of title and all officers/officials are expected to apply for leave well in advance, on the prescribed proforma unless the reason is emergent and unforeseen. While applying for leave an official will check that he/she has sufficient leave to his/her credit. Where the official applying for leave has not indicated that he/she has sufficient leave to his/her

credit, the superior officer will not recommend the leave while forwarding it for appropriate action to Estt. (G) Section. Officers recommending or sanctioning leave to staff under their control are expected to exercise judgement regarding the need for the leave in relation to the work pending disposal or requiring the presence of the officer/official. Absence without obtaining sanction of leave will constitute misconduct, entailing disciplinary action.

Under the extant provisions of CCS (Leave) Rules, leave cannot be claimed as a matter of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it. However, as emphasized in the instructions issued from time to time, such provisions have been made in the rules because it is not possible to let all those who want leave at a particular time to have it at that time and there is a limit beyond which depletion of staff cannot be permitted without dislocating the working of an establishment. These instructions are not intended to be used as in effect to abridge the leave entitlements of the staff. It is indeed desirable in the interest of the public services that Secretariat employees take leave at suitable intervals and return to work relaxed and refreshed. It has been also laid down that the leave sanctioning authorities may encourage Secretariat employees to take leave periodically, preferably annually; and in case where it is not possible to grant leave to a large number of applicants at the same time, a phased programme for the grant of leave to the applicants by turn be drawn with due regard to the principle enunciated.

The recommending authority for sanction of leave in case of non-gazetted staff is concerned Deputy Director. In case of Assistant Director/Executive Officer, concerned Director/Joint Director and in case of Director/Joint Director/ Deputy Director the recommending authority is concerned Joint Secretary/Director, where post of Joint Secretary is vacant.

3.13.8 Compensatory Leave: Members of the non-gazetted staff would be eligible for Compensatory Leave *in lieu* of attending office on Saturdays/Sundays/holidays with the prior approval of the Joint Secretary. The accumulation of Compensatory Leave *in lieu* of duties performed on Sundays, etc. would not be subject to any limit. The leave so accumulated should be availed of within a period of twelve months from their respective due dates. However, not more than two days' Compensatory Leave would be admissible at a time.

3.13.9 Special Leave: Special Leave will be granted to non-gazetted staff *in lieu* of attending office on Saturdays/ Sundays/holidays, specially declared as 'working days'. Those officers and members of the staff who fail to attend office on that day, specially declared as a 'working day', would be required to apply for leave for that day and such officials would not be entitled to the benefit of Special Leave. The accumulation of Special leave, like Compensatory Leave, would not be subject to any limit, However, the leave should be availed of within a period of twelve months from the day it becomes due.

3.13.10 Holidays:

- (i) The holidays admissible in public offices are notified yearly in the official gazette.
- (ii) The Head of a Division may order in the interest of work that the whole or part of the office shall remain open on any holidays.
- (iii) On holidays, on which the office is closed, one or more members of the office staff may, if necessary, be called by the Branch Officer to attend office to deal with work of urgency. For this purpose, a list of residential address with nearest telephone number of all staff members should be maintained in the Section/Office.