

# **Rajasthan Housing Board Employees (Disciplinary Action and Appeal)**

## **CHAPTER - I**

1. These regulations may be called “The Rajasthan Housing Board (Employees Disciplinary action and appeal) Regulation 1976.
2. These regulations shall come into effect from the date they have been approved by the Govt.
3. Unless otherwise expressly provided, these regulations will apply to all the officers and employees of the Board as covered under the Rajasthan Housing Board Employees Service Regulations, 1970 and Rajasthan Housing Board Employees conditions of Recruitment and Promotion Regulations, 1976.

4. Power to amend and interpret the regulations-

The Board may, subject to limits of its powers to make such regulations, amend, alter, interpret, relax, remake, rescind or add to these regulations subject to the approval of the State Government.

5. Power to delegate-

The Board may confer on the Chairman, Housing Commissioner or any of its officers any of its powers in these regulations by resolution subject to the provisions of Rajasthan Housing Board, Act 1970 and rules made there under, Delegated powers shall be exercised subject to such conditions and limits, as may be prescribed in the resolution by the board.

## **CHAPTER - II**

### **DISCIPLINARY ACTION AND PROCEDURE**

## 6. **Nature of Penalties-**

The following punishments may, for good and sufficient reasons, and as hereinafter provided, be imposed upon members of the services under the Board namely:-

### **Minor Penalties-**

- (1) Censure.
- (2) Withholding of increments with or without cumulative effect.
- (3) Debarring from promotion.
- (4) Recovery from pay of the whole or any part of pecuniary loss caused to the Board by negligence or breach of orders.

### **Major Penalties-**

- (1) Reduction to a lower post or to a lower stage in the time scale.
- (2) Compulsory retirement;
- (3) Removal from service;
- (4) Dismissal from service.

### **Explanation- (I) Discharge:-**

- (a) Of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation; or
- (b) Of a person engaged under contract, in accordance with the terms of his contract, or
- (c) Of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of appointment does not amount to removal or dismissal within the meaning of this regulation,

- (ii) The removal of a person from the service of the Board shall not disqualify him from future employment but dismissal shall disqualify him from future employment.

**7. Appointing authority competent to award punishment-**

The authorities competent to appoint and to suspend officers and employees of the Board and to award Major penalties specified above shall be the same as defined in the 'Delegation of Powers.

**8. Appellate Authorities-**

- (I) there shall be only one appeal from the minor penalty imposed upon an officer or an employee of the Board. As regards major penalty, second appeal shall lie to the next higher authority, wherever possible.

- (ii) Appeal against award of minor and major penalty from competent authorities shall be to next higher authority. Final appeal shall be to a committee of the Board appointed by the Chairman.

- (iii) There shall be no appeal to any penalty imposed by the committee of the Board headed by Chairman.

**9. Suspension-**

- (a) An officer or employee may be placed under suspension when;
  - (I) an enquiry into grave charges of suspected disobedience, malpractice or misappropriation is contemplated or is pending or during enquiry his continuance in service is considered to be detrimental to the interest of the Board, or
  - (ii) A complaint against him on any criminal offence involving moral turpitude is under investigation or trial and if such suspension is necessary in the public interest.

- (b) An order of suspension under clause (a) may be revoked at any time by the authority making the order or by any authority to which it is subordinate.

**10. Procedure for awarding minor Penalties-**

- (a) Minor penalties- In case where it is proposed to impose any of the following penalties on any officer or employee, he shall be given statement of allegations and a reasonable opportunity of making any representation that he may desire to make, and such representation if any shall be taken into consideration before the order imposing the penalty is passed.

1. Censure
2. Withholding of increment
3. Debarring from promotion
4. Recovery from pay of the whole or any part of pecuniary loss caused to the Board by negligence or breach of orders.

Provided that there shall be no appeal if the penalty imposed is only of a simple warning or reprimand.

**11. Procedure for awarding Major Penalties-**

Following major penalties can be imposed by the competent authority upon any officer or employee of the Board as per the procedure laid down under this regulation:

**(1) Major Penalties-**

- (i) Reduction to a lower post or to a lower stage in the time scale pay.
- (ii) Compulsory retirement.
- (iii) Removal from service.

**(2) Procedure for imposition of major penalties-**

- (a) A person against whom action is proposed to be taken for a major penalty shall be provided with a copy of the charge or charges, as well as a statement of allegations that have been made against him and about which enquiry is being held. Such copy of charge sheet and allegations shall be sent under postal certificate to the employee's permanent address available and recorded with the Board and such an issue of charge sheet under postal certificate shall be conclusive proof of the charge sheet statement of allegations duly served on him and no plea of non-receipt against this shall be admitted.
- (b) The person charged shall be required, within a period of 15 days of the receipt of the charge sheet by him, to put in his written statement of the defense giving a complete list of documents and defense witnesses. If no such statement is furnished by the person charged, within the prescribed time and unless extended, it shall be presumed that the person charge sheeted admits his guilt and the competent authority is within its right to pass final expert orders against him in the enquiry.
- (c) If after furnishing the written statement the persons charged desires to see the relevant documents such of the documents as are being taken into consideration or are to be relied upon for the purpose of providing the charge or charges may, at the discretion of the Enquiry Officer be shown to him.
- (d) The person charged shall also produce all the relevant documents required by him in his defense together with a list

of his defense witnesses if any along with his written statement so that the enquiry may not be delayed unnecessarily. However the Enquiry Officer may admit evidence of relevant documents if any even at a later stage of the enquiry by either side before the final orders are passed by the enquiry officer provided he finds that such documents provide necessary he finds that such documents provide necessary evidence for arriving at a fair decision in the case.

- (e) Oral evidence may be recorded by the Enquiry Officer if he permits any witness to be produced by either side. After the person charged has presented his written statement as per clause (b). The evidence of the prosecution shall be recorded first and thereafter the defense evidence shall be recorded.

All such statements shall be read over to the witness and then signed by the witness. If the witness is illiterate then his thumb impression shall be taken and the enquiry. Officer shall also sign the same in proof of the same being read over to him and admitted to be correct by the witness.

- (f) Normally it shall be responsibility of the prosecution and defense to produce their witnesses by themselves unless the enquiry officer otherwise directs the summoning of the witnesses through its agency but unnecessary adjournments shall not be given for calling or appearances of witness which may prolong the enquiry and defeat the justice.
- (g) The expenses of witness, if any, called by the Board to give evidence against the person charged shall be borne by the Board and the expenses of witness called by, or at the instance of the person charged shall be borne by him.

- (h) After completing the enquiry and giving the person charged a further opportunity of making a written or oral statement, the enquiry officer shall record his findings on such charges and reasons for such findings.
  - (I) The competent Authority, on the basis of its own findings or on those of the Enquiry Officer, shall pass such orders as he may deem fit provided that before the competent authority passes the final order imposing the penalty of dismissal or removal, the person concerned shall be supplied with a copy of the findings of the competent authority or of the enquiry officer, as the case may be, and give a 15 days notice to show cause why the penalty should not be imposed.
  - (j) Every order imposing a penalty on the Board Employees shall be communicated to him in writing unless the same has been announced personally to him by the competent authority and a note to this effect made on the order sheet by the competent authority.
- (3) The procedure laid down in sub clause 2 need not be followed and all or any of its. Provisions may be waived in the following cases:-
- (I) when the person charged is a temporary employee.
  - (ii) When the person charged admits the charges;
  - (iii) When the order of punishment i.e. dismissal, removal or reduction is to be based on facts which have led to the conviction of the person charged in a criminal court.
- (4) Without prejudice to the provisions of any law for the time being in force any employee who is found to be guilty of major penalties liable to any or more of the punishments indicated above,

according to the gravity of the case, the punishment will depend not only on the case under review but also on his past record.

**12. Punishment of lent officers-**

A servant of the Central or State Government or of a Public Sector Undertaking whose services have been lent to the Board shall not be punished except by an authority who would have been competent to do so, if his services had not been so lent but the Chairman, Housing Commissioner or the authority delegated with the powers of punishment, as the case may be shall be entitled to make an enquiry and to report against such servant to such authority in the Government who can impose penalty upon such lent officer.

## **CHAPTER - III**

### **APPEALS**

**13. Disposal of Appeals:-**

In the case of an appeal against an order imposing a penalty the appellate authority shall consider:-

- (I) whether the facts on which the order was based have been established.
- (ii) Whether the penalty is excessive, adequate or inadequate, and
- (iii) Whether the prescribed procedure has been duly followed and after such consideration shall pass such order as it thinks proper.

**14. Who should appeal:-**

Every officer or servant preferring an appeal shall do so separately and in his own name.

**15. Time limit for appeal:-**



No appeal preferred under these regulations shall be entertained unless it is preferred within 30 days from the date on which the appellant received the order appealed against.

**16. Modification of Punishment:-**

The order of punishment issued by an authority or by its predecessors shall not be modified without the previous sanction of the appropriate appellate authority.

**17. Procedure for Appeal:-**

Every appeal preferred under these regulations shall contain all material statements and arguments relied upon by the appellant and shall contain no disrespectful or improper language and shall be complete in it. Every such appeal shall be addressed directly to the authority to which the appeal is preferred and shall be submitted to the appellate authority competent to hear the appeal.

**18. Power of Appellate Authority to call appeals:-**

An appellate authority may call for any appeal admissible under these regulations and may pass such orders thereon, as it considers fit.

**19. Notwithstanding anything contained in these regulations.**

- (i) The Board/Chairman or
- (ii) The appellate authority within six months of the date of the order proposed to be reviewed, or
- (iii) Any other authority specified in this behalf by the Board by a general or special order, and within such time as may be prescribed in such general or special order, may at any time, either on his or its own motion or otherwise call for the records of any enquiry and review any order made under these rules and may.....

- (a) Confirm, modify or set aside the order; or
  - (b) Confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed or
  - (c) Remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case and
  - (d) Pass such other orders as it may deem fit; provided that no order imposing or enhancing any penalty shall be made by and reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the major penalties or to enhance the penalty imposed by the order sought to be reviewed, no such penalty shall be imposed except after an enquiry in the manner laid down in rule 4 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the enquiry.
- (2) No proceeding for review shall be commenced until after:-
- (I) the expiry of the period of limitation for an appeal, or
  - (ii) The disposal of the appeal, where any such appeal has been preferred;
- (3) An application for review shall be dealt within the same manner as if it were an appeal under these rules.

## **CHAPTER-V**

### **MISCELLANEOUS**

**20. Power to interpret these rules:-**

The Board reserves the right to interpret the provisions of these regulations.

**21. Power to amend. Modify or add to these Regulations:-**

The Board may amend, modify or add to these regulations from time to time and all such amendments, modifications or additions shall take effect from the dates stated therein.