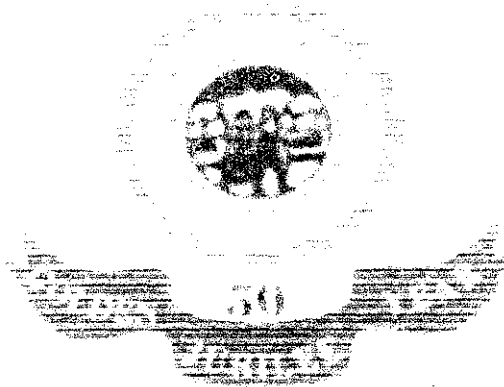


THE EMPLOYEES' PROVIDENT FUND STAFF

**[CLASSIFICATION, CONTROL & APPEAL]
RULES, 1971**

(AS AMENDED UPTO 11TH DECEMBER, 1993)



**EMPLOYEES' PROVIDENT FUND ORGANISATION
HEAD OFFICE, NEW DELHI**

THE EMPLOYEES' PROVIDENT FUND STAFF (CLASSIFI-
CATION, CONTROL & APPEAL) RULES, 1971.

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THE EMPLOYEES' PROVIDENT FUND STAFF
(CLASSIFICATION, CONTROL AND APPEAL)
RULES, 1971.

1. SHORT TITLE AND COMMENCEMENT:- (1) These rules may be called the Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971.

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

PART - I - GENERAL

2. DEFINITIONS:- In these rules, unless the context otherwise requires -

(a) 'Act' means the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952);

(b) 'Appointing Authority' in relation to an employee means -

(i) the authority empowered to make appointments to the grade in which the employee is for the time being included, or

(ii) the authority empowered to make appointment to the post which the employee for the time being holds, or

(iii) the authority which appointed the employee to such grade or post, as the case may be;

(iv) where the employee, having been substantively appointed to a grade, having held a permanent post has been in continuous employment of Central Board, the authority which appointed him to that grade or post; which ever is the highest authority;

(c) 'Central Board' means the Board of Trustees constituted under Section 5A of the Act;

(d) 'Chairman' means Chairman of the Central Board;

(e) deleted.

(f) 'Commissioner' means the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Regional Provident Fund Commissioner appointed under sub-section (1) or sub-section (2) of Section 5(D) of the Act;

(g) 'Disciplinary Authority' means the authority competent under these rules to impose on an employee any of the penalties specified in rule 7;

(h) 'Employee' means every person, other than a Central Provident Fund Commissioner and Financial Advisor & Chief Accounts Officer, appointed to a post under the Central Board and includes a person whose services are temporarily placed at the disposal of a Company, Corporation, a Local Authority or an Office or Department of the Central Government or that of a State Government on foreign service or deputation terms;

(i) 'Government' means the Central Government;

(j) 'Post' means a post under the Central Board;

(k) All other words and expressions used hereinafter but not defined herein shall have the meanings assigned to them in the relevant rules applicable to the corresponding classes of Central Government servants.

(1) 'Schedule' means the schedule to these rules.

3. APPLICATION:- (1) Except as otherwise provided in sub-rule (2), these rules shall apply to every employee of the Central Board.

(2) Nothing in these rules shall apply to-

(i) any person in casual employment;

(ii) any person subject to discharge from service on less than one month's notice;

(iii) any person for whom special provision is made, in respect of matters covered by these rules, by or under an agreement entered into by or with the approval of the Central Government/Central Board before or after the commencement of these rules, in regard to matters covered by such special provisions;

(3) Notwithstanding anything contained in sub-rule (1):-

(a) the Central Government may exclude any class of employees from the operation of all or any of this rule.

(b) The Central Provident Fund Commissioner may with the approval of the Central Government/ Central Board, by order, exclude any class of employees from the operation of all or any of these rules.

(4) If any doubt arises whether these rules or any of them apply to any person, the matter shall be referred to the Central Provident Fund Commissioner, who shall decide the same.

PART- II- CLASSIFICATION.

4. CLASSIFICATION OF POSTS:- The posts under the Central Board other than those ordinarily held by person to whom these rules do not apply shall be classified as follows:-

- (1) GROUP 'A'
- (ii) GROUP 'B'
- (iii) GROUP 'C' and
- (iv) GROUP 'D'

PART-III - APPOINTING AUTHORITY.

5. (1) Deleted.

(2) Appointments to posts shall be made by the authorities to whom the powers to make such appointments have been/may be delegated by the Central Board or the Commissioner as the case may be.

PART- IV- SUSPENSION.

6. (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Central Govt./ Central Board may place an employee under suspension:-

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

(aa) Where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or

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

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) An employee shall be deemed to have been placed under suspension by an order of appointing 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 his 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-rule 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 employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original 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 employee 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 a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

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

(b) Where an employee is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceedings or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

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

Contd....6/-

PART-V- PENALTIES AND DISCIPLINARY AUTHORITY

7. PENALTIES:- The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely:-

MINOR PENALTIES:-

- (i) Censure ;
- (ii) Withholding of his promotion ;
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Central Board by negligence or breach of order ;
- (iii) (a) Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.
- (iv) Withholding of increments of pay with or without cumulative effect.

MAJOR PENALTIES:-

- (v) *Save as provided for in clause (iii) (a), 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 pay ;
- (vi) Reduction to a lower time-scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of the restoration to that grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post ;
- (vii) Compulsory retirement ;
- (viii) Removal from service which shall not be a disqualification for future employment under the Central Board ;
- (ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Central Board.

^{or}
*Insted vide notification No.P-IV/2(6)/84/CCA dt: 11.11.93.

.....7/-

EXPLANATION:- The following shall not amount to a penalty within the meaning of this rule, namely:-

(i) Withholding of increments of pay of an employee for his failure to pass any departmental examination in accordance with the rules or orders governing the post which he holds or the terms of his appointment ;

(ii) Stoppage of an employee at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar ;

(iii) Non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case, to a grade or post for promotion to which he is eligible ;

(iv) Reversion of an employee officiating in a higher grade or post to a lower grade or post, on the ground that he is considered unsuitable for such higher grade or post or on any administrative ground unconnected with his conduct ;

(v) Reversion of an employee, appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing or the rules and orders governing such probation ;

(vi) Replacement of the services of an employee whose service had been borrowed from an outside authority-Governmental statutory, autonomous, etc., at the disposal of such authority ;

(vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ;

(viii) Termination of the services:-

(a) of an employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation ;

(b) of temporary employee in accordance with the provisions of sub-regulation(3) of regulation 8 of the Employees' Provident Fund (Staff and Conditions of Service) Regulations, 1962 ; or

(c) of an employee, employed under an agreement in accordance with the terms of such agreement.

8. DISCIPLINARY AUTHORITIES:- (1) The Central Govt. may impose any of the penalties specified in rule 7 on an employee.

(2) The Central Board may impose any of the penalties specified in rule 7 on any employee for whom the Central Board is the appointing authority under Section 5(D) (3) of the Act.

(3) Without prejudice to the provisions of Sub-Rule (1) & (2), the appointing authority or authority specified in the Schedule to this rule, may impose any of the penalties specified in rule 7 on any employee to the extent specified in the Schedule.

EXPLANATION:- Where an employee holding a lower post is promoted, whether on probation or temporarily, to a higher post, he shall be deemed for the purpose of this rule as holder of the higher post.

NOTE below explanation under rule 8(3) Deleted.

9. AUTHORITY TO INSTITUTE PROCEEDINGS:- (1) The Central Government may-

(a) institute disciplinary proceedings against any employee ;

(b) direct disciplinary authority to institute disciplinary proceedings against any employee to whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 7.

(2) The Central Board may-

(a) institute disciplinary proceeding against any employee for whom it is the appointing authority under sub-section 3 of Section 5(D) of the Act;

(b) direct disciplinary authority to institute disciplinary *proceedings* against any employee to whom the Central Board is the appointing authority provided that such authority is competent to impose any of the penalties on the employee under rule 7.

(3) Without prejudice to the generality of the provisions of sub-rule (2), a disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule 7 may institute disciplinary proceedings against an employee for imposition of any of the penalties specified in clauses (v) to (ix) of rule 7 notwithstanding that such disciplinary authority is not competent under those rules to impose any of the latter penalties.

PART- VI - PROCEDURE FOR IMPOSING PENALTIES. .

10. PROCEDURE FOR IMPOSING MAJOR PENALTIES:-(1) No order imposing any of the penalties specified in clauses (v) to (ix) of rule 7 shall be made except after an inquiry held as far as may be, in the manner provided in this rule and rule 11.

(2) Wherever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into or appoint under this rule an authority to inquire into the truth thereof.

EXPLANATION:- Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this rule and rule 11, the disciplinary authority shall draw up or cause to be drawn up--

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge ;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain--

(a) a statement of all relevant facts including any admission or confession made by the employee ;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the employee to submit within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint under sub-rule (2) an inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid-down in rule 11.

(b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquire into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, 1[an employee or a Central Government Servant] or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the article of charge.

(6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority:-

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour ;

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

Note:1 Substituted vide G.S.R.No.2891 dt, 27.12.1975.

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(iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3) ;

(iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the employee ; and

(v) a copy of the order appointing the " Presenting Officer ".

(7) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

(8A) The employee may take the assistance of any other employee or Government Servant posted in any office either at his Hqrs. or at the place where the enquiry is held to present the case on his behalf, but may not engage a Legal Practitioner for the purpose, unless the presenting Officer appointed by disciplinary authority is a Legal Practitioner or the disciplinary authority having regard to the circumstances of the case so permits.

Provided that the employee may take the assistance of any other employee or Government Servant posted at any other station, if the enquiry authority having regard to the circumstances of the case and for reasons to be recorded in writing so permits.

NOTE:- The employee shall not take the assistance of any other employee or Government Servant who has two pending disciplinary cases on hand in which he has to give assistance.

(8B). The employee may also take the assistance of a retired employee or a ^{retired} Government Servant to present the case on his behalf subject to the following conditions:-

(i) The retired Government Servant/employee should have retired from service under Central Govt./or Employees' Provident Fund Organisation.

(ii) If the retired employee/retired Govt. servant is also a Legal Practitioner, the restriction on engaging a Legal Practitioner by a delinquent employee to present the case on his behalf, contained in Rule 10(8A) of Employees' Provident Fund Staff (Classification, Control & Appeal) Rules, 1971, would apply.

(iii) The retired employee/Government Servant concerned should not have, in any manner been associated with the case at investigation stage or otherwise in his official capacity.

(9). If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority such authority shall ask him whether he is guilty or has any defence to make and if pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

(10). The Inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

(11). The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence-

(i) Inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3) ;

- (ii) submit a list of witnesses to be examined on his behalf.

Note:- If the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

- (iii) give notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Central Board but not mentioned in the list referred to in sub-rule (3).

Note:- The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Central Board.

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

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against public interest it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such question to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or re-call and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

NOTE:- New evidence shall not be permitted or called for nor any witness recalled to fill up any gap in the evidence. Such evidence may be called for only when there is inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the employee shall be required to state his defence orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the presenting Officer, if any, appointed.

(17) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witness produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for disciplinary authority.

(18) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in evidence against him.

(19) The inquiring authority may after the completion of the production of the evidence, hear the presenting officer, if any, appointed, and the employee or permit them to file written briefs of their respective case, if they so desire.

(20) If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of rule 7 ~~but~~ not competent to impose any of the penalties specified in clauses (v) to (ix) of rule 7.7, has itself inquired into or caused to be

inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of rule 7 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

- (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these rules.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine cross-examine and re-examine any such witnesses as hereinbefore provided.

- (23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-----

- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefor.

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

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

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

- (a) the report prepared by it under clause (i)
- (b) the written statement of defence, if any, submitted by the employee;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of inquiry; and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

11. ACTION ON THE INQUIRY REPORT:-(1) The disciplinary authority, if it is not itself the inquiring authority may for reasons to be recorded by it in writing, remit the case

to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of the rule 10 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on the article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 7 should be imposed on the employee, it shall, notwithstanding anything contained in Rule 12, make an order imposing such penalty;

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 7 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

12. PROCEDURE FOR IMPOSING MINOR PENALTIES:-

(i) Subject to the provisions of sub-rule (3) of rule 11, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of rule 7 shall be made except after:-

(a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

- (b) holding an inquiry in the manner laid-down in sub-rules(3) to (23) of rule 10, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
- (d) recording a finding on each imputation of misconduct or misbehaviour; and
- (e) deleted.

(1A) ~~Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the employee under clause (a) of that sub-rule, to withhold increments of Pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold the increments of Pay for a period exceeding three years or to withhold increments of Pay with cumulative effect for any period, an enquiry shall be held in the manner laid down in sub-rule(3) to (23) of Rule 10 before making any order imposing on the employee any such penalty.~~

(2) The records of the proceedings in such cases shall include:-

- (i) a copy of the intimation to the employee of the proposal to take action against him;
- (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
- (iii) his representation, if any;
- (iv) the evidence produced during the inquiry;
- (v) Deleted
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with the reasons therefor.

13. COMMUNICATION OF ORDERS:- Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

14. COMMON PROCEEDINGS:- (1) Where two or more employees are concerned in any case, the Central Government or Central Board or any ^{other} authority competent to impose the penalty of dismissal from service on all such employees, may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE:- If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of rule 8, any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in rule 7 which such disciplinary authority shall be competent to impose;
- (iii) whether the procedure laid-down in rule 10 and rule 11 or rule 12 shall be followed in the proceeding.

15. SPECIAL PROCEDURE IN CERTAIN CASES:- Notwithstanding anything contained in rule 10 to rule 14:-

- (i) where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the Central Government /Central Board or the Central Provident Fund Commissioner is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i).

16. PROVISIONS REGARDING EMPLOYEES LENT TO OTHER ORGANISATIONS ETC., :- (1) Where the services of an employee are lent on deputation or on foreign service terms to a department of the Central or State Government or an Organisation or Public Undertaking (hereinafter in this rule referred to as the borrowing authority), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the employee (hereinafter in this rule referred to as the lending authority) of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the employee—

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 7 should be imposed on the employee, it may, after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the service of the employee shall be replaced at the disposal of the lending authority;

- (ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 7 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary;

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 11.

EXPLANATION:- The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with rule 10.

17. PROVISIONS REGARDING OFFICERS BORROWED FROM CENTRAL, STATE GOVERNMENTS, etc:- (1) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services have been borrowed from Central or State Governments or an authority subordinate thereto or a local or other authority the authority lending his services (hereinafter in this rule referred to as the lending authority), shall forthwith be informed of the circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the employee if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 7 should be imposed on him, it may, subject to the provisions of

sub-rule (3) of rule 11 and after consultation with the lending authority, pass such orders on the case as it may deem necessary:

- (i) Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority;
- (ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 7 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority, and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

PART-VII - APPEALS

18. ORDER AGAINST WHICH NO APPEAL LIES:- Notwithstanding anything contained in this part, no appeal shall lie against—

- (i) any order made by the Central Government/ Central Board.
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under rule 10.

19. ORDER AGAINST WHICH APPEAL LIES:- Subject to the provisions of rule 18, an employee may prefer an appeal against all or any of the following orders, namely--

- (i) an order of suspension made or deemed to have been made under rule 6;
- (ii) an order imposing any of the penalty specified in rule 7 whether made by the disciplinary authority or by any appellate or revising authority;

- (iii) an order enhancing any penalty, imposed under rule 7 ;
- (iv) an order which--
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) an order--
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
 - (b) reverting him while officiating in a higher grade or post to a lower grade or post otherwise than as a penalty;
 - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
 - (e) determining his pay and allowances--
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal removal, or compulsory retirement from service or from the date of his reduction to a lower grade or post, time scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his grade or post; or
 - (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation:- In this rule-

(i) the expression 'employee' includes a person who has ceased to be in the service of the Central Board.

(ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

20. APPELLATE AUTHORITIES:- (1) An employee, including a person who has ceased to be in the service of the Central Board may prefer an appeal against all or any of the orders specified in rule 19 if such order is made--

(a) by the Central Provident Fund Commissioner to the Central Government or the Chairman, CBT as the case may be;

(b) by an authority subordinate to the appointing authority, to the appointing authority;

(c) by any other authority, to the authority to which the authority which made the order is immediately subordinate.

(2) Notwithstanding anything contained in sub-rule(1)

(a) an appeal against an order in a common proceeding held under rule 14 shall lie to the authority to which the authority functioning as the disciplinary authority for purpose of that proceeding is immediately subordinate;

(b) where the person who made the order appealed against becomes, by, virtue of his subsequent appointment or otherwise the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

21. PERIOD OF LIMITATION FOR APPEALS:- No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

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.

22. FORM AND CONTENTS OF APPEAL:- (1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, 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, 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, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

23. CONSIDERATION OF APPEAL:- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 6 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 7 or enhancing any penalty imposed under the said rule, the appellate authority shall consider--

- (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the failure of justice;
- (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

and pass order---

- (i) confirming enhancing, reducing, or setting aside, the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that-

- (i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 7 and an inquiry under rule 10 has not already been held in the case, the appellate authority shall subject to the provisions of rule 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 10 and thereafter, on a consideration of the proceedings or such inquiry and make such orders as it may deem fit;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 7 and an inquiry under rule 10 has already been held in the case, the appellate authority shall make such orders as it may deem fit; and
- (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions of rule 12, of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in rule 19, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

24. IMPLEMENTATION OF ORDERS IN APPEAL:- The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART-VIII- REVISION & REVIEW

25. REVISION:

- (1) Notwithstanding anything contained in these rules:-
 - (i) The Central Government or the Central Board as the case may be or
 - (ii) the appellate authority, within six months of the date of the order proposed to be revised; or
 - (iii) any other authority specified in this behalf by the Central Govt./Central Board by a general or special order, may, at any time, either on its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or regulations repealed by Rule 29 from which an appeal is allowed but from which no appeal has been preferred or from which no

appeal is allowed, any 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 circumstance of the case; or
- (d) pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making representation against the penalty proposed and, where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 7 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in rule 10 but subject to the provisions of Rule 15.

(2) No proceedings for revision 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 revision shall be dealt within the same manner as if it were an appeal under these rules.

25-A. REVIEW:

The Central Government or the Central Board as the case may be, may at any time, either on its own motion or otherwise, review any order passed under these rules 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 its notice;

Provided that no order imposing or enhancing any penalty shall be made by the Central Government/Central Board unless the employee concerned has been given reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in clauses (v) to (ix) of Rule 7 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under rule 10 has not already been held in the case, no such penalty

shall be imposed except after holding an inquiry in the manner laid down in rule 10, subject to the provisions of Rule 15.

PART-IX-MISCELLANEOUS

26. SERVICE OF ORDERS, NOTICES ETC.:- Every order, notice, and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post.

27. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY.:- Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under the rules or condone any delay. (28) SUPPLY OF COPY OF COMMISSIONERS ADVICE. (Deleted)

29. REPEAL AND SAVING.:- (1) Regulations 4(1), 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the Employees' Provident Fund (Staff & Conditions of Service) Regulations, 1962 and the First and the Fifth and Sixth Schedules thereof are hereby repealed.

Provided that:-

(a) such repeal shall not affect the previous operation of the said regulations or order made or anything done, or any action taken thereunder;

(b) any proceedings under the said regulations pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the regulations or orders in force before the commencement of these rules.

(3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules, as if such orders were made and the appeal were preferred under these rules.

(4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules.

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

30. REMOVAL OF DOUBTS.:- If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Central Government/Central Board whose decision thereon shall be final.

The Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971 - Application to the Commissioners order.

C.S.R. _____ In exercise of the powers conferred by sub-section (6) of section 5D of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby directs that pending the framing of discipline, control and appeal rules for the Central Provident Fund Commissioner, Deputy Provident Fund Commissioners and Regional Provident Fund Commissioners, the matters concerning the aforementioned officers in regard to discipline, control and appeal shall be regulated, mutatis mutandis, in accordance with the relevant provisions contained in the Employees' Provident Fund Staff (Classification, Control and Appeal) Rule, 1971.

Published in Part-II, Section 3(1) of Extra Ordinary Gazette of India dated the 7th September, 1972 vide Notification No. G.S.R. _____.

.....31/-

EMPLOYEES' PROVIDENT FUND ORGANISATION SERVICE SCHEDULE
UNDER RULE 7 OF E.P.F. STAFF (C.C.A) RULES, 1971.

S.No.	Description of Service	Ap-pointing Authority (vide Rule 5)	Authority competent to impose penalties & penalties which it may impose (with reference to item numbers in rule 7 & 8 Authority Penalties	Appellate authority (vide rule 20)	
(1)	(2)	(3)	(4)	(5)	(6)
1.	REGIONAL OFFICE GROUP 'D'	E.P.F.C.-in-Charge of the Region.	i) RFFC-in-Charge of Region ii) RFFC/AFPC-in-Charge of the Sub-Regional Office.	All (Both minor & Major) (Minor) i to iv of rule 7.	Addl. C.F.F.C. RFFC-in-Charge of the Region.
	-Junior Gestetner Operator for Regional Office				
	-Record Sorter (Senior)				
	-Chowkidar/Helper/Mali/Erash/Water Carrier/Safaiwala (Sweeper)				
	-Jamadar/Daftry/Record Sorter (Junior)				
	-Cook-cum-Guest House Attendant				
	-Peons				

:38:

OFFICE OF THE CENTRAL PROVIDENT FUND COMMISSIONER,
9TH FLOOR, MAYUR BHAWAN, CONNAUGHT CIRCUS, NEW DELHI-1.

No.P.IV/2(3)86/Vol.II/

Dated the 4th June, 1987.

OFFICE ORDER.

In exercise of the powers conferred under sub-rule (2) of Rule 8 of the Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971, the Central Board with the approval of Central Government, hereby delegate the power to the Regional Provident Fund Commissioner-in-charge of the Local Administration in the Head quarters office of the Employees' Provident Fund Organisation to impose minor penalties specified in clauses (i) to (iv) of Rule 7 of the Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971 on any employee upto the level of Superintendent working in the Head quarters office of Employees' Provident Fund Organisation.

2. The delegation of these powers take effect from the date of issue of this order and shall remain inforce until further orders.
3. The powers delegated hereunder shall not be further delegated by them to any other officer subordinate to him.

Sd./-

(E. K. BHATTACHARYA)
CENTRAL PROVIDENT FUND COMMISSIONER.

TO

Regional Commissioner-in-charge of Local Administration
(Headquarters).