

West Bengal Police Housing & Infrastructure Development Corporation Limited

Employees' Service Rules, 2017

In exercise of the powers conferred by the Companies Act, 2013 and the Articles of Association of West Bengal Police Housing & Infrastructure Development Corporation Ltd., the Board of Directors of West Bengal Police Housing & Infrastructure Development Corporation Ltd. hereby makes the following Rules to govern the terms and conditions of service of the employees of West Bengal Police Housing & Infrastructure Development Corporation Ltd., as follows:

CHAPTER - I

EXTENT OF APPLICATION

1. Short title & commencement:

- 1.1. These Rules may be called the West Bengal Police Housing & Infrastructure Development Corporation Ltd. Service Rules, 2017.
- 1.2. The Amended Rules shall come into force on the date of approval of the Board of Directors of West Bengal Police Housing & Infrastructure Development Corporation Ltd.

2. Extent of application:

Section I of these Rules shall apply to all such employees of the Corporation, who are appointed on regular basis against posts duly approved by the Govt. of West Bengal and whose conditions of service, the Board of Directors is competent to prescribe.

Section II will be applicable for contractual employees only.

Provided that an employee whose services have been obtained on deputation by the Corporation will be governed by such terms and conditions as may be settled by the Appointing Authority of the parent organization of the deputationist in consultation with the Corporation.

Provided further that the Corporation, with the prior approval of the State Government, may send on deputation any of its employees to any department or organization under the administrative control of either the Union Government or the State Government on such terms and conditions as may be settled by the Corporation in consultation with the borrowing department or organization. However, the period of deputation shall not exceed three years.

3. Repeal and savings:

All Rules, Orders corresponding to these Rules in force immediately before the commencement of these Rules and applicable to the employees of the Corporation to whom these Rules apply are hereby repealed:

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Provided that in respect of anything done, any act committed or any omission made before the commencement of these Rules, the rules, orders etc. which were in force when the thing was done, the act was committed or the omission was made shall be deemed to continue and to have always continued to apply.

4. **Applicability of relevant provisions of rules, orders and notifications:**

In respect of any matter for which provision has not been made in these Rules or in the Act or in other relevant Statutes or by the Board of Directors of the Corporation otherwise, the relevant provision in the West Bengal Service Rules (Part - I and Part - II), orders and notifications of the State Government shall apply *Mutatis Mutandis*.

5. **Clarifications:**

In these Rules, where the context so admits, the masculine shall include the feminine, the singular shall include the plural and the term permanent shall include the regular and vice versa.

CHAPTER - II

DEFINITIONS

6. **Definitions:**

In these Rules, unless the context otherwise requires.

- 6.1. 'Act' means the Companies Act, 2013 including applicable Rules, Regulations, Notifications, and Orders etc. as amended from time to time.
- 6.2. 'Appellate Authority' means the authority specified as Appellate Authority in these Rules.
- 6.3. 'Appointing Authority' in relation to an employee of the Corporation means the authority empowered, which is as follows:
 - i. The Managing Director of W.B.P.H. & I.D.C.L. shall be the appointing authority in respect of the officers belonging to Group-A.
 - ii. Chief Personnel and Administrative Officer of this Corporation shall be the appointing authority in respect of officers and staff belonging to categories other than Group-A.
- 6.4. 'Apprentice/ Trainee' means a learner who may or may not be paid an allowance during the period of his training.
- 6.5. 'Articles of Association' means the Articles of Association of the Corporation within the meaning of the Companies Act, 2013 as may be approved by the Government of West Bengal from time to time.
- 6.6. 'Board' means the Board of Directors of West Bengal Police Housing & Infrastructure Development Corporation Ltd.
- 6.7. 'Corporation' or "Company" means the West Bengal Police Housing & Infrastructure Development Corporation Ltd. (W.B.P.H. & I.D.C.L.)

- 6.8. 'Chairman' means the Chairman of the Board of Directors of W.B.P.H. & I.D.C.L. as defined under the Act or in the Articles of Association of W.B.P.H. & I.D.C.L.
- 6.9. 'Competent Authority' in relation to exercise of any power means the Board of Directors or any other authority to which power is delegated by the Board of Directors for the purposes under these Rules.
- 6.10. 'Contractual Post' means a post sanctioned, for a definite period on contract against a consolidated pay and benefits as per the Corporation's Rules, by the Board of Directors of W.B.P.H. & I.D.C.L.
- 6.11. 'Contractual employee' means an employee who is employed for a definite period on contract against a consolidated pay and drawing benefits as per the Corporation's Rules against post sanctioned by the Govt. of West Bengal.
- 6.12. 'Casual Employee' means an employee whose employment is of casual nature on no-work-no-pay or on consolidated pay and drawing benefits as per the Corporation's Rules or in line with State Government Order against post sanctioned by the Board of Directors of W.B.P.H. & I.D.C.L.
- 6.13. 'Disciplinary Authority' means authority specified as Disciplinary Authority in these Rules empowered to impose penalties specified in these Rules on any employee of the Corporation.
- 6.14. 'Employee' for the purpose of these Rules means all employees including permanent, regular, contractual or casual, in the employment of the Corporation.
- 6.15. 'Foreign service' means service in which an employee receives his pay and allowances with the sanction of the Board of Directors from any source other than the fund of the Corporation.
- 6.16. 'Government' means the Government of West Bengal or the Government of India in appropriate context.
- 6.17. 'Headquarters' of an employee shall be in such a place as the Board of Directors or the Managing Director determine.
- 6.18. 'Holiday' means a day on which the Corporation's office is ordered by the competent authority to be closed for transaction of business of the Corporation.
- 6.19. 'House Rent Allowance' means allowance granted for defraying House Rent.
- 6.20. 'Joining Time' means the time allowed to any employee to enable him to join a new post or to travel to a station to which he is posted or transferred.
- 6.21. Head of the Department (HoD) means Functional Heads.
- 6.22. 'Leave Salary' means the emoluments paid to an employee while on leave.
- 6.23. 'Managing Director' means the Managing Director of W.B.P.H. & I.D.C.L. as defined under the Act or in the Articles of Association of W.B.P.H. & I.D.C.L.
- 6.24. 'Pay' means the emoluments drawn monthly by an employee as the pay which has been sanctioned in relation to the post held by an employee substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre and includes personal pay, and other remuneration which may be specially classed as pay by the Corporation.
- 6.25. 'Personal Pay' means additional pay, not attached to the post granted to an employee, to save him from a loss of pay in respect of pay due to revision of pay

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or to any reduction of such substantive pay otherwise than as disciplinary measure, or in exceptional circumstances, on other personal considerations.

- 6.26. 'Permanent Post' means a regular post having the sanction or approval of the Government.
- 6.27. 'Permanent employee' means a regular employee who is employed by the Corporation against a permanent post in a definite scale of pay without any time limit drawing allowances and receiving benefits including retrials, medical benefits, leave/LFC, loans and advances etc. as per the Corporation's Rules.
- 6.28. 'Probationer' means an employee who is employed by the Corporation in trial in or against a permanent or regular position, whether against a definite scale of pay or a consolidated pay, and is not confirmed in writing.
- 6.29. 'Promotion' means appointment of an employee to a higher position as per policy of the Corporation.
- 6.30. 'Rules' means the West Bengal Police Housing & Infrastructure Development Corporation Limited Employees' Service Rules.
- 6.31. 'Regular Post' means a post sanctioned by the Board of Directors of W.B.P.H. & I.D.C.L. carrying a definite scale of pay without any time limit.
- 6.32. 'Regular employee' means an employee who is employed by the Corporation against a regular post, since approved by the Government in a definite scale of pay without any time limit drawing allowances and receiving benefits including medical benefits, leave/ LFC, loans and advances etc. as per the Corporation's Rules.
- 6.33. 'ROPA' means West Bengal Services (Revision of Pay and Allowances) Rules, 2009 as may be amended from time to time.
- 6.34. 'Schedule' means schedules to these Rules.
- 6.35. 'Substantive Pay' means the pay other than personal pay, and other remuneration specially classified as pay which an employee is eligible to draw in the post to which he has been appointed substantively.
- 6.36. 'Subsistence Allowance' means a monthly grant made to a permanent or regular employee who is suspended from his service for any misconduct or dereliction of duties and who is not in receipt of pay or leave salary.
- 6.37. 'SHWWP [P, P & R] ACT, 2013' means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as amended from time to time.
- 6.38. 'Temporary Employee' means an employee who has been engaged for a work which is essentially of a temporary character likely to be finished within a limited period or who is temporarily employed in connection with a temporary increase in work of a permanent nature.
- 6.39. 'Transfer' means the movements of an employee of the Corporation from one office to another or in consequence of change of his charge of his headquarter.
- 6.40. 'Travelling Allowance' means an allowance granted to an employee towards the expenses incurred by him in traveling in discharging his duties in the interest of the Corporation.

- 6.41. Unless otherwise provided in these Rules, an employee on substantive appointment to any contractual, regular or permanent post in a public organization acquires a 'Lien' on the post (i.e. an entitlement to hold the post) and ceases to hold any lien previously acquired on any other post.

SECTION - I

CHAPTER - III

GENERAL CONDITIONS OF SERVICE

7. Classification of employees:

Classification of employees	Employees belong
Group - A	Employees holding all posts in the pay band Nos. 4 and 5 with grade pay ranging from Rs.4400/- to Rs. 10,000/-.
Group - B	Employees holding all posts in the pay band No.3 with grade pay ranging from Rs.3200/- to Rs. 4100/-.
Group - C	Employees holding all posts in the pay band No.2 with grade pay ranging from Rs.1900/- to Rs.2900/-.
Group - D	Employees holding all posts in the pay band No.1 with grade pay ranging from Rs.1700/- to Rs.1800/-.

The above classification will be effective from the date of approval of Board of Directors.

8. Age on first appointment:

Unless otherwise provided in these Rules, no person whose age exceeds upper age limit or is less than lower age limit as provided in the 'Recruitment Bye-laws - 2015' of this Corporation on the date of advertisement shall be admitted into the permanent or regular employment of the Corporation. [In case of SC/ ST/ PH (Persons with Disabilities)/OBC and other reserved categories, age of appointment may be relaxed as per Government Rules.]

Provided that the upper age limit may be relaxed by the competent authority of the Corporation on case to case basis for appointment in higher posts or in exceptional cases.

Provided further that the upper age limit for employment of contractual or casual employee shall be specified elsewhere in the Rules or as per 'Recruitment Bye-laws - 2015' of this Corporation.

9. Declaration of age by the applicant:

Every applicant for service in the Corporation shall, at the time of, and for the purpose of entry to the service of the Corporation, submit to the appointing authority, a declaration in

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Form - I as applicable, set out in the Schedule to these Rules stating therein the year, month and date of birth. The declaration so made shall be binding on the applicant and the applicant shall have no right to revise it subsequently for any reason whatsoever.

10. Submission of evidence in support of age by the applicant:

The applicant shall produce evidence in support of declaration about age. If the applicant has passed the School Final/ Madhyamik or Higher Secondary or equivalent examination, the admit card/ certificate of having passed such examination indicating the applicant's age therein granted by Board, Council or University holding the examination shall be produced. In any other case, the applicant shall produce other evidence of age e.g. birth certificate issued by Municipality and Panchayats, as acceptable to the Corporation.

In absence of the aforesaid categories of certificates an affidavit sworn either by his parents, or in their absence, by a near relative who is in a position to know about his birth, before a First Class Magistrate, as evidence in support of the date of birth given by him.

11. Order fixing the date of birth:

The appointing authority may consider the declaration made by the applicant and the evidence produced in support thereof and passes an order fixing the year, month and date of birth.

12. Verification of antecedents:

Prior to making any appointment under the Corporation, verification of antecedents of the candidate be made by way of submission of a notarized affidavit or PVR as will be decided by the Corporation. Any false declaration made in the application for recruitment or in any other documents submitted / statement made in connection with recruitment detected after appointment shall make the employee liable to dismissal.

13. Medical Certificate of Fitness:

Before joining any post under the Corporation for the first time, a candidate shall be required to produce a medical certificate of fitness in **Form - II** as has been specified in the Schedule to these Rules or otherwise, as may be acceptable to the Corporation from a registered medical practitioner/ hospital or Medical Board formed by this Corporation for this purpose.

14. Creation of Posts:

With a view to performing the functions entrusted to the Corporation in different provisions of Rules, the Board of Directors shall create such posts of such categories and of such types or scales of pay as the Board of Directors may deem necessary, subject to the Articles of Association of the Corporation and as may be approved by the Government of West Bengal so that the function of the Corporation may be performed smoothly.

15. Power to Make Appointments:

The appointment to any post of the Corporation shall be made according to the 'Recruitment Bye-laws - 2015'.

16. Whole-time at the Disposal of the Corporation:

Unless otherwise distinctly provided by the Corporation, the whole time of an employee shall be at the disposal of the Corporation and any employee may be employed/ engaged in the interest of the Corporation in the manner required by the competent authority, in addition to normal duties.

17. Appointment in the Corporation:

17.1. All appointments on entry in the Corporation shall initially be made on probationary basis as defined in these Rules.

17.2. On selection every employee shall be issued with a letter of appointment.

17.3. Every change in the particulars mentioned in the letter of appointment given to an employee shall immediately be communicated to him either by personal service with proper receipt or by registered post with acknowledgement due or through e-mail of the employee concerned.

17.4. Within three days of joining the service an employee shall furnish his present address from where he attends to his duties of the Corporation, permanent address, telephone number (s), e-mail address where all communications meant for him shall be sent. Any change in these respect shall immediately be communicated to the Personnel & Administration Department of this Corporation.

18. Limitations in Making Substantive Appointment:

- a. Two or more employees shall not be appointed substantively to the same post at the same time.
- b. An employee shall not be appointed substantively, except as temporary measure, to two or more permanent or regular posts at the same time. However, an employee working in a substantive post can temporarily officiate in another post.
- c. An employee shall not be appointed substantively to a post on which another employee holds a lien. However, if the post is a promotional post the employee who is next in seniority can officiate in this post.

19. Probation and Confirmation:

19.1. An employee -

- a. shall be on probation after his initial appointment in a regular or permanent post; and
- b. shall be confirmed in the post on satisfactory completion of the period of probation.

- 19.2. Except as otherwise provided elsewhere in these Rules, the period of probation shall be for one year.
- 19.3. A formal letter will be issued placing the employee on probation for a period of one year provided that the period of probation can be extended by the authorities for a further period not exceeding one year. If the performance of the employee is found to be unsatisfactory during the probation period, the authorities can take appropriate steps including termination of service in this regard with notice as per the terms of appointment.
- 19.4. On completion of the period of probation, the appointing authority shall either issue formal declaration making the probationer confirmed or take such action as may be considered necessary within six months from the date of completion of the period of probation if any, and the appointing authority shall ensure that confirmation on satisfactory completion of the period of probation is not delayed in any case.

20. Probation to promotional posts:

Confirmation shall be one time affair to a basic grade post of an employee in his service career, if there is no change of cadre post, there shall be probation of one year to any higher post to which an employee is promoted. After successful completion of the period of probation, the incumbents may be considered for further promotion to higher post or grade.

21. Resignation:

Employees on probation, in case of direct recruitment, shall be permitted to resign after giving one month's notice. Similarly, the Corporation may discontinue his/ her service by giving similar notice of one month.

After confirmation, an employee shall not leave or discontinue his/her service in the Corporation without giving prior notice in writing to the Managing Director of his intention to leave or discontinue the service. The period of such notice shall not be less than three months. However, in case of contractual employees the period of prior notice shall be one month.

An employee may, in lieu of notice, pay to the Corporation a sum equal to his gross pay (Basic + DA) for the period of notice required or for the period the notice falls short of the prescribed period. During the notice period, an employee may be granted leave, if entitled, at the discretion of the sanctioning authority. However, the Managing Director may, at his discretion, waive such payment of compensation in any case.

22. Transfer:

- 22.1. In the interest of the service of the Corporation, the Managing Director may transfer an employee from the Headquarters to Zonal/ Circle Offices, as the case may be. An employee must join the office to which he has been transferred within the period/date indicated in the transfer order.

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Provided that any such transfer shall not adversely affect the total emoluments or the basic conditions of service of the employee concerned.

- 22.2. Unless otherwise ordered by the appropriate authority in any particular case, the charge of office must be made over at its Administrative/Registered Office (declared Headquarter), in presence of both the relieving and the relieved officers.

23. Lump sum Transfer grant and packing allowance:

Unless otherwise indicated, an employee, irrespective of rank, of this Corporation on transfer will be entitled to the following grant/allowance:

Lump sum transfer grant @ Rs. 1800/- and packing allowance @ Rs. 1200/- or any other amount as per rules, framed from time to time, by the Corporation may be granted.

- i. The amount of grant/ allowance may be sanctioned without insisting on production of receipts relating to packing of personal effects.
- ii. Packing allowance is admissible even if the officer does not shift his family but shifts his personal effects.
- iii. Packing allowance may be allowed in full even if the officer carries only very little personal effects.
- iv. Full amount of lump sum transfer grant and packing allowance may be admissible, only when a transfer involves a change of station located at a distance more than 20 km from each other.

24. Transfer to a post in the same time scale:

When an employee is appointed, on transfer, to a post carrying the same time-scale of pay, shall be entitled to pay, from new appointment, which shall be the same as in old post, and the period, during which drew pay in the old post, shall be counted in calculating increment in the time scale of the new post.

25. Handing over of Charge:

Unless otherwise ordered by the appropriate authority in any particular case, the charge of office must be made over at its Administrative/Registered Office/ Declared Headquarters, in presence of both the relieving and the relieved officers.

26. Lien:

- 26.1. Unless or otherwise provided in these Rules, an employee on substantive appointment to any permanent or regular post acquires a lien on the post and ceases to hold any lien previously acquired in any other post.
- 26.2. The benefits of having a lien in a post will be enjoyed by all employees who are confirmed in the post of entry or who have been promoted to a higher post declared as having completed the period of probation where it is prescribed under these Rules.

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- 26.3. The above right will, however, be subject to the condition that the junior-most person in the post will be liable to be reverted to the lower post if at any time the number of persons so entitled is more than the posts available in that post.

For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis, reverts from deputation and if there is no vacancy in that post to accommodate him, the junior-most person will be reverted, if however, this officer himself is the junior-most, he will be reverted to the next lower post from which he was earlier promoted.

26.4. Duration of lien:

Unless lien is suspended or transferred an employee holding substantively a permanent or regular post retains lien on the post.

- a. While performing the duties of that post
- b. While holding a temporary post or officiating in another post
- c. While on deputation
- d. While on leave and
- e. While under suspension

26.5. Suspension of lien:

- i. The lien of an employee on a post which he holds substantively shall be suspended if he is appointed in a substantive capacity.
 - a. To another permanent or regular post outside the post in which he is borne, or
 - b. Provisionally, to a post on which another employee would hold lien had lien not been suspended.
- ii. The lien of an employee on a post which he holds substantively may be suspended, in the circumstances not covered by Clause (i) above is transferred on substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he shall remain absent from the post on which holds a lien for a period of not less than three years.
- iii. If the lien of an employee on a post is suspended under Clause (i) or (ii) above the post may be filled substantively, and the employee appointed to hold it substantively shall acquire a lien on it, provided that the arrangements shall be reversed as soon as the suspended lien revives.
- iv. The lien of an employee which has been suspended under Clause (i) above shall revive as soon as he ceases to hold a lien on a post of the nature specified in that Clause.
- v. The lien of an employee which has been suspended under Clause (ii) shall revive as soon as he ceases to hold a post in another cadre provided that a suspended lien shall not revive because the employee takes leave, if there is reason to believe that he will, on return from leave, continue to hold a post in

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another cadre and the total period of absence from duties will fall short of three years of that he will hold substantively a post of the nature specified in Clause (i).

26.6. Transfer of lien:

Subject to provisions of Sub-rule 26.1, 26.2. & 26.3, the Lien of an employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended, may be transferred to another permanent or regular post in the same cadre.

26.7. Lien not terminable:

The lien of an employee on a post may, in no circumstances, be terminated, even with the consent of the incumbent as the result will be to leave without a lien or a suspended lien.

27. Subscriptions to Contributory Provident Fund:

The permanent, regular, contractual and casual employees shall be covered under Contributory Provident Fund (CPF) Scheme of the Corporation. The contractual and casual employees shall be notionally fitted at the bottom of the corresponding pay-scale for the limited purpose of subscription under CPF scheme. All employees, below 60 years of age shall be brought under Contributory Provident Fund Scheme, as applicable.

28. Group gratuity:

28.1. The permanent, regular, contractual and casual employees of this Corporation, who are above 18 years of age and below 60 years of age, may be covered under Group Gratuity Plan of LIC/ SBI Life or any other agency selected by this Corporation. This plan will meet up Statutory Gratuity Benefit to the employees of this Corporation. This plan will also provide Life Coverage Benefit so that in case of sad demise of a group member an amount equal to sum assured in respect of the member will be paid by the Insurance Company.

28.2. Payment of Gratuity:

28.2.1. Gratuity may be payable to an employee of this Corporation on termination of his employment after he has rendered continuous service for not less than five (05) years;

- a. On his superannuation, or
- b. On his retirement or resignation, or
- c. On his death or disablement due to accident or decease:

Provided that the completion of continuous service of five (05) years shall not be necessary where the termination of employment of any employee of this Corporation is due to death or disablement:

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Provided further that in the case of death of the employee, Gratuity payable to him shall be paid by the Insurance Company to his nominee or, if no nomination has been made, to his heirs and where any such nominees or heirs is a minor, the share of such minor, shall be deposited with the controlling authority who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attains majority.

Explanation: For these purposes disablement means such disablement as incapacitates an employee for the work which he was capable of performing before the accident or decease resulting in such disablement.

- 28.2.2. For every completed year of service or part thereof in excess of six (06) months, the Insurance Company shall pay Gratuity to an employee @ fifteen (15) days wages / salaries based on the rate of wages / salaries last drawn by the employee concerned.

Provided that in case of an employee engaged on daily wages basis, daily employee, daily wages / salaries shall be computed on the average of the total wages / salaries received by him for a period of three months immediately preceding the termination of his employment, and, this purpose the wages / salaries paid for any overtime work shall not be taken into account.

Explanation: In case of a monthly rated employee, the fifteen days wages / salaries shall be calculated by dividing the monthly rate of wages last drawn by him by twenty six and multiplying the quotient by fifteen.

- 28.2.3. The amount of Gratuity payable to an employee of this Corporation shall not exceed ten (10) Lakhs rupees.
- 28.2.4. For the purpose of computing the Gratuity payable to an employee of this Corporation who is employed, after his disablement, on reduced wages / salaries, his wages / salaries for the period preceding his disablement shall be taken to be the wages / salaries received by him during that period, and his wages / salaries for the period subsequent to his disablement shall be taken to be the wages / salaries as so reduced.
- 28.2.5. Notwithstanding anything contained in point (28.2.1), -
- a. The gratuity of an employee, whose services have been terminated for any act, willful omission or negligence causing any damage or loss to, or destruction of property belonging to this Corporation shall be forfeited to the extent of the damage or loss so caused;
 - b. The gratuity payable to an employee may be wholly or partially forfeited -
 - i. If the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or

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- ii. If the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude provided that such offence is committed by him in the course of his employment.

28.2.6. In case of any dispute relating to the payment of Gratuity, the relevant provisions as laid down in the 'Payment of Gratuity Act, 1972' shall be followed.

29. Maximum period of absence from duty:

- 29.1. No permanent or regular employee shall be granted leave on any account for a continuous period exceeding three years including extraordinary leave without pay. However, the authority reserves the right to extend the maximum period of absence in deserving cases.
- 29.2. Where an employee does not resume duty after remaining on leave for a continuous period of three years, or where such employee after the expiry of leave remains absent from duty, otherwise than on account of suspension, for any period which, together with the period of leave granted, exceeds three years, shall, unless the Corporation in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned, and shall accordingly cease to be in the employment of the Corporation.
- 29.3. Where an employee who is in permanent or regular employment fails to resume his duties on the expiry of maximum period of three years and extraordinary leave granted to him under the provision of these Rules, or where such an employee who is granted a lesser amount of extraordinary leave without pay than a maximum amount admissible, remains absent from duty for any period, which together with the extraordinary leave granted, exceeds the limit upto which he would have been granted such leave under the same rules he shall, unless the Corporation in view of the exceptional circumstance of the case otherwise determines, be deemed to have resigned his appointment and shall accordingly cease to be in the employment of the Corporation.
- 29.4. However, contractual employees serving a continuous period of three years or more may be granted without pay leave for a period not exceeding 90 days or more at the discretion of the Managing Director, over and above his accumulated leave.

30. Seniority:

All regular or permanent employees shall be subject to these Rules relating to the determination of seniority in services as provided in these Rules or in separate Rules.

31. Promotion:

All cases of promotion shall be considered by the appointing authority on the basis of the Promotion Policy as may be framed separately and be approved by the Board of Directors.

31.1. Career advancement scheme:

A permanent or regular employee who has completed service of the stipulated period, without any promotion will be provided the benefit of Career Advancement Scheme (CAS) in line with the rules of the State Government whenever the same has been extended to the Companies/Corporations also.

32. Conduct of employees:

All employees shall be subject to these Rules relating to their conduct, duties, rights and obligations as has been specified in these Rules.

CHAPTER - IV

PAY AND ALLOWANCES

33. General principal:

All matters relating to pay and allowances will be decided by the Board of Directors of this Corporation. In case of any dispute the matter shall be referred to the Govt. whose decision will be final and binding on all parties.

34. Drawal of pay and allowances, date of its commencement and end:

Subject to exceptions made in these Rules, an employee shall begin to draw the pay and allowances attached to a post to which the employee has been appointed with effect from the date he assumes duties of that post and shall cease to draw the same when he ceases to discharge those duties.

Provided that an employee who is absent from duty without authority on any day or part thereof shall not be entitled to draw any pay or allowance for that day.

Note: An employee will begin to draw the pay and allowances attached to the post held by him with effect from the date on which he assumes duties of that post, if charge is transferred before noon of that date. If the charge is transferred in the afternoon he commences to draw them from the following day.

35. Entitlement of employees:

The permanent or regular employees shall be entitled to draw scale of pay, dearness allowances and other allowances and benefits, as may be determined by the Corporation.

36. Pay on initial appointment:

Pay of an employee at the time of initial appointment, generally shall be fixed at the minimum of the scale of pay to which the employee is recruited except in special cases

where the initial pay can be fixed after allowing suitable increments considering experience etc. with the approval of the Board of Directors.

37. Pay fixation on promotion:

37.1. Notwithstanding anything contained in these Rules, where an employee holding a post in substantive, or officiating capacity is promoted in a substantive, or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, the initial pay of such employee in the scale of pay of the higher post shall be fixed by allowing one increment as per the rate prescribed by the Corporation from time to time of the lower post and thereafter the difference of Grade Pay, if any, may be allowed subject to the approval of Board of Directors.

For fixation of pay under Sub-rule as noted above an employee may give an option about the date of effect of the revised pay, which may be considered to be beneficial to him.

Provided further that option in such cases may be exercised within 30 days from the date of promotion and that option once exercised shall be final.

- a. either initial pay of the employee may be fixed in the higher post under Sub-rule 37.1 of these Rules straightway without any further review on accrual of increment in the pay scale of the lower post, or
- b. pay of the employee on promotion may be fixed initially by allowing the Grade Pay in respect of higher post keeping Pay, Band Pay of the employee in respect of the old post which may be re-fixed on the basis of the provisions of Sub-rule 37.1 on the date of accrual of next increment in the scale of pay of the lower post;

Provided that if the pay is fixed under this clause the next increment shall fall due on the next 1st day of July provided he has completed 6 months from the date of fixation either in the manner as at (a) or at (b) above.

37.2. Notwithstanding anything contained elsewhere in these Rules, the pay of an employee shall, in respect of promotions/ appointments from one post to another carrying higher responsibilities, be fixed at the stage next above the pay drawn in the scale of pay of the lower post, irrespective of whether the lower post is held on substantive, officiating or temporary basis.

37.3. Increment:

An increment shall ordinarily be drawn as a matter of course unless it is withheld by the competent authority.

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38. Conditions for counting of service for increments:

- 38.1. Subject to provisions under these Rules uninterrupted services for a year in a post on a time scale counts for increment in that time scale.
- 38.2. Leave other than extra ordinary leave will count for increments in the time scale applicable to the post.
- 38.3. Extraordinary leave does not count for increments but the Competent Authority may, in any case where it is satisfied that leave was taken on account of illness or for any other cause beyond the employee's control, direct that the whole or any portion of such leave shall count for increments in the time scale of the post on which the employee concerned holds.
- 38.4. A period spent under suspension counts as qualifying service for increments if subsequently full pay has been allowed for such period. It also counts as qualifying service for increments even if full pay is not allowed for such period, provided the competent authority specifically directs in writing that it shall counts for increments.
- 38.5. In case of new employee, if he covers six months of continuous service before the date of increment i.e. for the present 1st July of every year, he will be entitled to one increment for the year.
- 38.6. No increment shall be given to the suspended employee till disposal of the matter.

39. Date of Increment:

The permanent or regular employees shall draw the increment after completion of one year of continuous services subject to satisfactory performance. However, in line with ROPA, increment of employees shall fall due in the month of July each year irrespective of their date of joining. In line with the Memorandum No. 5760-F[P] dt.7th June, 2011 of the State Government, Drawing and Disbursing Officer of the Corporation shall grant annual increment on the 1st day of July every year to all permanent or regular employees and officers unless it is withheld by specific order.

40. Stagnation increments:

An employee, who reaches the maximum of the scale of pay, shall continue to draw increment beyond the maximum of the scale for six years at the rate last drawn by him, as increment before reaching the maximum.

41. Reduction to a lower stage:

- 41.1. When an employee is ordered to be reduced to a lower stage, in a time scale, the authority passing the order shall include in the order -
 - i. a statement of the period for which the reduction is to remain in force; and
 - ii. a statement whether on the expiry of the period the employee's previous service in the stage of the time scale from which he was reduced, and the

period during which the orders of reduction were in force, shall count for increment in whole or in part or not at all.

- 41.2. When an employee is ordered to be reduced to a lower grade or post, and is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced counts for increment, unless the authority promoting or reinstating him declares that it shall not so count either in whole or in part. The period during which the orders of reduction were in force does not count for increment upon promotion or reinstatement.

Note: An order imposing the penalty of reduction to a lower service, grade or post or lower time scale should invariably specify -

- i. the date from which it will take effect;
- ii. the stage in the time scale (in terms of Rupees) to which the employee is reduced;
- iii. the period of reduction;
- iv. Whether on promotion subsequent to the imposition of penalty, the seniority of the employee which had been assigned to him prior to the imposition of penalty will be restored in the higher grade or post or higher time scale.

42. Dearness allowance:

Dearness Allowance shall be paid to the permanent and regular employees of the Corporation at the same rate and subject to the same conditions under which such allowance is paid to the employees of the Govt. of West Bengal.

43. House rent allowance:

House Rent Allowance shall be paid to the permanent and regular employees of the Corporation at the rates as admissible to State Government employees.

44. Grant of Reward:

Grant of reward in recognition of service for the Company shall be generally encouraged. The Company, may, however, at its discretion sanction the payment of reward in cases where it is satisfied that the service rendered in serving the Company has been such as to warrant special recognition by grant of reward.

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CHAPTER - VI

MISCONDUCT, PENALTY AND APPEAL

45. Description of misconduct:

Without prejudice to the general meaning of the term 'misconduct',

- i. Commission and omission of any act in violation or infringement of duties rights and obligations of the members of the staff as elaborated in Chapter IX of this Rule shall be treated as misconduct and be deemed to be sufficient reason for imposing penalty.
- ii. Any other act or omission as defined under laws of the Land or included by the Board of Directors of the Corporation from time to time.

46. Penalties for misconduct:

46.1. The following penalties may be imposed on an employee namely:

Minor:

- i. censure;
- ii. withholding of increment with or without cumulative effect;
- iii. recovery from pay, of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders;

Major:

- iv. reduction to a lower stage in the time scale of pay for a specified period with direction as to how future increments should be earned;
- v. reduction to a lower time scale of pay, grade, post or service with or without further directions as to restoration to the original grade and seniority and pay on such restoration;
- vi. compulsory retirement;
- vii. removal from services which shall not be a disqualification for future employment under any Corporation or undertaking or Government;
- viii. dismissal from service which shall ordinarily be disqualification for future employment under any statutory Board, Government undertaking or Government;
- ix. In case of complaints pertaining to sexual harassment, any other penalty imposed as per recommendation of the 'Internal Complaints Committee' - including monetary penalty in any manner, e.g. deduction from salary and allowances, either in one lump sum or in instalments.

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Note 1:

In disciplinary proceedings the punishment must be commensurate with the gravity of the offence committed and penalties imposed shall invariably be recorded in the Confidential Character Roll/ Service Book with red ink.

46.2. The following shall not amount to a penalty within the meaning of this Rule:

- a. non-allowing promotion whether in a substantive or officiating capacity of an employee after consideration of case, to the grade or post for promotion to which he is eligible;
- b. reversion to lower grade/post of an employee officiating in higher grade or post on the ground that he is considered, after consideration, to be unsuitable for such higher grade or post on administrative grounds not connected with conduct;
- c. replacement of the service of an employee whose services have been borrowed from the State Government or any other office which has lent the services;
- d. termination of services of an employee appointed on probation, during or at the end of the period of probation in accordance with the terms of his appointment;
- e. termination of services of an employee, appointed in a contractual capacity, on the expiration of the period for which he was appointed or earlier in accordance with the terms of his appointment;
- f. termination of services of an employee employed under an agreement in accordance with the terms of such agreement and termination of services of an employee on winding up of establishment in part or whole;

47. Procedure for imposing penalties:

- 47.1. The Disciplinary Authority will, after examination of the complaint received against the employee or after examination of the Preliminary Inquiry decide about the future course of action thereon, on the initiation of major or minor penalty proceeding, prosecution, discharge etc.
- 47.2. In the case of minor penalty proceedings, Rule 46 will decide the punishment laid out in Sub-rule 46.1 (i to iii) forming tentative opinion about the quantum of penalty based on the representation of the delinquent employee, if any, and ordering for a detailed oral hearing where necessary.
- 47.3. No order imposing any of the penalties specified in Sub-rule 46.1 (iv to ix) shall be made except after an enquiry held in the manner provided in these Rules and the disciplinary authority as defined in Rule 63 shall draw up or cause to be drawn up:

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- a. the substance of the imputations of misconduct or misbehavior into definite and distinct articles of charge; (including charges under the SHWWP [P, P & R] ACT, 2013.
 - b. a statement of imputations of misconduct or misbehavior into definite and distinct articles of charge; (including charges under the SHWWP [P, P & R] ACT, 2013.
 - c. a statement of relevant facts including any admission or confession made by the employee;
 - d. a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- 47.4. Notwithstanding what is contained in Sub-rule 47.3 above, the Disciplinary Authority may not follow the procedure prescribed therein in the following cases:
1. **Conviction on a criminal charge** - On the ground of conduct which has led to the conviction of the employee on a criminal charge.
 2. **Impracticability** - When the Disciplinary Authority is satisfied, for reasons to be recorded by that authority in writing that it does not consider it reasonably practicable to give to the person an opportunity of showing cause, no such opportunity need be given.
 3. **Reasons for security** - Where the Appointing Authority is satisfied that the retention of a person in the service of this Corporation is prejudicial to the security of the State, his services can be terminated without recourse to the normal procedure prescribed in Sub-rule 47.3.
- 47.5. The disciplinary authority shall deliver or cause to be delivered to the concerned employee a copy of article of charge(s) and the statement of imputations of misconduct or misbehavior prepared under clause (b) of Sub-rule 47.3 of this section and shall require the employee to submit to the inquiring authority within such time as may be specified a written statement of his defence and to state whether he desires to be heard in person.
- 47.6. The disciplinary authority shall in all cases for the purpose of enquiry appoint an inquiring authority and forward to him:
- a. a copy of the articles of charge and the statement of the imputations of misconduct or misbehavior ;
 - b. a copy of statement of witness and the list of witness, if any;
 - c. evidence proving the delivery of the documents to the employee;
 - d. a copy of the order appointing a 'Presenting Officer', if any.
- 47.7. In case of complaints of sexual harassment, the Internal Complaints Committee' shall be entrusted with handling the matter and deciding on the penalties to be

imposed, in accordance with the relevant provisions of the Sexual Harassment of Women at the Work Place Act, 2013 to the extent not covered under these Rules.

Explanation: The disciplinary authority may by an order in writing appoint an employee as the presenting officer to present on the Corporation's behalf the case in support of the articles of charge.

The disciplinary authority, if he so desires, and feels necessary shall by an order in writing appoint an Inquiry Officer who shall be anyone of the following:-

- i. An officer of this Corporation
 - ii. A Govt. Officer from outside the Corporation
 - iii. A practicing advocate
 - iv. A retired justice of High Court or District Court
 - v. An expert in relevant field.
- 47.8. The employee shall appear in person before the inquiring authority on such day specified and at such time within ten working days from the date of receipt by him the copy of the article of charge(s) and the statements of imputations of misconduct or misbehavior as the enquiring authority may, by a notice in writing specify in this behalf or within such further time not exceeding ten days, as the enquiring authority may allow.
- 47.9. If the employee who has not admitted any of the articles of charge in his 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 he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty. The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead or claims to be tried require the disciplinary authority or its representative 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 30 days, after recording an order that the employee may, for the purpose of preparing his defence:
- a. inspect within five days or the order of within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in the Sub-rule 47.3;
 - b. submit a list of witnesses to be examined on his behalf;
 - c. give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow asking for the discovery or production of any documents which are in the possession of the Corporation but not mentioned in the list prepared under Sub-rule 47.3.

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- 47.10. 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 document 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.

- 47.11. On receipt of the requisition referred to in Sub-rule 47.10 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 the public interest or security of the State or the Corporation, 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.

- 47.12. After the completion of the enquiry, the Inquiring authority will submit a report containing:

- a. the articles of charge and the statement or imputations of misconduct or misbehavior;
- b. the prosecution case with evidences;
- c. the defence of the employee in respect of each article of charge with evidences;
- d. an assessment of the evidence in respect of each article of charge;
- e. the finding on each article of charge and the reasons thereof with clear recommendation whether found guilty or not guilty in respect of each article of charge;

- 47.13. The disciplinary authority shall consider the record of the enquiry and record its findings on each charge.

- 47.14. If the disciplinary authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clause (i) to (iii) of Sub-rule 46.1 should be imposed, it shall pass appropriate orders on the case.

- 47.15. If the disciplinary authority, having regard to its finding on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (ix) of Sub-rule 46.1 should be imposed it shall;

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- a. furnish to the employee a copy of the report of the inquiring authority and a statement of its findings together with brief reasons for disagreement, if any, with findings of the inquiring authority; and
- b. give him a notice stating the punishment proposed and the grounds therefore and calling upon him to submit within a specified time such representation as he may wish to make on the punishment proposed but only on the basis of the evidence adduced during the enquiry.

47.16. The disciplinary authority shall consider the representation, if any, made by the employee according to the provisions of the aforesaid Rules and determine what penalty, if any, to be imposed on the employee and pass appropriate order on the case.

Provided that in imposing penalty, the disciplinary authority shall take into account the gravity of the misconduct, the previous record, if any, of the employee and other extenuating or aggravating circumstance that may exist.

47.17. Orders passed by the disciplinary authority under Sub-rule 47.14 or Sub-rule 47.16 shall be communicated to the employee who shall also be supplied with a copy of the report of the enquiring authority and a statement of its findings together with brief reasons for disagreement, if any, with the findings of the enquiring authority, unless those have already been supplied to him.

48. Appeal against orders imposing penalty:

An employee being aggrieved by an order imposing punishment under Rule 47 may prefer an appeal to the Appellate Authority within a period not exceeding thirty days from the date on which the order is communicated to the employee:

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 submitting in time.

In case of complaints relating to sexual harassment where the penalty has been imposed by the Internal Complaints Committee, the provisions of Chapter V of Section 18 (1) of the 'SHWWP (PP & R) Act, 2013' will apply in all respects and will supersede the following items 51 to 55.

49. Appellate authority:

For revision or review of the order issued by the designated officers other than the Managing Director, the Managing Director shall be the Appellate Authority.

For revision or review of order issued by the Managing Director, the Chairman shall be the Appellate Authority.

Provided that where Chairman and Managing Director are the same person, Board of Directors shall be the Appellate Authority.

For revision or review of the order issued by the Chairman, the Board of Directors shall be the Appellate Authority.

50. Procedure for submission of appeal:

- 50.1. Every person preferring an appeal shall do so separately and in his own name.
- 50.2. Every such appeal preferred shall contain all material statements and arguments relied on by the appellant, but shall contain no disrespectful or improper language and shall be complete itself, and shall be addressed to the authority to whom the appeal lies and a copy of the appeal should be submitted to the authority against whose order the appeal is preferred through immediate superior in the department to which he belongs.

51. Transmission of appeal:

The authority which passed the order appealed against shall, on receipt of the copy of the appeal, transmit the appeal, together with the comments thereon and the relevant records, to the Appellate Authority within fifteen days after the submission of the same and inform the appellant that the appeal has been forwarded.

52. Consideration of appeal:

- 52.1. The appellate authority shall go through the appeal, the records of the proceeding, and the comments of the authority making the order appealed against and consider the points, namely:
 - a. whether the procedure prescribed in these Rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any statutory provisions or in failure of justice.
 - b. whether the facts on which the order was passed were established;
 - c. whether the facts established afford sufficient grounds for taking action; and
 - d. whether the penalty is excessive, adequate or inadequate, and pass orders-
 - i. setting aside, reducing, confirming and enhancing the penalty, or
 - ii. remitting the case to the authority imposing the penalty or to any other authority with such directions as it may think fit in the circumstances of the case;

Provided that no order imposing enhanced penalty shall be passed unless the appellant has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.

- 52.2. An appeal shall ordinarily be disposed of within four months from the date of its transmission to the Board of Directors.

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53. Review of order imposing penalty:

Notwithstanding anything contained in these Rules, the Board of Directors may call for the record with any case involving penalty within 90 days from the date of final order and after reviewing the case pass such orders thereon as it may be deemed fit.

54. Suspension:

54.1. The appointing authority or any authority empowered by the Board of Directors in that behalf may place an employee under suspension:

- a. where a disciplinary proceeding or departmental enquiry against the employee is contemplated or is pending/and/or where continuation of the employee in the office may interfere with the disciplinary proceedings ; or
- b. where in the opinion of the authority aforesaid, the employee has engaged himself in activities prejudicial to the interest of the security of the State; or the Corporation;
- c. where a case against the employee in respect of any criminal offence is under investigation or trial;
- d. An employee detained in custody for more than 48 hours under any law for preventive detention or as the result of proceeding either on a criminal charge or otherwise shall be deemed to have been suspended from the date of such detention or imprisonment.

54.2. An employee against whom a proceeding has been commenced on a criminal charge but who is not actually detained in custody (e.g., a person released on bail) may be placed under suspension under clause (c) of Sub-rule 54.1 by an order made by any of the authorities mentioned in that Rule. If the criminal charge is related to the official position of the employee or involves any moral turpitude on his part, suspension shall be ordered under that Rule unless there are exceptional reasons for not adopting such a course.

54.3. Where a penalty of dismissal or removal from service imposed on an employee under suspension or a disciplinary proceeding pending against 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 directions, the order of his suspension shall be deemed to have continued in force for further enquiry or action.

- a. in the case where the penalty of dismissal or removal from service had been imposed, on and from the date of the order imposing such penalty; and
- b. in the case where the disciplinary proceeding was pending, on and from the date of the order placing the employee under suspension, and in either case, the order of suspension shall remain in force until further orders.

55. Suspension pending proceeding:

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Where penalty of dismissal from service imposed on an employee under suspension or a disciplinary proceeding pending against an employee under suspension is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case decides to hold a further inquiry against the employee on the allegations on which the penalty was originally imposed or the disciplinary proceedings was originally started, the employee shall be deemed to have been placed under suspension by the appointing authority or any other authority empowered by the Board of Directors to place an employee under suspension, with effect from the date on which the order imposing the penalty or dismissal or removal from service was made or where the disciplinary proceeding was pending, from the date on which the employee was originally placed under suspension.

56. Order of suspension:

- 56.1. An order of suspension made or deemed to have been made shall continue in force until it is modified or revoked by the authority competent to do so.
- 56.2. An order of suspension may at any time be revoked by the disciplinary authority or any higher authority.
- 56.3. A disciplinary proceeding in course of which an employee has been placed under suspension shall ordinarily be disposed of within six months from the date of the order of such suspension.
- 56.4. If after inquiry in the proceedings or the trial by the Criminal Court, as the case may be, the employee placed under suspension is found not guilty, shall be reinstated.

57. Entitlement of payment:

- 57.1. An employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:

- a. a subsistence allowance at an amount equal to 50% of his normal salary;

Provided that where the period of suspension exceeds three months the authority which made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows :-

- i. the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50% of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee.
- ii. the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50% of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said

authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee;

- b. Dearness allowance as admissible from time to time for permanent and regular employees shall be on the amount of pay-element admissible to the suspended employee sanctioned by the competent authority. Medical and other compensatory allowance viz. House Rent Allowance shall be admissible on the same rate and scale as was by the suspended employee on the day before suspension.
- 57.2. No payment under Sub-rule 57.1 shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.
- 57.3. Recovery may be made from the subsistence allowance granted to the employee the following which would have been recovered from the salary of the employee had the employee not been suspended:
- a. Government/Corporation's dues such as Income Tax/ Profession Tax, House Rent, charges for electricity and water, furniture hire and the like;
 - b. contributions to Contributory Provident Fund;
 - c. loans and advances taken by the employee from the Corporation;
 - d. overpayment made to the employee by the Corporation; and
 - e. loss to Corporation for which the employee has been held responsible:

Provided that total amount of the recoveries to be made under clauses (c) to (e) shall not, unless the Corporation by the special order otherwise directs, exceed one-third of the subsistence allowance to the employee referred to clause (a) of Sub-rule 57.1 and where the total amount calculated to be so recovered under clauses (c) to (e) exceeds one-third of such subsistence allowance, sanction of the appointing authority shall be obtained as to the amount to be recovered under each of the aforesaid clauses in order that the total amount of such recoveries may not exceed one-third of such subsistence allowance.

- 57.4. Recovery may also be made from the subsistence allowance granted to the employee with his written consent and to the extent agreed upon in respect of the following, namely:
- a. Subscriptions to Postal or Life Insurance Policies, CPF;
 - b. dues of any Cooperative Society; and
 - c. Amount due on the court attachments.

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- d. An employee placed under suspension shall draw subsistence allowance during the period of suspension at such rates not exceeding half of his total emolument inclusive of dearness allowance and other allowances drawn by him immediately preceding the date of suspension. However, recovery of contributions to CPF, installment of any dues, if any, will be made from the subsistence allowance. If the enquiry procedure is not completed within 180 days, the suspended employee will be eligible for full pay provided the enquiry procedure has not been delayed by the employee raising unreasonable issues/not attending enquiry etc.

58. Pay and allowances on reinstatement:

58.1. When an employee, who has been dismissed, removed or suspended, is reinstated, the competent authority to make the order of reinstatement, shall consider and make a specific order -

- i. regarding the pay and allowances & increments to be paid to the employee for the period of absence, and
- ii. stating whether or not the said period shall be treated as a period spent on duty.

58.2. Where the competent authority is of the opinion that the employee is fully exonerated or, in the case of suspension, that it was wholly unjustified, the employee shall be given the full pay and the allowances to which he would have been entitled had he not been dismissed, removed or suspended, as the case may be. In other cases, the employee shall be given such proportion of pay and allowances as the said competent authority may prescribe:

Provided that the amount of allowances shall be payable subject to the conditions under which the allowances are otherwise admissible and that such proportion shall not be less than the subsistence allowance.

58.3. Where the employee is fully exonerated or where the suspension was wholly unjustified, the period of absence from duty shall be treated as a period spent on duty for all purposes. In other cases, the period should not be treated as a period spent on duty unless the competent authority specifically directs that it should be treated as on duty for any specific purposes, and if the employee so desires, the period of absence from duty may be converted into leave of any kind due and admissible to the employee. When, on conversion of the period of suspension into leave, it is found that a part of the period is to be treated as extra-ordinary leave for which no leave salary is admissible, the subsistence allowance already paid for the corresponding period shall be recovered.

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59. Disciplinary proceedings regarding employees lent to the Corporation from the State Government or any other organization and vice-versa:

59.1. Where an order of suspension is made or disciplinary proceeding is taken against an employee on deputation from the State Government or any other organization, the authority lending the service shall forthwith be informed of the circumstances leading to the order of suspension or the commencement of disciplinary proceeding against as the case may be, in the line of findings in the disciplinary proceeding taken against the employee:

- a. if the disciplinary authority is of the opinion that any of the penalties specified in clause (i), (ii) & (iii) of Sub-rule 46.1 should be imposed on, it may pass such order on the case as it deems necessary after consultation with the lending authority.
- b. if the disciplinary authority is of the opinion that any of the penalties specified in clause (iv) to (ix) of Sub-rule 46.1 should be imposed, it shall replace services at the disposal of the lending office and transmit the proceeding to it for such action as it deems necessary.

Provided that in the event of difference of opinion between the disciplinary authority and the lending authority, the service of the employee shall be replaced at the disposal of the lending authority.

59.2. If the employee submits an appeal against an order imposing penalty, it shall be disposed of after consultation with the lending authority:

Provided that if there is a difference of opinion between the appellate authority and the lending authority, the services of the employee shall be placed at the disposal of the lending authority and the proceedings of the cases shall be transmitted to that authority for such action as it deems necessary.

59.3. When the services of any employee is transferred to the Central or the State Government or any other organization, the authority borrowing the service, shall have the power to place the employee under suspension, and the powers of the disciplinary authority for the purpose of taking disciplinary proceeding in consultation with the Corporation and the provisions of Sub-rule 59.1 shall apply as if that authority is the disciplinary authority and the Corporation is the lending authority.

59.4. In settling the terms and conditions of taking employees on deputation from the Central or State Government or any other authority due regard shall be given to the provisions of Sub-rule 59.1 to 59.3.

60. Committal to prison:

60.1. If an employee is absent from duty by reason of being committed to prison either for debt or on criminal charge, the employee shall be allowed to draw pay and

allowances as per Rules for the period for such absence until the termination of proceedings, when an adjustment of emoluments shall be made according to the circumstances of the case, the full amount being allowed again only in the event of the employee being acquitted of criminal charges or, if the imprisonment is for debt, of its being proved that liability arose from circumstances beyond control.

- 60.2. When the full amount is allowed, the period of such absence from duty will be treated as a period spent on duty, and when less than full amount is allowed, the period may be treated as on duty or on leave, but it will not be so treated unless the authority competent to pass orders on the case directs accordingly. In case the employee is convicted of criminal charge, the period of absence will be treated as the period of suspension without any subsistence allowance.

61. Leave during the period of suspension or while in prison:

Leave may not be granted to an employee while under suspension or committed to prison.

Note: This Rule does not prevent the grant to an employee on the termination of the period of suspension or of the proceedings in connection with which the employee was committed to prison, of leave for the period of his suspension or committal to prison.

62. Vigilance cell:

- 62.1. The Board of Directors will set up a Vigilance Cell, which will be headed by such officer as may be decided by the Board of Directors.

- 62.2. The powers and functions of the Vigilance Cell shall be as follows:

- a. to undertake an enquiry into any transaction in which an employee of the Corporation is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- b. to cause an enquiry or investigation to be made into –
 - i. any complaint that an employee had exercised or refrained from exercising his powers for improper or corrupt purposes;
 - ii. any complaint of corruption, misconduct, lack of integrity or other kinds of mal-practices or misdemeanor on the part of an employee.
- c. to undertake any other matter as may be assigned by the appropriate authority.

- 62.3. In cases in which it is necessary to consult the Government, the disciplinary authority may forward the matter to the Government for advice.

- 62.4. The procedure for enquiry, proceedings of the vigilance cases shall be made in accordance with the Vigilance Manual of the Government.

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63. **Disciplinary authorities in respect of different categories of employees of the Corporation:**

The Disciplinary authority in respect of the employees shall be as follows:

Sl. No.	Description of Posts	Disciplinary Authority
1	The Managing Director	The Board of Directors
2	Head of the Departments	The Chairman
3	All other officers up to the rank of Assistant Engineer or equivalent	The Managing Director
4	Sub-Assistant Engineer or equivalent	The Head of the Departments
5	All other employees	The CP & AO

64. **Appellate authorities in respect of different categories of the Corporation:**

The Appellate authority in respect of the employees shall be as follows:

Sl. No.	Description of Posts	Appellate Authority
1	The Managing Director	The Govt. of West Bengal
2	Head of the Departments	Board of Directors
3	All other officers up to the rank of Assistant Engineer or equivalent	The Chairman
4	Sub-Assistant Engineer or equivalent	The Managing Director
4	All other officers / employees	The Managing Director

65. In respect of complaints relating to Sexual Harassment, the Disciplinary and Appellate authorities will be as per the relevant provisions of the 'SHWWP (PPR) Act, 2013'.

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CHAPTER - VII**MISCELLANEOUS****66. Training:**

The Managing Director may send any of its employees for training within India for attending Training Programmes the cost, including TA/DA of which he is entitled as per TA / DA Rules, shall be borne by the Corporation.

The identification of training needs of employees will be carried out while preparing the annual confidential/performance reports or by a discussion between the employee's superior officer and the Functional Head/ Managing Director. Nomination for such need based training, based on an assessment of the individual employee's training needs, will normally be to Institutes run / managed by the Government or Professional Bodies or Training Institutes recognized by the Government.

67. Security Bond and Service Agreement for trainees:

The Corporation may enter into a 'Security Bond and Service Agreement' with a Trainee/ Apprentice for a period as may be decided in view of the cost incurred by the Corporation in respect of training and career development in order to bring the attrition rate under control. The Corporation may recover training cost as compensation in the event of premature resignation / departure.

68. Higher Education / Training:

The Corporation may sponsor any of its permanent or regular employees for Higher Technical/Professional Education / Training in India or abroad subject to the approval of Board of Directors and execution of a Security Bond, as may be specified by the Board of Directors, by such employee for rendering services for a minimum period as may be decided by the Board on return from such Higher Technical/Professional Education/ Training. In the event of violation of conditions of such Security Bond the Corporation may realize compensation as may be decided.

69. Declaration of Assets:

All employees except those in Group - D category are required to submit each year the Declaration of Assets as on the 1st of January of the year by the 30th day of April of that year at the latest to the Managing Director. It is obligatory on the part of the employee to submit the declaration in a sealed cover regularly and timely. Non-submission or delayed submission of Declaration of Assets may render the employee liable to disciplinary action. For this purpose, the employee shall obtain a receipt from the authorities to whom the declarations are submitted.

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70. Travelling allowance:

Travelling Allowance (TA) of the employees shall be guided by the TA/DA Rules of the Corporation.

71. Group mediclaim policy:

All the employees of this Corporation may be covered and brought under Group Mediclaim Policy of West Bengal Police or Kolkata Police as may be decided by the Corporation.

72. Service book:

- 72.1. One Service Book for each employee shall be opened and maintained in such form and manner as may be decided upon, to record all service particulars till dates he ceases to be an employee of the Corporation.
- 72.2. Every employee shall be provided with an Identity Card which shall be carried by him on his person and shall, on being required to do so, be produced to any person authorized to inspect it or, to be surrendered to.
- 72.3. Loss of ID Card shall immediately be notified to the authority. A duplicate ID Card shall be issued on payment of the actual cost of replacement by the employee concerned.

CHAPTER - VII

COMPULSORY RETIREMENT

73. Retirement:

- 73.1. Except as otherwise provided in these Rules, an employee shall retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of sixty years or the age as will be fixed by the Govt. of West Bengal.
 Provided that the Corporation may require an employee, who has attained the age of fifty seven (57) years, to undergo a medical test of physical fitness and, if he is found unfit may ask him to retire from the service of the Corporation.
 Provide further that the Corporation may extend the service of any employee even after he attains the age of sixty (60) years or the age as will be fixed by the Govt. of West Bengal, subject to his medical fitness, in the interest of business of this Corporation.
- 73.2. An employee who has attained the age of 58 years may elect to retire by giving three months' notice of his intention to retire, subject to the acceptance of the competent authorities. The notice can be withdrawn on or before 90th day also. In case of acceptance of the prayer, the employee shall be entitled to all retirement benefits.

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74. Early retirement:

An employee after attaining the age of 55 years may apply for 'Early Retirement' from the services subject to satisfaction of the competent authorities of the Corporation. All retirement benefit at proportionate rate may be extended to the employee in case of early retirement.

CHAPTER - VIII

RULES REGARDING ATTENDANCE

75. Normal office hours:

Unless otherwise decided by the Board of Directors the normal office hours shall be as follows with a recess of half-an-hour. The Managing Director or CP&AO, as the case may be, shall have the power to require any employee to attend office earlier or to leave office late on any day including holidays, if exigencies arise.

An employee shall undertake and perform duties in such manner, capacity and place as may be directed by the management from time to time.

OFFICE HOURS

WEEKDAYS : 10 A.M. TO 5:30 P.M.

LATE MARK : 10-30 AM

ABSENT : 10-45 AM

76. Recording of arrival and departure:

- 76.1. Every employee shall record his attendance punctually at the time fixed as noted above either by putting his signature in the proper column of the specified Attendance Register kept in the Personnel & Administration Department of this Corporation or by recording attendance in the Biometric Attendance Recording System of this Corporation, as may be directed.
- 76.2. No employee shall leave the premises of the Corporation during his working hours without special permission of the authority. Any employee, who, after checking in, is found absent from his proper place of work during working hours without permission from the appropriate authority or without sufficient reason, shall be liable to be treated as absent without leave.

77. Late attendance and consequence:

- 77.1. Three days' late attendance after 10.30 a.m. and before 10.45 a.m. in a calendar month shall entail forfeiture of one day's leave in the following manner.

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- a. If an employee is late on three days or more in a calendar month and he has casual/compensatory casual leave due to him, casual leave shall be deducted at the rate of one day's casual leave for 3 days' late attendance. If late attendance on any particular day is, however, condoned by the controlling authority on account of traffic dislocation etc., the same shall not be taken into account for the purpose of deduction of casual leave.
- b. If an employee attends office late for 3 days or more in a particular calendar month and he has no casual leave to avail of, the sanctioning authority shall be competent to deduct earned leave and if there is no earned leave due and admissible to him, then extra-ordinary leave without pay may be sanctioned.

In exceptional circumstances, the Managing Director will have the discretion to sanction E.L. against future accumulation.

- c. No employee shall be allowed to attend office after 10:45 a.m. if not otherwise directed by the Managing Director or CP&AO, as the case may be.
- d. Officers on deputation or on field duty may obtain prior permission from the appropriate authority in order to regularize their attendance.

77.2. Disciplinary action may also be taken against habitual defaulters of late attendance.

78. Absence from Office:

Except in case of certain illness or unforeseen circumstances, no employee shall remain absent or leave his head quarter without permission from the Managing Director or CP&AO, as the case may be.

79. Inability to attend office:

If an employee who has availed leave of any kind, is prevented from resuming duty on account of any unforeseen occurrence immediate before the due date, he must sent an intimation to the office of Personnel & Administration Department of this Corporation within 48 hours giving full reasons of his inability to attend office on the due date.

80. Willful absence from duty:

Willful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

81. Sanction of leave and leave salary:

The Corporation is competent to sanction leave and leave salary within the compass of the Leave Rules of this Corporation and these Rules to an employee subject to delegation of power.

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CHAPTER - IX**CONDUCT (DUTIES, RIGHTS AND OBLIGATIONS) OF EMPLOYEES OF THE CORPORATION****82. General:**

Every employee including the apprentice and trainee shall at all times:

- 82.1. Maintain a very high standard of integrity, impartiality and devotion to duty.
- 82.2. Maintain a clean and presentable appearance in terms of dressing and grooming standard established by this Corporation, in order to preserve office decorum.
- 82.3. Wear uniform as may be prescribed by the competent authority from time to time.
- 82.4. Refrain from being barefoot.
- 82.5. Behave in a manner which is not improper and derogatory to the prestige of this Corporation.
- 82.6. Create an atmosphere of peace and harmony inside the premises of the Corporation.
- 82.7. Reflect professional attitude in dealing with other employees/ members of any agency of this Corporation or the public.
- 82.8. Handle and preserve the records, materials and properties of this Corporation with due care and caution.
- 82.9. Behave properly maintaining decency, ethics and moral values.
- 82.10. Observe the Rules and regulations applicable in the Corporation and maintain the general principle of good business conduct while travelling on business purposes and / or during travelling to/ from office in Corporation provided transportation or otherwise.
- 82.11. Uphold honesty, integrity, politeness and truthfulness in dealing with other employees/ members of any agency of this Corporation or the public.
- 82.12. Bring at the earliest possible opportunity to the notice of the Corporation or his immediate superior in the office to which he belongs the fact of financial interest, if any, either of him or of his relation in any matter to be decided by him in the discharge of his official duties being called upon.
- 82.13. Report the fact, if he, by inheritance or otherwise acquires any share or interest in a contract by or on behalf of the Corporation or in any employment under, by or on behalf of the Corporation, otherwise than as an officer or employee thereof, within a fortnight of such acquisition, in writing, to his appointing authority.
- 82.14. Maintain a friendly and healthy relation with fellow employees and create an atmosphere which is congenial to good work culture.
- 82.15. Refrain from unlawful or unauthorised possession, distribution or use of alcohol or any controlled substance in the office premises while on duty or off duty.
- 82.16. Refrain from lying, cheating and/ or reflecting unprofessional behavior in dealing with the other employees of this Corporation/ members of any agency of this Corporation or the public.

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- 82.17. Refrain from stealing/ theft of Corporation property or the property of fellow employees.

No employee and no apprentice and trainee shall:

- 82.18. Dress/ sport flashy party wear which may be trendy for social or festive occasion or event.
- 82.19. Wear Tube or Halter-like tops, Low-cut tops, T-shirts with offensive writing, torn or dirty or ragged pants, revealing clothing and shorts.
- 82.20. Wear torn, dirty or ragged footwear.
- 82.21. Submit any petition/ representation directly to the Chairman of the Corporation or to any higher authority otherwise than through his immediate superior or send copies of such petition/ representation to any outside authority.
- 82.22. Either apply or appear in an interview or at a competitive examination, without the approval of appointing authority, for recruitment in a post outside the Corporation.
- 82.23. Park vehicle outside the parking space/ area.
- 82.24. Smoke inside Corporation premises.
- 82.25. Involve in disorderly conduct, malicious gossip and/ or spreading rumors, engaging in creating discord or disharmony willfully restricting work output, interfering with another employee on the job or encouraging others to do the same.
- 82.26. Solicit and/ or collect funds of any kind for charities or other purposes without authorization during working hours or at a time or place that interferes with work of another employee in the Corporation premises.
- 82.27. Maintain a relationship with any agency/ agency personnel at the cost of reputation and interest of this Corporation for personal gain.
- 82.28. Engage in any other business (part time or whole time) or partnership or directorship etc. in any other Company, except with the previous sanction of the Board of the Directors.
- 82.29. Post, remove, alter notice etc. without written permission of authorised person or personnel and general administration department.
- 82.30. Sale and promote any kind of merchandise/ product etc. on Corporation premises.
- 82.31. Involve in conducting lottery or gambling on Corporation premises or outside with the Corporation employees.
- 82.32. Remove records or materials from the Corporation property without prior permission.
- 82.33. Discuss/ share official confidential information with external media, blogs, forums etc. without prior permission in writing from the appropriate authority.
- 82.34. Discuss/ share official confidential information (e.g. performance ratings etc.) with other Corporation employees etc.
- 82.35. Involve in immoral conduct or behavior or act of indecency or moral turpitude.
- 82.36. Take, give or ask for bribes or any illegal gratifications whatsoever.

- 82.37. Accept any gift either directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family to accept any gift of more than trifling value except with previous sanction of the appointing authority.
Provided that the expression 'gift' shall include free transport, boarding, lodging, service or any other pecuniary advantage provided by any person other than his relative or personal friend not having official connection with the employee.
- 82.38. Give or take or abate the giving or taking of dowry or demand, directly or indirectly, from the parents or guardian of a bride or bride groom, as the case may be, any dowry.
- 82.39. Involve in any criminal activity inside or outside Corporation premises as incident of being charge sheeted or convicted in any court of law across the country for any criminal offence will attract penal action.
- 82.40. Involve in any conduct which is detrimental to the reputation of this Corporation, its Directors etc.
- 82.41. Involve in any act which may lead to undue liabilities on the Corporation, its Directors, Officers etc.
- 82.42. Except with the prior sanction of the appointing authority acquire or dispose of any immovable property by lease, mortgage, sale, gift or otherwise either in his own name or in the name of any member of his family where such transaction is conducted otherwise than through a regular or reputed dealer.
- 82.43. Except with the prior sanction of the appointing authority purchase or sale or acquire or dispose of any movable property of value exceeding two months' salary by lease, mortgage, gift or otherwise in his own name or in the name of any member of his family where such transaction is conducted otherwise than through a regular or reputed dealer.
- 82.44. Involve in any other act/ conduct that is not listed here but is of similar nature and could be seen as unacceptable and intolerable to this Corporation.

83. **Private Trade or employment:**

Every employee and apprentice and trainee may:

- 83.1. Undertake honorary work of a social, charitable or religious nature, or work of a literary, artistic or scientific character, provided that his official duties do not suffer thereby, but the appointing authority may, in its discretion, at any time, forbid him to undertake, or require him to abandon, any such work, if it is in its nature undesirable or likely to occupy so much of his time as to interfere with his official duties.

No employee and no apprentice and trainee shall:

- 83.2. Be engaged, except with the previous sanction of the Board of Directors, in any trade, or undertake any employment other than his official duties, or carry on directly or indirectly any business or undertaking, or use his official position as an employee of the Corporation to help such business or undertaking.

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- 83.3. In the event of an Employee is nominated as Director to another Company/Organization and approved by the Board of Directors, subject to the provisions of the Act, the concerned Employee will draw the sitting fees, commission or usual allowances except conveyance, lodging & boarding facility from the said Company as per rules of that Company for attending such meetings.

84. Safety and Security:

Every employee and apprentice and trainee shall:

- 84.1. Observe safety norms and standard safety practices inside office premises and at project sites/ workshops/ laboratories.
- 84.2. Refrain from unauthorized and careless use of, destruction of, defacement of, removal of, or damage to the property of this Corporation.
- 84.3. Refrain from fighting, threatening, intimidating, using obscene or abusive language towards any officer/ employee/ member of any agency, indifferent or rudeness towards a fellow employee, and disorderly/ antagonistic conduct on the property/ office premises of this Corporation or off the office premise.

No employee and apprentice and trainee shall:

- 84.4. Involve in any negligent or careless action that endangers the life and safety of other employees.
- 84.5. Create or contribute to unsafe or unsanitary conditions.
- 84.6. Consume food or beverages inside office rooms or in undesignated area.
- 84.7. Report to work under the influence of alcohol, prohibited drugs, which adversely affect the job performance and/ or the safety at work place.
- 84.8. Engage in criminal conduct of any kind, or act of violence or making threat of violence toward anyone in the office premises of this Corporation or when representing this Corporation, fighting or horseplay or provoking a fight within the properties of this Corporation.
- 84.9. Carry weapons, explosives or other hazarding devices. Unauthorised possession of illegal firearms, weapons or explosives on the property of this Corporation while on duty or off duty will attract penal action.
- 84.10. Engage in an act of sabotage, willfully or with gross negligence causing the damage or destruction of the property of this Corporation or the property of fellow employees/ members of agencies or visitor in any manner.

85. Working atmosphere and productivity:

Every employee and apprentice and trainee shall:

- 85.1. Register attendance punctually at the time fixed and notified.
- 85.2. Refrain from habitual absenteeism/ late attendance or breach of any law or Service & Conduct Rules, applicable to this Corporation.
- 85.3. Refrain from lying about sickness or personal leave, falsifying reason for a leave of absence.

- 85.4. Leave the office or work place after the end of scheduled time or with prior permission of the appropriate authority.
- 85.5. Refrain from being failure to meet the performance or quality standards as explained to the employee by his/ her superiors, doing unsatisfactory or careless work, committing mistakes due to carelessness or failure to get necessary instructions.
- 85.6. Refrain from insubordination or refusing to obey lawful instruction/ order issued by the superior authority pertaining to work.
- 85.7. Refrain from neglecting duties, job responsibilities and incompetence.
- 85.8. Submit reports, statements, designs, plans etc. on time.

No employee and apprentice and trainee shall:

- 85.9. Sleep while on the job or loiter during office hours.
- 85.10. Refuse to accept work assignments, transfers, charge sheet or other communications intended for service on any employee in accordance with these Service Conduct Rules without reasonable cause.
- 85.11. Facilitate or abate any such act or representation.

86. Alteration of Records:

Every employee and apprentice and trainee shall:

- 86.1. Refrain from altering records/ documents fraudulently and submitting false documents while claiming reimbursements (travel related expenses etc.) or tax benefits (for getting 80 C benefits or other sections of Income Tax Act).

No employee and apprentice and trainee shall:

- 86.2. Falsify or misrepresent willfully or dishonestly on the Corporation's employment application or any other records.
- 86.3. Alter records/ documents of this Corporation without any authorization in advance.
- 86.4. Forge the signature of the superior in any record of this Corporation or make false statement before a superior.
- 86.5. Give any false representation whether verbal or written affecting interest of this Corporation or abetting such an act directly or indirectly.
- 86.6. Involve in any instance of financial embezzlement.

87. Misuse or abuse of Corporation's property/ infrastructure:-

Every employee and apprentice and trainee shall:

- 87.1. Use Corporation's telephone/ cell phone/ IT infrastructure only for official purpose.

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No employee and apprentice and trainee shall:

- 87.2. Misuse/ abuse of Corporation's network/ property for any purpose except the ones those are actually meant for.
- 87.3. Use Corporation property/ equipments for personal purpose or for making personal gain.
- 87.4. Use or permit any member of his family to use Corporation's vehicle not meant for his use.

88. **Sexual harassment of women at workplace:**

Any incident of sexual harassment of women at workplace will be dealt as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

89. **Democratic rights:**

- 89.1. Every employee shall enjoy full democratic right, as enshrined in the Constitution of India, except being a member of any political party. But no one shall take part in, subscribe any aid to, or assist in any other manner, any political movement or activity.
- 89.2. No employee shall, without the permission of the Board of Directors, stand for election as a member of any local or legislative body, nor shall he canvass, or otherwise interfere, or use his influence in connection with the activity of any other person in any election to a local or legislative body:

Provided that an employee qualified to vote in such election may exercise his right to vote.

90. **Demonstration and strike:**

- 90.1. No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority in order to further his interest in respect of any matter pertaining to his service in the Corporation.
- 90.2. No employee shall canvass or otherwise interfere with or use influence in connection or take part in an election to any local authority.

91. **Connection with media:**

- 91.1. No employee shall, except with the previous sanction of the Corporation, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or any other political publication.
- 91.2. No employee shall, except with the previous sanction of the Corporation, broadcast or contribute any article or write any letter anonymously or in his own

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name or in the name of another person, to any newspaper or periodical on the subject which have a bearing on the affairs of the Corporation.

Provided that no such sanction shall be required if such broadcast or such contribution is of purely literary, artistic, religious or scientific character.

92. Criticism of policies and acts of the Corporation:

No employee shall, in any public utterance, broadcast through media or any document published either in his own name or anonymously or in the name of any other person or any connection to the press make any statement of fact or opinion which has the effect of any adverse criticism of any policy or action of the Corporation or tends to embarrass the relations between the Corporation and State Government or any local or statutory authority.

93. Vindication of acts and character:

No employee shall, except with the previous sanction of the Corporation, have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

94. Insolvency and indebtedness:

94.1. An employee shall so manage his private affairs as to avoid insolvency or habitual indebtedness.

94.2. When an employee has been adjudged insolvent or when a part of his salary is being repeatedly attached for debt or has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, the matter shall be reported by his immediate superior to the appointing authority of the said employee for such action as it may think necessary to take.

94.3. In every case under this item the burden of proving insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he/she had no control and has not proceeded from extravagant or dissipated habits, shall be open to the debtor.

94.4. No employee shall, save in the ordinary course of business with a bank or a firm of standing duly authorized to contact banking business, either himself or through any member of his behalf, lend money to or borrow money from, any member or any agent, any person with whom he is likely to have official dealings or otherwise place himself under any monetary obligation to such a person.

Provided that the employee may give to or accept from his relatives or a personal friend, a purely temporary loan or small amount, free of interest or operate a credit account with a bonafide tradesman.

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95. **Confidential contents:**

- 95.1. No employee shall disclose any information pertaining to the activities/ decisions/ orders to any outsiders.
- 95.2. No employee shall directly or indirectly communicate confidential contents of any document or information of the Corporation to any employee of the Corporation or any other person to whom he is not authorized to communicate such documents or information.

96. **Duties:**

The following shall be the duties of an employee:

- a. every employee shall faithfully discharge his duties, shall always behave courteously with the members of the public or clients or colleagues with whom he has to come in contact in the discharge of his duties as an employee and shall always try to help them in all possible ways through quick and faithful discharge of the duties assigned to him;
- b. every employee shall practice, promote and encourage collective functioning in the interest of the administrative efficiency and apply his personal initiative to the efficient discharge of his duties.

97. **Rights:**

The following shall be the rights of an employee:

- a. Every employee shall have the right to form association/ unions federative bodies of the employees;
- b. Every employee shall have full trade union rights including the right to strike. The right to strike shall, however, be subject to compliance of provisions as laid down in WBSR Part - I.

98. **Obligations:**

Every employee shall have the following obligations

- a. No employee shall commit any misconduct as laid down in the Prevention of Corruption Act, 1988 (49 of 1988) or in the SHWPP (P, P & R) Act, 2013 or take any gratification other than legal remuneration or obtain valuable things without consideration or for consideration which he knows to be inadequate, from persons concerned in proceedings or business transacted by such employee.
- b. No employee who has a wife/husband living shall contract another marriage without obtaining previously the dissolution of the first marriage in accordance with any law for the time being in force notwithstanding such second marriage is permissible under any personal law of the community to which he or she belongs.
- c. No employee shall employ or engage any subordinate for any private, domestic or personal service or for any purpose other than official business.

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- d. No employee shall, while on leave, accept any other service or employment.

CHAPTER -X

INTERPRETATION AND AMENDMENT OF RULES

99. Power of interpretation:

The power of interpretation of these Rules is reserved to the Board of Directors. If any question arises relating to the interpretation of these Rules, it shall be referred to the Finance Dept., Govt. of West Bengal.

100. Power to amend:

Power to change or amend these Rules lies with the Board of Directors of this Corporation.

SECTION - II

TERMS AND CONDITIONS OF CONTRACTUAL EMPLOYMENT OF THIS CORPORATION

1. Appointment:

A contractual employee may be appointed by the Managing Director or designated officer as per 'Recruitment Bye-laws - 2015' against any post sanctioned by the Govt. or approved by the Board of Directors.

Provided the recruitment procedure as per "Recruitment Bye-laws - 2015" of this Corporation shall be followed scrupulously.

2. Tenure:

Initial period of contract shall be for one (01) year at a time extendable on yearly basis depending on performance and job requirement.

Provided that the initial period of contract of one (01) year may be extended with the approval of the Board of Directors.

3. Remuneration:

a.

- i. The employee may be paid an amount of consolidated monthly remuneration as will be decided by the Corporation. Such payments shall be subject to such normal statutory deductions by the Employer.

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- ii. In addition to the consolidated monthly remuneration as noted above the employee may be paid Conveyance Allowance and Telephone Allowance, or any other allowance as may be approved by the Board of Directors from time to time.
 - iii. The consolidated monthly remuneration mentioned in Para 3 (a) shall be reviewed on an annual basis with or without any enhancement subject to approval if the Board of Directors.
- b.
- i. In case of re-employment the employee shall be paid an amount of consolidated monthly remuneration as determined on the basis of last pay drawn minus admissible pension per month and other allowances as admissible as per Rules of State Government. However, consolidated pay may be enhanced on issuance of order of Dearness Allowance by the Govt. of W.B. during the tenure of his engagement.
 - ii. In addition to the consolidated monthly remuneration as noted above the employee shall be paid Telephone Allowance, or any other allowance as may be approved by the Board of Directors.
- c. Travelling Allowances and Daily Allowances shall be as per Rules of this Corporation.

4. Leave:

Every contractual employee shall be entitled to different kinds of leave as mentioned in Section - II of 'Employees' Leaves Rules - 2017' of this Corporation. Terms and conditions of availing leave will be governed by the same Leave Rules.

5. General terms and conditions:

- a. The employee will be subject to Corporation's Service Rules and Regulations including the Conduct, Discipline and Appeal Rules and administrative orders that may be in force from time to time.
- b. The employee will not indulge himself to any such act of omission or commission which is unbecoming of a corporation employee. Misconduct, as defined in Employees' Service Rules, as applicable, will apply.
- c. The employee shall comply with all policies, procedures, standing instructions with regard to attendance, leave, disciplinary matter and other rules and regulations as framed by the Corporation from time to time.
- d. Details about remuneration, allowance/ benefits and rules stated above are only indicative. They are subject to the detailed rules and orders in force from time to time.
- e. The employee will not, at any time, whether during the continuance of his service or afterwards, divulge or disclose to any person any knowledge or information which may be acquired in course of his service with the Corporation and shall use his best endeavors to prevent the publication or disclosure thereof.

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- f. The employee shall be liable to be transferred from Headquarters to Zonal/ Circle Offices, as the case may be, in the interest of business of the Corporation:
Provided that any such transfer shall not adversely affect the total emoluments or the basic conditions of service of the employee concerned.
 - g. Inadvertent omission or commission or mistakes, if any, appearing in the offer of appointment are liable to be rectified at any time before or after joining to bring the terms and conditions of offer in accordance with the existing policy/ rules and regulations of the Corporation that may be in force from time to time.
 - h. The employee will honour and observe the Corporation's vision, mission and values at all times to maintain high esteem of the Corporation.
 - i. The employee will strive to observe and adopt such practices and philosophies as may be considered essential by the management in furtherance of Corporation's strategy and business needs.

6. **Termination:**

- a. The service of a contractual employee may be terminated by either parties by giving not less than one month's written notice to the other party or by payment or refund of one month's pay, as the case may be. Such termination / discontinuation shall be resorted to with the prior approval of appointing authority. Also, the employee engaged shall not have any claim whatsoever for regular engagement/ appointment on any position on the basis of contractual engagement.
- b. If in the opinion of the management, the employee is negligent or inefficient in the performance in his duties or is found to be otherwise unreliable or of unsound habits or immoral in conduct or be guilty of willfully disobeying the lawful order of his superiors or be guilty in any misconduct as mentioned in the 'Employees' Service Conduct Rules, 2017' of this Corporation, the Corporation may, after giving an opportunity to explain and clear himself, terminate his service at any time without any notice or payment of compensation in lieu of notice.
- c. The employee shall have to return the property/ properties of W.B.P.H. & I.D.C.L., if any, at the time of termination.

7. **Other benefits:**

- a. **Contributory provident fund:**
The contractual employee shall be covered and brought under Contributory Provident Fund (CPF) Scheme of the Corporation.
- b. **Group mediclaim policy:**
All the contractual employees of this Corporation may be covered and brought under Group Mediclaim Policy of West Bengal Police/ Kolkata Police.

8. **Miscellaneous:**

- a. The employee engaged on contract will not be allowed to take any other assignment during the period of contractual engagement.
- b. No pensionary benefit on account of the said engagement shall be admissible.
- c. Any other terms and conditions of engagement may be determined and incorporated from time to time with the approval of the Board of Directors.

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Schedule

Form - I: Format for declaration of date of birth (as mentioned under Rule 9)

Form - II: Format of Medical Certificate (as mentioned under Rule 13)

Form - I

(See Rule - 9)

(To be used where the year, month and date of birth are known)

I..... having been selected for appointment in the service of the West Bengal Police Housing & Infrastructure Development Corporation Ltd. do hereby declare that I was born at(date, month and year). I also annex herewith the following documents in support of the statement.

2. I do further declare that the year, month and date of birth as recorded herein are binding on me and I shall not ask for any modification thereof at any subsequent date.

Place

Date

Signature

Order of the appointing authority

FORM - II

(See Rule - 13)

MEDICAL CERTIFICATE

I, hereby certify that I have examined Shri/Smt..... a candidate for employment as under West Bengal Police Housing & Infrastructure Development Corporation Ltd. and cannot discover that the said Shri /Smt..... has any disease (communicable or otherwise), constitutional defect or bodily infirmity except

I do not consider the defect or bodily infirmity noticed above a disqualification for his/her employment. His/Her age is years according to his/her own statement and about by appearance. His/ Her signature has been taken below in my/or presence.

Signature of the Applicant

Signature Registered Medical Practitioner

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11/12/17
(BISWARUP GHOSH)
Chief Personnel & Administrative Officer
West Bengal Police Housing &
Infrastructure Development Corpn. Ltd.

(Sivaji Ghosh)
Chairman and Managing Director,
West Bengal Police Housing