

ELECTRICITY REGULATORY COMMISSION
(EMPLOYEES' SERVICE) REGULATIONS, 2023

No. _____ – In exercise of the powers conferred under sub-sections (_____) of Section (_____) of the (_____) Act, _____, the (_____) Electricity Regulatory Commission with the approval of the (_____) Government, do hereby makes the following regulations, namely:-

CHAPTER I

PRELIMINARY

1. Short Title and Commencement

- (1) These regulations may be called the (_____) Electricity Regulatory Commission (Employees' Service) Regulations, 2023.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Applicability

- (1) These regulations shall apply to every whole-time employee appointed under the sub-sections (_____) of Section (_____) of the (_____) Act and to every whole-time employee appointed by the (_____) Electricity Regulatory Commission, prior to the notification of the Act. Provided that they shall not apply, except as otherwise provided in these regulations or to such extent as may be specifically or generally decided by the Commission, to persons employed temporarily or on contract basis.
- (2) On and from the date of commencement of these regulations-
 - (a) The terms and conditions of the service of the existing whole-time employees of the Commission shall stand modified in accordance with the provisions of these regulations; provided that the terms and conditions shall be so modified as to ensure that the existing whole-time employees are not put to disadvantageous position vis a vis as their terms of service prior to the coming into effect of these regulations.
 - (b) The, (previous staff regulation) _____ Regulation and its amendments from time to time, stand repealed. Notwithstanding such repeal, anything done or any action taken under the said Regulations shall be deemed to have been done or taken under the corresponding provision of these regulations.

3. Definitions

- (1) In these regulations, unless there is anything repugnant in the subject or context -
 - (a) "Act" means Electricity Act, 2003.
 - (b) "Commission" means (_____) Electricity Regulatory Commission.

- (c) “Chairperson” means the Chairperson of the Commission and, in relation to the powers exercisable by him under these regulations.
- (d) “Compensatory allowance” means an allowance granted to meet expenditure necessitated by the special circumstances in which the duty is performed.
- (e) “Competent Authority” means,
 - (i) The Chairperson in the case of officers, in regard to any matter or power to be dealt with or exercisable by the Chairperson under these Regulations.
 - (ii) In the case of all other employees, Secretary, which expression shall also include, or Executive Director, in regard to any matter or power to be dealt with or exercised by the Secretary or Executive Director under these Regulations, but which are delegated to him.
- (f) “Dependent” means a person who is wholly dependent upon the employee and whose monthly income does not exceed the limits as may be stipulated with the approval of the Chairperson, from time to time.
- (g) “Deputation” means staff appointed from Central Govt./State Govt./Autonomous Organisations/PSUs/other institutions
- (h) “Duty” includes ---
 - (i) Service as a probationer;
 - (ii) Period during which an employee is on joining time or training authorised by the Competent Authority;
 - (iii) Period spent on causal leave duly authorised by the competent authority.
- (i) “Family” means
 - (i) In the case of male employee, his wife, whether residing with him or not, but does not include a legally separated wife and in case of a woman employee, her husband, whether residing with her or not, but does not include a legally separated husband.
 - (ii) Children or step children of the employee whether residing with him or not and dependent wholly on such employee but does not include children or step children of whose custody the employee has been deprived of by or under any law; and
 - (iii) Any other person related to, by blood or marriage to the employee or to his spouse and wholly dependent upon such employee.

However, for the purpose of availing of benefits offered by the Commission to its employees like medical facilities, leave travel concession etc, the family means

- (a) Employee’s spouse, as the case may be, and surviving unmarried children or step children wholly dependent on the employee, irrespective of whether they are residing with the employee or not
- (b) Married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the employee and are wholly dependent on the employee
- (c) Parents and/or step mother residing with and wholly dependent on the employee
- (d) Unmarried minor brothers as well as unmarried sisters- divorced, abandoned, separated from their husbands or widowed sisters residing with the employee and are

wholly dependent on the employee, provided their parents are either not alive or are themselves wholly dependent on the employee.

- (i) "Leave pay" means the monthly pay which the employee would have drawn while on duty but for proceeding on leave.
- (j) "Pay" means the amount drawn by an employee as-
 - (i) Pay which had been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;
 - (ii) Special pay and personal pay;
 - (iii) Any other amount which may be specially classified as pay by the Commission;

"Personal pay" means an additional pay granted to an employee -

To save him for a loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

In exceptional circumstances, on other personal considerations;

- (k) "Special allowance" means an addition, in the nature of an allowance, to the pay attached to a post or of an employee, granted at the discretion of the Commission or its duly appointed authority in consideration of the specially arduous nature of the duties attached to the post or required to be performed by the employee;
 - (l) "Special pay" means an addition to the pay of a post of an employee granted at the discretion of the Commission or its duly appointed authority in consideration of a specific addition to the work or responsibility;
 - (m) "Substantive pay" means the pay to which an employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre;
 - (n) "Year" means a continuous period of twelve months commencing from 1st day of April of a year and ending with 31st day of March of the next year.
 - (o) "Service" includes the period during which an employee is on duty as well as on leave duly authorised by a competent authority, but does not include any period during which an employee is absent from duty without permission or overstays his leave, unless specifically permitted by the competent authority.
 - (p) "Member" means a member of the Commission and includes its Chairperson.
- (2) For the purposes of these regulations, the terms 'he', 'him', 'his' and 'himself shall also refer to 'she', 'her' and 'herself' wherever the context warrants and singular will also include plural.

4. Chairperson's power to delegate Power to implement

The Chairperson may delegate to the whole-time member of the Commission or Secretary or any Officer subject to such conditions as he may think fit to impose, all or any of the powers conferred upon him by these Regulations.

5. The power to implement

- (1) The power to implement these regulations vests in the Chairperson who is also empowered to issue such administrative instructions as may be necessary to give effect to and carry out the purposes of these

regulations or otherwise to secure effective control of the employees and the decision of the Chairperson shall be final and binding on the employees.

(2) The Powers exercisable by the competent authority under these regulations shall also be exercisable by authority superior to the authority first mentioned.

CHAPTER II

APPOINTMENTS, PROBATION AND TERMINATION OF SERVICE

6. Classification and appointment of whole-time employees

(1) The whole-time employees of the Commission shall be classified as follows:

- a) Officers (Grades A, B, C, D, E, F and Executive Director);
- b) Personal Assistant (Grade-I,II &III), Secretariat Staff, Assistants, Personal Assistant, Junior Assistants etc.;
- c) General Assistant (Grade-I,II &III)MTS, Driver etc.

(2) All appointments in any grade or post shall be made by the competent authority at its discretion and no person shall have a right to be appointed to any particular post or grade.

7. Recruitment

(1) Recruitment shall be made at the entry level in Grade A or in Grade B or in such grade as may be specified by the competent authority by such method as the Chairperson may determine.

Provided that, in special circumstances, where no suitable candidate is available in the Commission's service or the exigencies of work require, recruitment may also be made at a higher grade.

Provided that Commission may specify the breakup of posts in each grade for promotion and deputation. Vacancies remained unfilled in promotion/direct recruitment quota shall be filled through deputation.

(2) Mode of recruitment, Educational and other qualifications, age limit, experience and other incidental matters related to the recruitment and promotion in the Commission's service shall be as specified in the **Schedule-I**.

(3) Competent authority shall constitute a selection committee, comprising such number of persons as he may determine for interviewing the candidates.

Provided that in the case of appointment to the post of Secretary or Executive Director, the Selection Committee shall consist of Chairperson, two other members of the Commission, an external expert nominated by Chairperson [*], constituted by the Chairperson and such appointment to the post of Secretary or Executive Director shall be approved by the Commission before an offer of appointment is issued to the selected candidate. Secretary to the Commission shall be the Convenor.

- (4) Staff appointed on deputation and willing to get permanently absorbed in the Commission, may on completion of two years of Deputation exercise their option for permanent absorption in the Commission and the Chairperson may in his discretion, take such decision, as he considers appropriate. It shall not be right of any deputationist to claim permanent absorption in the Commission.

NOTE: - [*] in case of CERC, Additional Secretary or an officer of the Ministry of Power not below the rank of Joint Secretary and an external expert nominated by Chairperson

8. Appointments to be made on minimum pay

- (1) All initial appointments shall be made on the minimum pay of the grade to which the appointment is made, provided the Chairperson may, keeping in view the higher academic qualifications, special experience of value to the Commission and salary in the previous job, grant additional increments, not exceeding five in the scale of pay fixed for the grade in which the appointment is made.
- (2) The employees appointed on deputation may opt for the pay scales of their parent organisation or those of the concerned ERC.

9. Re-employment in Commission

- (1) No person who has ceased to be in the service of the Commission may be re-employed without the specific sanction of, and on such terms and conditions as may be specified by the Commission.
- (2) Except as otherwise provided by the Commission at the time of his re-employment, these Regulations shall apply to a person who is re-employed in the Commission, as if he had entered the service for the first time on the date of his re-employment.

10. Probation

- (1) An employee directly appointed in any of the specified scales of pay shall be on probation for a period of one year.
- (2) Chairperson may, if he considers it necessary, may extend the period of probation upto a period of one year for unsatisfactory performance for reasons to be recorded in writing.
- (3) Save as otherwise provided in this regulation, an employee shall be deemed to have been confirmed in the post to which he has been appointed or, as the case may be, promoted on successful completion of the period of probation.

- (4) During the first month of his probation, an employee may be discharged without assigning any reasons at one day's notice and thereafter at one month's notice or by payment of substantive pay for one day or one month as the case may be in lieu thereof.
- (5) An employee selected from the Commission's employees and on probation shall be liable to be reverted to his previous grade without notice or pay in lieu thereof if, in the opinion of the competent authority, he fails to show satisfactory performance during the period of his probation.

11. Commencement of service

Except as otherwise provided by or under these Regulations, "service" of an employee shall be deemed to commence from the working day on which an employee reports for duty in an appointment covered by these Regulations at the place and time intimated to him by the appointing authority:

Provided that if he reports after noon, his service shall commence from the next following working day.

12. Determination of service by notice

- (1) An employee shall not leave or discontinue his service in the Commission without first giving notice to the Competent Authority, in writing of his intention to leave or discontinue the service.
- (2) The period of notice required shall be, -
 - (a) In the case of employees holding the post on regular basis, three months;
 - (b) In the case of employees holding the post on probation, one month;Provided that Chairperson may waive the period of notice required under this sub-regulation for the reasons to be recorded in writing.

Provided further that the employee shall not be entitled to set off any leave earned and not availed of by him against the period of such notice.

In case of breach by an employee of the provisions of the sub-regulation (2), he shall be liable to pay to the Commission as compensation, a sum equal to his substantive pay for the period of notice required of him. Provided that the payment of such compensation may be waived by the Chairperson, at his discretion.

- (3) Notwithstanding anything contained in sub-regulation (1), the resignation of an employee shall not be effective unless it is accepted by the competent authority. The competent authority may refuse to accept a resignation:
 - i. If disciplinary proceedings have been instituted against or are proposed to be instituted against the employee;
 - ii. If the employee is under an obligation to serve the Commission for a specified period which has not yet expired;
 - iii. The employee owes the Commission any sums of money;
 - or
 - iv. For any other sufficient ground to be recorded in writing.

Explanation 1. Disciplinary proceedings shall be deemed to be instituted against an employee for the purposes of this sub-regulation if he has been placed under suspension under these Regulations or any notice has been issued to him asking him to show cause why disciplinary proceedings should not be instituted against him or any charge-sheet has been issued to him under these Regulations and will be deemed to be pending till final orders are passed by the competent authority.

Explanation 2. The expression “month” used in this Regulation shall be reckoned according to the English calendar and shall commence from the day following that on which notice is given by the employee or the Commission as the case may be.

Explanation 3. A notice given by an employee under sub- regulation (1) above shall be deemed to be proper only if he remains on duty during the period of the notice.

13. Superannuation and Retirement

- (1) An employee shall retire at 60 years of age.
Provided that the Commission may retire any employee on, or at any time after the completion of 55 years of age or 30 years of total service, whichever is earlier, by giving him three months’ notice in writing.
- (2) An employee, who attains the age of superannuation on any day other than the first day of any calendar month, shall retire on the last day of the month in which he completed his age of retirement.
- (3) An employee may also, if he so desires, and subject to terms of appointment to the contrary, if any, retire from service on completion of 20 years of service in the Commission, by giving three months’ notice to the Commission in writing.
- (4) The Commission may also offer a scheme, subject to such terms and conditions as it may specify, to its whole-time employees for voluntary retirement from the services of the Commission.
- (5) When an employee retires from service either under the provisions of the proviso to sub-regulation (1) or sub-regulation (3), the Commission may consider grant of compensation on such scale and terms as may be determined by it from time to time. The Commission while determining the terms shall consider all relevant factors including the balance of service left to a retiring employee.
- (6) Notwithstanding anything contained in these Regulations, where an employee has ordinary leave earned but not availed of as on the date of retirement, he may, at his option,
 - (a) Be permitted to avail of the leave subject to a maximum of ten months in respect of leave earned under these Regulations and in that case, the employee will be deemed to have retired from service on the expiry of the leave;

or

- (b) Be paid a lumpsum amount which would be equivalent to pay as defined in Regulation 3(1)(j) of these Regulations as on the date of his retirement, for the unavailed ordinary leave earned subject to maximum of ten months plus all allowances normally admissible to the employee concerned during ordinary leave, after which he shall retire.

Explanation :-

“Date of Retirement” means the date on which the employee attains the age of superannuation in accordance with the provisions of the Regulation or the date on which he is retired by the Commission under sub-regulation (1) of the Regulation or the date on which the employee voluntarily retires in terms of sub-regulation (3) or sub- regulation (4) of the Regulation as the case may be.

CHAPTER – III

RECORD OF SERVICE, SENIORITY AND PROMOTION

14. Record of Service

A record of service shall be maintained by the Commission in respect of each employee at such place or places and shall be kept in such form and shall contain such information as may be specified from time to time by the Chairperson.

15. Seniority

- (1) An employee confirmed in the services of the Commission shall ordinarily rank for seniority in his/her grade, according to the date of his/her confirmation in that grade.
- (2) The Commission shall, each year, prepare a list of the employees in its service showing their names in the order of their seniority containing such other particulars as the Chairperson may determine and a copy of such list shall be made available to each employee.

16. Promotion

- (1) All promotions shall be made at the discretion of the Commission and notwithstanding his seniority in a grade, no employee shall have a right to be promoted to any particular post or grade.
- (2) All promotions shall be against vacancies in sanctioned posts declared by the Commission and shall be based on-
- (a) Seniority, merit and suitability in the cases of Officers.
 - (b) Seniority and merit in the cases of Driver, Junior Assistant.

Provided that in assessing the suitability of the employee for promotion, the performance of the employee in the post or grade, from where he is being considered for promotion, shall be considered.

- (3) For the purpose of promotions, Chairperson shall constitute a Departmental Promotion Committee comprising such number of persons including external expert which may conduct interviews, if so decided, for selection of employees for considering promotion to the next grade or post.

Provided that in the case of promotions to the post of Executive Director, the Committee shall consist of Chairperson, two other members of the Commission, an external expert [*] and Secretary.

NOTE: - [*] in case of CERC, Additional Secretary or an officer of the Ministry of Power not below the rank of Joint Secretary and an external expert nominated by Chairperson

- (4) Whenever an employee after completing qualifying service in the grade required for promotion to next grade could not be considered for promotion due to non-availability of vacancy would be granted the next grade on non- functional basis, if he is stagnating for one year to a particular grade or Whenever any other staff having seniority of same year is appointed on regular basis to a post carrying a specific Pay Level in any division, whichever is earlier. Grant of non-functional upgradation shall be subject to suitability of the employee, as recommended by the Departmental Promotion Committee.

CHAPTER IV **PAY, ALLOWANCES AND OTHER BENEFITS**

17. Pay, allowances and other benefits

- (1) The Commission may determine from time to time the pay and allowances applicable to different categories of employees as applicable for SEBI [or CERC*], as the case may be. On commencement of these regulations, pay scales, Nature of posts shall be as per **Schedule-I** and these shall be revised by the Commission as and when SEBI/ [or CERC*] revises it, as the case may be.
- (2) The Commission from time to time frame such schemes and allow such other benefits for the welfare of the employees at such terms and conditions as it may determine as applicable for SEBI [or CERC*], as the case may be. An indicative list of such allowances and reimbursement shall be as per **Schedule-II** and these shall be revised by the Commission as & when SEBI/[CERC*] revises it, as the case may be. The same reimbursements/allowances/schemes shall be admissible to Chairperson/Members of the Commission as applicable to ED/Secretary or equivalent.

18. When accrue and payable

Subject to the provisions of these Regulations, pay and allowances shall accrue from the commencement of the service of an employee, and shall become payable on the afternoon of the last working day of each month in respect of the service performed during the said month.

Provided that an employee proceeding on ordinary leave other than extraordinary leave for a period not less than one month may be paid in advance one month's pay and allowances if he applies therefor.

19. When not payable for part of a month and when allowance to cease

Pay and allowances shall not be payable for a part of a month to an employee who leaves or discontinues his service without due notice during a month, unless such notice has been waived by the competent authority.

20. Admissibility of allowances

Pay and allowances shall cease to accrue from the date when an employee ceases to be in service. In the case of an employee dismissed, removed or compulsorily retired from the Commission's service, the pay and allowances shall cease from the date of his dismissal, removal or compulsory retirement. In the case of an employee who dies while in service, they shall cease from the day following that on which the death occurs.

21. Compensatory allowance

Allowances shall only be payable to employees who are actually at that time fulfilling the conditions subject to which they are admissible.

22. Notwithstanding the fact that the whole-time employee is at the disposal of the Commission, the Commission may grant compensatory allowance, not counting as pay, to an employee who is required to work on holidays to put in extra hours on week days in connection with the Commission's work. The rate at, and the circumstances in which such allowance may be drawn shall be determined by the Chairperson.

23. Increments

- (1) In an incremental scale, the increment shall accrue on an annual basis on each stage of that scale, whether such service be probationary, officiating or substantive.
Provided that the benefit of increment shall be admissible from the first of the month in which it accrues, irrespective of the actual date of its accrual.
- (2) Officiating service in a higher grade will count for increments in an employee's substantive grade as well as in the higher grade in which he is officiating and if there is an intermediate grade between the two in which he would have officiated had he not been appointed to officiate in the higher grade, also in the intermediate grade, but the period during which an employee is on leave without pay will not count for increment unless so authorised by the competent authority for reasons to be recorded in writing.
- (3) Sanction to draw increments will be given by the Competent authority.
- (4) No increment may be withheld except as a disciplinary measure under Regulation 38 and each order withholding an increment shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments:
Provided that if in an incremental scale there is an efficiency bar, an employee shall not draw increments above that bar until he has been certified fit to do so by the Competent Authority. On each occasion on which an employee is allowed to pass an efficiency bar which has previously been

enforced against him, he shall be placed in the incremental scale at such stage as the authority competent to remove the bar may fix provided that such stage shall not be higher than that at which he would draw his pay, if the bar had not been enforced against him and further that no increments granted on the removal of a bar shall have a retrospective effect.

- (5) The Chairperson may, grant stagnation increments to an employee who has reached the last stage in the concerned scale.

24. Re-fixation of pay on promotion and on confirmation

On promotion to the higher grade, the pay of an employee shall be fixed at the stage in the higher grade which is next above his substantive pay in the old scale as on the date of confirmation, if such pay be higher than the pay drawn by him at the time of confirmation.

25. Grant of increment on promotion grade

- (1) Without prejudice to anything contained in Regulation 24, where an employee is promoted to a higher grade-
 - (a) before reaching the maximum of the incremental scale in the pre-promotional grade, the date of the next increment in the promotional grade shall be the date of increment as existing in the pre-promotional grade.
 - (b) after having reached the maximum of the incremental scale in the pre-promotional grade, the date of the next increment in promotional grade shall be one year from the date of promotion: Provided that after having reached the maximum of the incremental scale in the pre-promotional grade, in cases where the officer promoted was due to receive any post scale benefits such as personal allowance and stagnation increment in the pre-promotional grade within one year from the date of actual promotion, the date of increment in the promotional grade shall be the date of accrual of such post scale benefit.

26. Medical aid and facilities

- (1) Medical aid and facilities shall be provided by the Commission for its employees including those who superannuated or retired from the Commission and such of their dependents in accordance with such guidelines as may be approved by the Commission from time to time. The said guidelines, may, 'inter alia', provide for illness, injuries arising out of accidents, hospitalisation and domicile treatment.
- (2) Without prejudice to sub-regulation (1), the Commission may take a comprehensive health insurance policy covering all its employees (including those who superannuated or retired from the Commission) and their dependents, on such terms and conditions, as it may determine or reimbursement of IPD medical claims on mutually agreeable rates with empaneled hospitals. Reimbursement for treatment in non-empaneled hospitals would be restricted to CGHS rates.

- (3) Officers and staff (including those who superannuated or retired from the Commission) will be entitled to reimbursement of medical expenses on actual basis for non-hospitalisation cases, for themselves and their family members including dependents on production of prescription from Authorised Medical Practitioners along with bills/cash memos of medicines/tests.
- (4) The employees of the Commission (including those who superannuated or retired from the Commission) shall be entitled for one-month basic pay (plus DA) on self-certification basis in lieu of OPD reimbursement facility as per para 26(3) above

27. Travelling and halting allowances

Travelling and halting allowances shall be paid to the employees according to such rates and on such terms and conditions as admissible to SEBI employees of equivalent grade from time to time.

28. Gratuity

- (1) Every employee, shall be eligible for gratuity on:-
 - (a) Retirement;
 - (b) Death;
 - (c) Disablement rendering him unfit for further service as certified by Commission's Medical Officer;
 - (d) Resignation after completing five years of continuous service; or
 - (e) Termination of service in any other way (except by way of punishment) after completion of five years of service.

29. Amount of Gratuity

- (1) The amount of gratuity payable shall be determined by the Commission from time to time.
- (2) An employee shall be eligible for gratuity as per the Payment of Gratuity Act, 1972. Provided further that the gratuity amount payable to an employee shall not be less than the amount payable under the Payment of Gratuity Act, 1972.
- (3) Without prejudice to the sub-regulation (1) and (2), the Commission may create a gratuity trust.

30. Obligation to subscribe to the pension/ insurance scheme or fund instituted by the Commission

It shall be incumbent on every employee bound by these Regulations to subscribe to the Employees Provident Fund/Pension Fund/Group Saving Linked Scheme that may be opted/instituted by the Commission for the benefit of its employees and their families and to be bound by the rules of the said scheme or fund;

Provided that nothing contained in this Regulation shall serve to curtail any superannuation benefits which may otherwise be admissible to an employee;

Provided further that nothing contained in this Regulation shall require an employee to subscribe to the said system/scheme or fund if he is exempted from so doing under the rules of the said scheme or fund.

31. HRA/Lease Accommodation

The employee of the ERC shall be eligible for HRA as applicable to the employees of equivalent grade in SEBI or CERC, as the case may be. Lease Accommodation facilities shall be provided by the Commission for its employees. Rental ceiling for residential accommodation to be taken on lease by the Commission shall be limited to two times the house rent allowance admissible to the Central Government Employees of equivalent grade. The employees who wish to avail this facility in respect of the house which is owned and occupied by them during their appointment in the Commission shall also be eligible for this facility and such cases shall fall under the category of Self Lease Facility.

NOTE : The ERCs may opt for HRA as applicable to Central Government employee of equivalent grade)

A detailed order will be issued and would be final as decided by the Commission.

32. LEAVE AND JOINING TIME

32.1. Kinds of leave

(1) Subject to the provisions of these Regulations, the following kinds of leave may be granted to an employee:

- (a) Casual leave and Special Casual leave
- (b) Ordinary leave
- (c) Sick leave and Special leave
- (d) Maternity leave or Paternity Leave, as the case may be
- (e) Child Care Leave
- (f) Study Leave
- (g) Extraordinary leave
- (h) Accident leaves
- (i) Other special leave as may be specified by the Commission.

(2) Pay during leave shall be drawn at full or half rate of leave pay, according to the kind of leave availed of by the employee provided that no pay shall be admissible during the extraordinary leave.

32.2. Authorities empowered to grant leave, power to refuse leave or recall an employee on leave
The power to grant leave shall vest in the competent authority. All applications for leave shall be addressed by the employee to the authority empowered to grant leave.

32.3. Lapse of leave on cessation of service, earlier return from leave

- (1) Leave cannot be claimed as a matter of right. When the exigencies of the service so require, discretion to refuse or revoke leave of any description is reserved to the competent authority empowered to grant it, and an employee already on leave may be recalled by that competent authority when it is considered necessary in the interests of the service of the Commission.
- (2) Save as otherwise specifically provided in these Regulations, leave earned by an employee lapses on the date on which he ceases to be in service.
- (3) Unless he is permitted to do so by the competent authority who has granted his leave, an employee on leave may not return to duty more than 14 days before the expiry of the period of leave granted to him.

32.4. Commencement and termination of leave

- (1) The first day of an employee's leave is the working day succeeding that upon which he takes over charge.
- (2) The last day of an employee's leave is the working day preceding that upon which he reports his return to duty.

32.5. Obligation to furnish Leave address

An employee shall, before proceeding on leave, intimate to the competent authority his address with telephone number (if any) while on leave, and shall keep the said authority informed of any change in the address previously furnished.

32.6. Station to which an employee should report on return

An employee on leave shall, unless otherwise instructed to the contrary, return for duty to the place at which he was last stationed.

32.7. When medical certificate of fitness may be demanded

The competent authority may require an employee who has availed himself leave above three days for reasons of health to produce a medical certificate of fitness before he resumes duty even though such leave was not actually granted on a medical certificate.

32.8. Leave not admissible to an employee under suspension

Leave may not be granted to an employee under suspension or against whom disciplinary proceedings are pending.

32.9. Casual leave

- (1) An employee shall be eligible for casual leave upto a maximum of 12 working days in each calendar year provided that no employee may take casual leave for less than half day or more than 5 days at a time.
Provided that public holidays may not be combined with such leave in such a way as to increase the absence at any one time beyond twelve days. Any casual leave which is extended beyond these limits will be treated as Ordinary Leave in respect of the entire period.
Casual leave cannot be suffixed or prefixed with any other kind of leave except with special casual leave.
- (2) No casual leave may be availed of, except with prior sanction of the competent authority.
Provided that if for any genuine reason, it is not possible for an employee to obtain such permission in advance, he shall intimate his absence to such competent authority within 24 hours:
Provided further that such competent authority may condone the delay, if any, in this behalf if he is satisfied that an employee was not in a position to intimate his absence for reasons beyond his control.
- (3) When an employee joins the service of the Commission at any time during the year, his entitlement to casual leave shall be at the rate of one day per month during that calendar year.
- (4) The casual leave, which has not been availed of at the end of the calendar year, shall be credited to the extent of 50% of such leave not availed of, to the ordinary leave account of the concerned employee. Fraction, if any, in such cases shall be ignored.

32.10. Special Casual Leave

Notwithstanding anything contained in Regulation 32.9, the Chairperson may permit the grant of special casual leave.

- (1) When the absence from duty is necessitated by orders from the authorities empowered to issue quarantine orders not to attend office in consequence of any infectious disease in the family or household of any employee;
- (2) When the absence of an employee is due to his having sustained a bodily injury while on duty and the absence is supported by certificate from the Medical Officer of the Commission or Registered Medical Practitioner;
- (3) When the absence is necessitated by reason of an employee who is a member of the Auxiliary Force, India, Home Guard, A R P or other Civil Defence Organization or any other organisation of a similar nature having to attend an annual camp or a training course; or
- (4) When there are other exceptional circumstances necessitating the grant of special casual leave in excess of the specified limits;
- (5) For undergoing family planning operation, subject to production of Medical Certificate:-
 - (a) Female Employees:
 - (i) 14 days for tubectomy / laparoscopy
 - (ii) 1 day on the day on which the husband undergoes vasectomy.
 - (iii) 1 day on the day of IUD insertion / reinsertion.
 - (b) Male Employees:

- (i) 6 days for vasectomy operation
- (ii) 7 days when the wife undergoes tubectomy/ laparoscopy.

Provided that special casual leave sanctioned under this sub-regulation may be clubbed with any other leave, except casual leave.

Explanation 1: Except in respect of special casual leave sanctioned in terms of sub-regulation (4) of this regulation, the total period of casual leave granted under Regulation 32.9(1) and the special casual leave granted under this regulation in anyone calendar year shall in no case exceed 45 days and if the grant of leave under the said Regulations shall result in such total period being extended beyond 45 days, any period of absence in excess of 45 days shall be treated, subject to the provisions of Regulation 32.20(2) as Ordinary, Sick, Special or Extraordinary Leave, as the employee concerned may request and as may be admissible to him.

Explanation 2: Except in respect of special casual leave sanctioned in terms of sub-regulation (4) of this regulation, in computing casual leave under Regulation 32.9(1) and special casual leave under this Regulation, intervening public holidays shall not be reckoned as day of casual leave or special casual leave as the case may be.

32.11. Ordinary leave

- (1) Every employee shall be entitled to ordinary leave at the rate of 30 days for every year of service subject to a maximum accumulation of ten months (300 days).
The leave so earned shall be credited to the ordinary leave account of the employee half yearly on 1st January and 1st July respectively in each year at the rate of 15 days for every 6 months of service rendered by such employee.
No employee shall earn ordinary leave when he is on leave other than casual leave for a continuous period of more than 6 months. If an employee renders less than 6 months of service in any half year, he shall be credited with one day for every 11 days of duty.
Fractions of a day of earned leave shall be taken as full day if amounting to half a day or more, and shall be ignored if amounting to less than half a day.
- (2) The period of ordinary leave, which can be taken at one time by an employee shall not be less than five days.
Provided that the employee may take less than 5 days when he does not have casual leave to his credit.
- (3) Application for grant of ordinary leave shall be submitted fifteen days in advance from the date of availing, to the Competent Authority.
- (4) An employee on ordinary leave shall draw pay equal to leave pay.
- (5) In case of deputationist, Ordinary leave shall have same meaning as Earned Leave

32.12. Encashment of Ordinary Leave

- (1) An employee may be permitted to encash ordinary leave once in two years for a minimum period of 10 days and a maximum period of 30 days.
Provided that at the time of such encashment the employee has to his credit a balance of leave which shall not be less than the leave so encashed.

- (2) If an employee dies during his service in the Commission or who is declared by the Medical Officer of the Commission to be completely and permanently incapacitated for further service, he (legal heirs in case of death of an employee) may be granted by the competent authority, cash equivalent to unavailed earned leave to his credit on the date of death, invalidation from service, as the case may be.
- (3) An employee of the Commission who resigns from service after giving proper notice of resignation, in terms of regulation 12, may be permitted encashment of half of the period of ordinary leave at his/her credit as on the date of resignation subject to a maximum of five months ordinary leave.

32.13. Sick Leave

- (1) Every employee shall be entitled to sick leave, on production of medical certificate, at the rate of 20 days for every calendar year of service subject to a maximum of 540 days during the full period of his service. Additional sick leave may be granted subject to maximum 20 days per year and after availing maximum sick leave admissible in service i.e 540 days, if it is considered necessary and advisable in the interest of the Commission:
Provided further that in the case of an employee, the production of a medical certificate may not be insisted upon if sick leave to be granted does not exceed three days. Sick leave shall be on half pay.
- (2) Provided that where an employee has served the Commission for at least a period of three years, he may, if he so requests, be permitted to avail, during the full period of his service, sick leave on leave pay upto a maximum period of nine months and such leave on leave pay shall be entered in his sick leave account as twice the amount of leave taken by him.
- (3) An employee may be granted sick leave during the first year of his service on pro-rata basis at the discretion of the Competent Authority.

32.14. Maternity Leave

- (1) Maternity Leave, which shall be on leave pay, may be granted to a female employee upto a period of 180 days on full pay at a time and not more than 360 days during the entire period of service.
- (2) Female employees undergoing hysterectomy operation may also claim maternity leave for a period not exceeding 20 days (including stay in hospital) within the overall ceiling of 360 days.
- (3) Leave not exceeding 45 days may be granted to a female employee during the entire service of the female employee in case of miscarriage including abortion on production of medical certificate within the overall ceiling of 360 days.
- (4) A competent authority may grant leave of any other kind admissible to the female employee in combination with, or in continuation of maternity leave if the request for its grant is supported by requisite medical certificate.

32.15. Paternity Leave

- (1) Paternity Leave may be granted to a male Staff member (natural father), with less than two surviving children, during the confinement of his wife for child birth, for a period of fifteen days per child, from fifteen days prior to the delivery or up to six months from the date of such delivery.
- (2) Paternity Leave may also be granted to a male employee (adoptive father), with less than two surviving children, who has adopted a child through proper legal process, for a period of fifteen days per child within six months from the date of adoption.
- (3) During the period of Paternity Leave, the employee shall be paid leave pay.
- (4) Paternity Leave may be combined with any kind of leave other than Casual Leave and Special Casual Leave.
- (5) The employee shall avail the entire Paternity Leave at one time during the eligible period as mentioned in sub- regulations (1) and (2), as the case may be.

32.16. Child Care Leave

- (1) A female employee and single male employee may be granted child care leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.
- (2) For the purposes of sub-rule (1), "child" means—
 - (a) a child below the age of eighteen years: or
 - (b) an offspring of any age with a minimum disability of forty per cent.
- (3) Grant of child care leave to a female employee and a single male employee under sub-rule (1) shall be subject to the following conditions, namely: -
 - (i) it shall not be granted for more than three spells in a calendar year;
 - (ii) in case of a single female Government servant, the grant of leave in three spells in a calendar year shall be extended to six spells in a calendar year.
 - (iii) it shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of child care leave to the probationer, provided that the period for which such leave is sanctioned is minimal.
 - (iv) child care leave may not be granted for a period less than five days at a time.
- (4) During the period of child care leave, a female employee and a single male employee shall be paid one hundred per cent of the salary for the first three hundred and sixty-five days, and at eighty per cent of the salary for the next three hundred and sixty-five days.

Explanation : Single Male Government servant' means — an unmarried or widower or divorcee Government servant.

- (5) Child care leave may be combined with leave of any other kind.
- (6) Child care leave shall not be debited against the leave account.

32.17. Study leave

(1) Subject to conditions specified, study leave may be granted with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

(i) for a course of training or study tour in which employees may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Commission from the point of view of public interest and is related to sphere of duties of the employees; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the employees should be required to submit, on his return, a full report on the work done by him while on study leave;

(iii) for the studies which may not be closely or directly connected with the work of an employee, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless-

(i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;

(ii) it is for prosecution of studies in subjects other than academic or literary subject:

(4) Study leave may be granted to a Employee-

(i) who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Commission;

(ii) who is not due to reach the age of superannuation from the Commission service within three years from the date on which he is expected to return to duty after the expiry of the leave; and

(iii) who executes an undertaking to serve the Commission for a period of three years after the expiry of the leave.

(5) The maximum amount of study leave, which may be granted to an employee, shall be –

(a) ordinarily twelve months at any one time, and

(b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

(c) Study leave shall not be debited against the leave account of the Employee.

(d) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave involve a total absence of more than twenty-eight months generally and thirty-six months for the courses leading to PhD. degree from the regular duties of the Employee.

(6) During Study Leave, an employee shall draw Leave Salary equal to the pay that the employee drew while on duty with Commission immediately before proceeding on such leave.

(7) The amount, if any, received by an employee during the period of Study leave as scholarship or stipend or remuneration in respect any part-time employment shall be adjusted against the Leave Salary payable under this sub-rule subject to the condition that the Leave Salary shall not be reduced to an amount less than that payable as Leave Salary during half-pay leave.

(8) If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty or fails to complete the course of study, he shall be required to refund the actual amount of leave salary, Study Allowance, cost of fees, traveling and other expenses, if any, incurred by the Commission; and

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply-

(a) to an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

(b) The study leave availed of by such employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

32.18. Accident Leave

(1) Accident Leave may be granted to an employee who sustains an injury in the course of the performance of his duties, for the period for which leave is certified by the Medical Officer of the Commission to be necessary for recovery from the injury.

(2) Accident Leave would also be admissible to an employee, who is on tour / duty in connection with the official work of the Commission, subject to the period for which leave is necessary for recovery from the injury being certified either by the Commission's Medical Officer, or a Registered Medical Practitioner.

(3) The competent authority may, at the option of the employee, grant any other kind of leave as admissible to him for the period so medically certified and also in combination with or in continuation of any accident leave sanctioned.

- (4) An employee on accident leave shall for the first four months thereof, draw a pay equal to his leave pay and half leave pay for the rest of the period.

32.19. Extraordinary Leave

- (1) Extraordinary Leave may be granted to an employee when no other leave is due to him and when, having regard to his length of service, sick or special leave is not considered justified by the competent authority. Except in exceptional circumstances, the duration of extraordinary leave shall not exceed 90 days on any one occasion and 360 days during the entire period of an employee's service.
- (2) The competent authority may grant extraordinary leave in combination with, or in continuation of leave of any other kind admissible to the employee, and may commute retrospectively periods of absence without leave into extraordinary leave.
- (3) No pay and allowances are admissible during the period of extraordinary leave and the period spent on such leave shall not count for increments:

Provided that, in cases where the sanctioning authority is satisfied that the leave was taken on account of illness or for any other cause beyond the employee's control, it may direct that the period of extraordinary leave may count for increments.

32.20. Special Leave

- (1) During the full period of his service an employee may be granted special leave on private affairs for a period not exceeding 360 days. Special Leave may not be availed of if ordinary leave is admissible; Provided that an employee may be granted special leave if he is suffering from a disease requiring prolonged treatment and he has no ordinary leave and sick leave to his credit and is also not eligible.
- (2) In case an employee is absent from duty on account of quarantine, the Commission may, at the request of the employee, treat such absence upto a maximum of 90 days as ordinary, sick or special leave if such leave is otherwise permissible. Special leave under the sub-regulation may be availed of even if ordinary leave is admissible.

32.21. Pay during special leave

Special leave shall be on half leave pay, which shall be reduced, except with the special sanction of the Chairperson, to one quarter of leave pay after six months.

32.22. Joining Time

- (1) Joining time may be granted to an employee by the Chairperson to enable the employee –
 - (a) To join a new post to which he is appointed while on duty in his old post; or
 - (b) To join a new post on return from leave of not more than four months' duration although the duration of leave exceeds four months, the employee has not had sufficient notice of his appointment to the new post.

- (2) Joining time shall not be granted when no change in the headquarters of an employee is involved.

Pay and allowances during joining time

- (3) The pay and allowances of an employee on joining time shall be determined in accordance with the Regulations.

Period for which admissible

- (4) Joining time which may be allowed to an employee shall not exceed seven days, exclusive of the number of days spent on travelling.

How calculated

- (5) In calculating joining time admissible to an employee, the day on which he is relieved from his old post shall be excluded but public holidays following the day of his relief shall be included in the joining time.

Special casual leave in lieu of joining time

- (6) Where an employee does not avail of the joining time or his joining time has been curtailed due to exigencies of Commission's service, he may be allowed to avail of the Special Casual Leave to the extent of unavailed joining time subject to a maximum of 7 days, at any time after the date of reporting but before the completion of a period of six months or such other extended period as may be agreed to by the Commission for submitting supplementary travelling allowance bill in respect of his family and personal effects provided he has advised the office to this effect before proceeding on transfer. Saturdays/Sundays/holidays prefixed to Special Casual Leave in lieu of joining time shall be excluded but Saturdays/Sundays/holidays intervening such Special Casual Leave shall be reckoned as Special Casual Leave.
- (7) Where an employee does not avail the entire joining time including special casual leave referred to in sub-regulation (6) or the same has been curtailed due to exigencies of Commission's Service, the unavailed joining time will be added to the Ordinary Leave account of the employee.

32.23. Overstay after joining time

An employee who does not join his post within the joining time allowed to him shall be deemed to have committed a breach of Regulation 38.

CHAPTER - V
MISCELLANEOUS

33. Deputation of employees to other services

- (1) No employee of the Commission may be deputed to serve under any other employer without the approval of the Chairperson who shall determine the duration of such deputation and the terms and conditions on which the deputation shall take effect;
Provided that no employee may be deputed to foreign service against his will.
- (2) Where the services of an employee of the Commission are placed at the disposal of a foreign employer, it shall be a condition of the deputation that the foreign employer shall, during the periods of such deputation, bear the entire cost of the services of the employee including the following, viz.,
 - (a) Pay during joining time,
 - (b) Travelling allowances payable to the employee to enable him to join his appointment under a foreign employer and to return to his appointment in the Authority on the termination of his deputation,
 - (c) Leave earned during the period of deputation,
 - (d) The foreign employer shall contribute towards employer's contribution in the Employees Provident Funds (GPF/EPF/CPF/NPS), an amount as may be determined by the Chairperson, sufficient to cover the Commission's liability towards monthly contribution for the period the employee is on deputation.

In addition, the foreign employer may also be required to make a contribution towards any gratuity or other sum for which the employee may become eligible on his retirement, on such scale as may be fixed by the Chairperson.

34. Declarations to be signed by the employee

Every employee to whom these Regulations apply, or who exercises his option to come under them shall subscribe to declarations in **Forms A to C** (appended to these Regulations)

35. Official visits

- (1) Official visits abroad by Secretary, officers and other employees of the Commission shall be undertaken with the prior approval of the Chairperson of the Commission.
- (2) Instructions issued by Ministry of External Affairs and Ministry of Finance as amended from time to time shall be applicable.

36. Training

The Commission may from time to time nominate officials to those programs which are conducted under any MoU by any ERC (national or international) as a part of an exchange program.

37. Domicile

- (1) Every employee shall on his appointment declare his domicile in writing to the Commission and if such domicile is not his place of birth, he must establish the same to the satisfaction of the Competent Authority.

- (2) No employee who has once indicated his domicile, be allowed to alter the same unless he satisfies the Commission that the change is bonafide and in no case may an employee be permitted to change his domicile in such a manner as to increase the cost to the Commission of any such concession.

38. CONDUCT, DISCIPLINE AND APPEALS

38.1 Scope of an employee's service

- (1) Unless it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Commission and he shall serve the Commission in its business in such capacity and at such place as he may from time to time be directed.

Liability to abide by Regulations and Orders

- (2) Every employee shall conform to and abide by these Regulations and shall observe, comply with and obey all orders and directions which may from time to time be given to him by any person or persons under whose jurisdiction, superintendence or control he may for the time being be placed.

38.2 Obligation to maintain secrecy

- (1) Every employee shall maintain strictest secrecy regarding the Commission's affairs and shall not divulge or disclose, directly or indirectly, any information of a confidential nature or relating to the working of the Commission to a member of the public or of the Commission's employees or to his friends or relatives, unless compelled to do so by judicial or other authority, or unless instructed to do so by a superior officer in the discharge of his duties.

- (2) No employee shall make use of any information emanating from the Commission or otherwise which has come to his knowledge in the discharge of his official duties for his personal benefit or for the benefit of his friends or relatives.

- (3) No employee shall communicate any unpublished price sensitive information to any other person except when required to do so in the course of his official duty.

- (4) Every employee, before entering upon his duties, make a declaration of fidelity and secrecy in Form - A appened to these Regulations.

38.3 Employees to promote Commission's interest

- (1) Every employee shall serve the Commission honestly and faithfully and shall use his utmost endeavours to promote the interests of the Commission and shall show utmost courtesy and attention in all transactions and dealings with the public, between the officers of Government and the Commission.

- (2) Every employee shall at all times: -

- (a) Maintain absolute integrity, good conduct and discipline,
- (b) Maintain devotion and diligence to duty; and
- (c) Do nothing which is unbecoming of an employee/ public servant.

(3) No employee shall in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.

(4) No employee, shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his superior.

(5) Every employee shall take all possible steps to ensure the integrity and devotion to duty of all persons for the time being under his control and supervision.

38.4 Prohibition against participation in politics and standing for election

No employee shall take active part in politics or in any political demonstration, or stand for election as member, of a Municipal Council, District Board or any other Local Body or any Legislative Body.

38.5 Prohibition against joining certain associations and strikes, etc.

No employee who is not a 'workman' within the meaning of the Industrial Disputes Act, 1947 shall-

(a) Become or continue to be a member or office-bearer of, or be otherwise directly or indirectly associated with, any trade union of employees of the Commission who are 'workmen' within the meaning of that Act, or a federation of such trade unions; or

(b) Resort to, or in any way abet, any form of strike or participate in any violent, unseemly or indecent demonstration in connection with any matter pertaining to his conditions of service or the conditions of service of any other employee of the Commission.

38.6 Contributions to the press

(1) No employee may contribute to the press without the prior sanction of the Competent Authority or without such sanction make public or publish any document, paper or information which may come in his possession in his official capacity.

(2) No employee shall except with the previous sanction of the competent authority publish or cause to be published any book or any similar printed matter of which he is the author or not or deliver talk or lecture in any public meeting or otherwise.

Provided that no such sanction is required, if such broadcast or contribution or publication is of a purely literary, artistic, scientific, professional, cultural, educational, religious or social character.

38.7 Employee not to seek outside employment

No employee shall accept, solicit, or seek any outside employment or office, whether stipendiary or honorary, without the previous sanction of the Chairperson.

38.8 Employment after retirement

(1) No employee of the Commission who has retired from service shall, within a period of one year from the date when he finally ceases to be in the Commission's service, accept or undertake a commercial employment except with the previous approval in writing of the competent authority.

Provided that an employee who was permitted by the Competent authority to take up commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) For the purpose of this Regulation, “commercial employment” means:

(a) Employment in any capacity in any organisation which has been a party to the proceedings before the Commission or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in electricity industry and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

(3) The approval/refusal under this regulation shall be communicated to the employee by the Competent Authority within a period of 90 days from the date of receipt of the application for such approval, failing which the approval shall be deemed to have been granted.

38.9 Giving evidence

(1) Save as provided in sub-regulation (3) no employee shall, except with the previous approval of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any approval has been accorded under sub- regulation (1) no employee giving such evidence shall criticize the policy or any action of the Central Government or State Government or the Commission.

(3) Nothing in this regulation shall apply to any evidence given (a) at any enquiry before an authority appointed by the Central Government, State Government, Parliament or a State Legislature; or (b) in any judicial enquiry; or (c) at any departmental enquiry ordered by the competent authority.

38.10 Seeking to influence

No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his services in the Commission.

39.11 Part-time work

No employee shall undertake part-time work for a private or public body or a private person, or accept any fee therefor, without the sanction of the competent authority which shall grant the sanction only in exceptional cases when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The competent authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or in part, to the Commission.

38.12 Employee not to be absent from duty without permission or be late in attendance

(1) An employee shall not absent himself from his duties without having first obtained the permission of the competent authority, nor shall absent himself in case of sickness or accident without submitting a requisite medical certificate.

Provided that in the case of temporary indisposition, the production of a medical certificate may, at the discretion of the competent authority, be dispensed with.

(2) An employee who absents himself/herself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances during such absence or overstay, and shall further be liable to such disciplinary measures as the competent authority may impose. The period of such absence or overstay may, if not followed by discharge under Regulation 10(4) or compulsory retirement or removal or dismissal under Regulation 38.31, be treated as period spent on extraordinary leave.

(3) An employee who is habitually late in attendance shall, in addition to such other penalty as the competent authority may deem fit to impose, have one day of casual leave forfeited for every three days he is late in a month. Where such an employee has no casual leave due to him, the period of leave to be so forfeited may be treated as ordinary or extraordinary leave as the competent authority may determine.

38.13 Absence from station

An employee, if so required by the competent authority, must not absent himself from his station overnight without obtaining previous sanction of his superior.

38.14 Acceptance of gifts

(1) An employee shall not solicit or accept any gift or permit any member of his family or any person acting in his behalf to accept any gift from any person with whom the employee is likely to have official dealings either directly or indirectly or from any subordinate employee. Trivial gifts such as small packets of sweets, diaries, calendars on the occasion of festivals and New Year may, however, be exempted.

Explanation: The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee or with the Commission.

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

Note 2: An employee shall avoid acceptance of lavish or frequent hospitality from any individual or concern having official dealings with the employee or with the Commission.

(2) On occasions such as marriages, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an employee may accept gifts from his personal friends having no official dealing with the employee or with the Commission but he shall make a report to the competent authority if the value of such gifts exceeds Rs.10,000/-.

(3) An employee shall not –

- (a) Give or take or abet the giving or taking of dowry; or
- (b) Demand directly or indirectly from the parents or guardians of a bride or bridegroom, as the case may be, any 'dowry'.

Explanation: In this Regulation, the term 'dowry' shall have the same meaning as in the Dowry Prohibition Act, 1961.

38.15 Private Business

No employee shall engage in any commercial business or pursue it either on his own account or as agent for others.

38.16 Restrictions on Investments and speculations

- (1) An employee can make any investment upto two times the monthly gross salary of the employee per investment. An employee shall obtain prior approval or shall intimate within one month from the date of investment to the competent authority where the investment exceeds this limit.
- (2) Any employee, who has price sensitive insider information of any nature with regard to Commission's decision, will not use it for pecuniary gain for himself or for anybody. In case of allegations of such nature, the onus would be on the employee to prove that he is not guilty of the same.

38.17 Movable, immovable and valuable property

- (1) No employee shall, except with the previous knowledge of the competent authority, acquire or dispose off any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

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

- (2) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall within 30 days from the date of such transaction, report the same to the competent authority, if the value of such property exceeds such amount as may be specified by the Chairperson from time to time.

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

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

38.18 Lending and Borrowings

No employee shall in his individual capacity –

- (i) borrow or permit any member of his dependent family members to borrow or otherwise place himself or a member of his dependent family members under a pecuniary obligation to a broker or a money lender or a subordinate employee of the Commission or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the Commission;
- (ii) incur debts at a race meeting;
- (iii) lend money in private capacity to a constituent of the Commission or have personal dealings with such constituent in the purchase or sale of bills of exchange, Government paper or any other securities; and
- (iv) guarantee in his private capacity the pecuniary obligations of another person or agree to indemnify in such capacity another person from loss except with the previous permission of the competent authority;

Provided further that an employee may obtain a loan from a cooperative credit society of which he is a member or stand as surety in respect of a loan taken by another member from a cooperative credit society of which he is a member.

38.19 Demonstrations

No employee shall engage himself or participate in any demonstration which is prejudicial to the interests of the Commission, sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement of an offence.

38.20 Joining of Association prejudicial to the interests of the country

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

38.21 Raising of subscriptions

No employee shall, except with the previous sanction of the competent authority, ask for or accept a contribution to or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any objective whatsoever.

38.22 Not to misuse official position

- (1) No employee, shall;
 - (a) Ever encourage outside agencies to call on him at his residence/temporary headquarters while on tour for discussion on official matters.
 - (b) In dealing with the intermediaries and public for seeking any clarification on matters relating to them, resort to oral clarifications and personal discussions as far as possible and written communication shall be the normal practice.

- (c) Use office facilities like letter heads for writing to the companies asking them to consider allotment of shares, securities to their family members, friends or associates on expiry of the relevant dates or otherwise.
 - (d) Ever involve in any type of activities / favours and physical facilities so as to place himself in an embarrassing position in the discharge of his duties with integrity and fairness.
- (2) An employee is strictly prohibited from using his official position for any personal favour for himself or his family members or his relatives or friends.

38.23 Consumption of Intoxicating Drinks and Drugs

- (1) An employee shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be posted for the time being.
- (2) It is also the duty of the employee to see that-
- (a) He takes due care that the performance of his duty is not affected in any way by the influence of any intoxicating drink or drug;
 - (b) He does not appear in public place in a state of intoxication; and

Explanation: For the purpose of this regulation, the term “Public place” would include clubs (even exclusively meant for members where it is permissible for the members to invite non-members as guests), bars and restaurants, public conveyances and all other places to which the public have or are permitted to have access, whether on payment or otherwise.

- (c) He does not habitually use any intoxicating drink or drug in excess.

38.24 Employees in debt

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

(2) An employee who is in debt shall furnish to the competent authority a signed statement of his position half-yearly on the 30th June and 31st December and shall indicate in the statement the steps he is taking to rectify his position. An employee who makes a false statement under this Regulation or who fails to submit the specified statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency court shall be liable to disciplinary action.

Explanation 1: For the purpose of this Regulation, an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured exceed his substantive pay for twelve months.

Explanation 2: An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears having regard to his personal resources and unavoidable current expenses that he will not cease to be in debt within a period of two years.

38.25 Employees arrested for debt or on criminal charge

(1) An employee who is arrested for debt or on a criminal charge or is detained in pursuance of any process of law may, if so directed by the competent authority, be considered as being or having been under suspension from the date of his arrest or, as the case may be, of his detention, upto such date or during such other period as the competent authority may direct. In respect of the period in regard to which he is so treated, he shall be allowed the payment admissible to an employee under suspension under sub- regulation (6) of Regulation 38.38.

(2) Any payment made to an employee under sub- regulation (1) shall be subject to adjustment of his pay and allowances which shall be made according to the circumstances of the case and in the light of the decision as to whether such period is to be accounted for as a period of duty or leave;

Provided that full pay and allowances will be admissible only if the employee –

(a) Is treated as on duty during such period; and

(b) Is acquitted of all blame or satisfies the competent authority, in the case of his release from detention being set aside by a competent court, that he had not been guilty of improper conduct in his detention.

(3) An employee shall be liable to dismissal or to any of the other penalties referred to in Regulation 38.31 if he is committed to prison for debt or is convicted for an offence which, in the opinion of the competent authority, either involves gross moral turpitude or has a bearing on any of the affairs of the Commission or on the discharge by the employee of his / her duties with the Commission; the opinion in this respect of the competent authority shall be conclusive and binding on the employee. Such dismissal or other penalty may be imposed as from the date of his committal to prison or conviction and nothing in Regulation 38.32 and 38.34 shall apply to such imposition.

(4) Where an employee has been dismissed in pursuance of sub-regulation (3) and the relative conviction is set aside by a higher court and the employee is acquitted, he shall be reinstated in service.

Explanation: In this Regulation, committal or conviction shall mean committal or conviction by the lowest court or any appellate court.

(5) Where the absence of an employee from duty without leave or his overstayal is due to his having been arrested for debt or on a criminal charge or to his having been detained in pursuance of any process of law, the provisions of Regulation 38.12 shall also apply and for the purposes of that Regulation as so applied, the employee shall be treated as having absented himself without leave or, as the case may be, overstayed, otherwise than under circumstances beyond his control.

38.26 Vindication of Acts and character of employee

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

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

38.27 Not to address appeals, representations, petitions to outside authority or person

No employee shall address any appeal, representation or petition to any outside authority or person in respect of a matter pertaining to the employees' service in the Commission. Addressing such appeals, representations or petitions shall be deemed a breach of discipline.

38.28 Criticism of Commission or Government

No employee shall, in any radio broadcast, telecast through any electronic media or any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any current or recent policy or action of the Commission or Government.

Provided that nothing in this regulation shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

38.29 Not to misuse residential accommodation or other facilities

(1) An employee shall not misuse the residential accommodation or any other facility or concession granted by the Commission.

(2) Save as otherwise expressly permitted by the Commission, no employee shall, sub-let, lease or otherwise allows occupation by any other person of Commission's residential accommodation which has been allotted to him.

(3) An employee shall, after the determination/ cancellation of his allotment of residential accommodation vacate the same within the time limit specified by the allotting authority.

38.30 Prohibition of Sexual Harassment of Women Employee at Work Place:

(1) No employee shall indulge in any act of sexual harassment of any women employee at the work place.

(2) For the purpose of sub-regulation (1), sexual harassment shall mean unwelcome sexually determined behaviour, whether directly or by implication, including:

- (a) Physical contact and advances;
- (b) A demand or request for sexual favours;
- (c) Sexually coloured remarks;
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non- verbal conduct of a sexual nature.

(3) Any complaint of violation of sub-regulation (1) shall be dealt by the Complaints Committee set up by the Commission in accordance with The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013, and the rules framed thereunder, provisions of which shall prevail in case of any conflict with these regulations.

(4) The Complaints Committee may evolve its own procedure for dealing with complaints received by it.

(5) Without prejudice to the provisions contained in sub- regulation (4), where the Complaints Committee is of the opinion that the complaint is motivated or frivolous, it may close the complaint under intimation to the complainant and the Commission.

(6) When the Complaints Committee is of the opinion that there are grounds for inquiring into the truth of any such complaint, it shall initiate an inquiry into the truth thereof, after recording the reasons therefor.

(7) Any inquiry initiated by the Complaints Committee under sub-regulation (6) pursuant to any such complaint shall be deemed to be an inquiry within the meaning of regulation 38.32 and accordingly:

(i) The Complaints Committee shall be deemed to be an inquiry officer appointed with respect to such complaint and shall have all the powers, functions and duties of an inquiry officer as provided in that regulation;

(ii) The proceedings shall be held, as far as may be, in accordance with that regulation, subject to the following modifications, namely:

(a) That the charges shall be framed and communicated to the employee by the Complaints Committee (instead of the competent authority) under sub-regulation (3) thereof; and

(b) The written statement of defence of the employee shall be sent to the Complaints Committee (instead of to the competent authority).

(iii) The findings of the Complaints Committee shall be in the form of a report, which complies with the requirements of sub-regulation (21) of regulation 38.32 and such report shall be deemed to be an inquiry report for the purpose of these regulations.

(8) Nothing contained in this regulation shall be construed to prejudice the powers of the Complaints Committee to provide counselling or other support service.

38.31 Penalties

Without prejudice to the other provisions of these Regulations, an employee who commits a breach of any regulation of the Commission or who displays negligence, inefficiency or indolence, or who knowingly does anything detrimental to the interests of the Commission or in conflict with its instructions, or who commits a breach of discipline or is guilty of any other act of misconduct, shall be liable to the following penalties:

(1) Minor penalties

(a) Censure;

(b) Withholding of promotion;

- (c) Recovery from pay of the whole or part of any pecuniary loss caused to the Commission by the employee by negligence or breach of orders;
 - (d) Reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect;
 - (e) withholding of increments of pay;
- (2) Major penalties
- (a) Save as provided for in clause (d) of Sub-regulation (1), reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the employee shall earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction shall or shall not have the effect of postponing the future increments of his pay.
 - (b) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that scale of pay grade, post or service.
 - (c) Compulsory retirement
 - (d) Removal from service which shall not be a disqualification for future employment;
 - (e) Dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation: The following shall not amount to a penalty within the meaning of this regulation namely:-

- (i) Withholding of one or more increments of an employee on account of his failure to pass a specified departmental test or examination in accordance with the terms of appointment to the post which he holds.
- (ii) Stoppage of pay of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- (iii) Non-promotion whether in an officiating capacity or otherwise, of an employee, to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) Reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;

- (v) Reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment or regulations or orders governing such probation;

- (vi) Termination of the service: -
 - (a) Of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment, or the regulations or orders governing such probation;
 - (b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
 - (c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
 - (d) of an employee on abolition of post.

- (vii) Termination of employment of an employee on medical grounds, if he is declared unfit to continue in the Commission's service by the Commission's Medical Officer;

- (viii) Retirement of an employee in accordance with the proviso to Regulation 13(1).

38.32 Procedure for imposing major penalties

- (1) No order imposing any of the major penalties specified in regulation 39.31(2) shall be made except after an inquiry is held in accordance with this regulation.

- (2) Whenever, the Competent Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into or appoint any other officer or any person not below the rank of retired District Judge, retired High Court Judge, retired Joint Secretary to the Government of India, retired Secretary to any State Government or retired Executive Director of any Power Sector (hereinafter referred to as the inquiry officer) to inquire into the truth thereof.

Explanation: A breach of any of the provisions of these regulations shall be deemed to constitute a misconduct. The enquiry under this regulation shall be done, in case the employee against whom proceeding is taken is an officer, by any officer who is in a grade higher than such employee and in the case of other employees any officer.

Explanation: When the Competent Authority itself holds the inquiry any reference in sub- regulation (8) to sub-regulation (21) to the inquiry Officer shall be construed as a reference to Competent Authority

(3) (a) Where it is proposed to hold an inquiry, the Competent Authority shall frame definite and distinct charges on the basis of the allegation against the employee. The Competent Authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained.

(b) On receipt of articles of charge, the employee shall be required to submit his written statement of defence, if he so desires, and also state whether he desires to be heard in person, within a period of fifteen days, which may be further extended for a period not exceeding fifteen days at a time for reasons to be recorded in writing by the Competent Authority or any other Authority authorized by the Competent Authority on his behalf:

Provided that under no circumstances, the extension of time for filing written statement of defence shall exceed forty-five days from the date of receipt of articles of charge.

(4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the Competent Authority itself, or if it considers it necessary so to do appoint under sub-regulation (2) an Inquiry Officer for the purpose.

Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the employee in his written statement but shall be necessary to record its findings on each such charge.

- (5) The Competent Authority shall, where it is not the Inquiry Officer, forward to the Inquiry Officer;
- (i) a copy of the articles of charges and statements of imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of defence, if any submitted by the employee;
 - (iii) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;
 - (iv) a copy of statements of the witnesses, if any;
 - (v) evidence providing the delivery of articles of charge under sub-regulation (3);
 - (vi) a copy of the order appointing the 'Presenting Officer' in terms of sub-regulation (6).
- (6) Where the Competent Authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order, appoint an officer to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (7) The employee may take the assistance of any other employee but may not engage a legal practitioner, for the purpose, unless the presenting officer appointed by the Competent Authority, is a legal practitioner or Competent Authority having regard to the circumstances of the case, so permits.
- (8) The Inquiry Officer shall by notice in writing specify

- (a) the day on which the employee shall appear in person before the Inquiry Officer.
 - (b) On the date fixed by the Inquiry Officer, the employee shall appear before the Inquiry Officer at the time, place and date specified in the notice.
 - (c) The Inquiry Officer shall ask the employee whether he pleads guilty or as any defence to make and if he pleads guilty to any of the Articles of charge, the Inquiry Officer shall record the plea, sign the record and obtain the signature of the employee concerned thereon.
 - (d) The Inquiry Officer shall return a finding of guilty in respect of those articles of charge to which the employee concerned pleads guilty.
- (9) If the employee does not plead guilty, the Inquiry Officer shall adjourn the case to a later date not exceeding 30 days.
- (10) The Inquiry Officer shall, where the employee does
- a) not admit all or any of the articles of charge, furnish to such employee a list of documents by which, and a list of witness by whom, the articles of charge are proposed to be proved.
 - b) The Inquiry Officer shall also record an order that the employee may for the purpose of preparing his defence.
 - (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring officer may allow, the documents listed;
 - (ii) submit a list of documents and witness that he wants for the inquiry;
 - (iii) be supplied with copies of statements or witnesses to be relied upon, if any, recorded earlier and the Inquiry Officer shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the Inquiry Officer;
 - (iv) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring officer may allow for the discovery or production of the documents referred to in item (ii).

Note: The relevancy of the documents and the examination of the witnesses referred to in sub-clause (ii) shall be given by the employee concerned.

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

(12) On the receipt of the requisition under sub regulation (11), the officer having the custody or possession of the requisitioned documents shall arrange to produce the same or issue a non-availability certificate before the Inquiry Officer within one month of the receipt of such requisition, on the date, place and time specified in the requisition:

Provided that the officer having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Commission. In that event, it shall inform the Inquiry Officer accordingly and the Inquiry Officer 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.

(13) On the date fixed for the inquiry, the oral or documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Competent Authority.

The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the employee.

The Presenting Officer shall be entitled to re-examine his witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiry officer.

The inquiry officer may also put such questions to the witnesses.

(14) Before the close of the case, in support of the charges, the Inquiry Officer may, in its discretion, allow the Presenting Officer to produce evidence not included in charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The Inquiry Officer may also allow the employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

(15) When the case in support of the charges is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting officer, if any, appointed.

(16) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the employee shall then be examined by the employee and may be cross-examined by the Presenting Officer. The employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the Inquiry Officer.

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

(18) After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.

(19) If the employee does not submit the written statement of defence referred to in sub-regulation (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these regulations, the Inquiry Officer may hold the inquiry ex-parte.

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

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

(21) (i) On the conclusion of the inquiry the Inquiry Officer shall prepare a report which shall contain the following:

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

Explanation: If, in the opinion of the Inquiry Officer the proceedings of the inquiry establish any article of charge different from the original article of charge, it may record its findings on such article of charge.

Provided that the findings on such article of charge shall be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The Inquiry Officer, where it is not itself the Competent Authority, shall forward to the Competent Authority the records of inquiry which shall include -

- (a) the report of the inquiry prepared by it under clause (i);
- (b) the written statement of defence, if any, submitted by the employee referred to in sub regulation (15);
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs referred to in sub-regulation (18), if any, and
- (e) the orders, if any, made by the Competent Authority and the Inquiry Officer in regard to the inquiry.

(22) (a) The Inquiry Officer should conclude the inquiry and submit his report within a period of six months from the date of receipt of order of his appointment as Inquiry Officer;

(b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiry Officer may record the reasons and seek extension of time from the Competent Authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiry, at a time.

(c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Competent Authority or any other Authority authorized by the Competent Authority on his behalf.

38.33 Action on the inquiry report

(1) The Competent Authority, if it is not itself the Inquiry Officer, may, for reasons to be recorded by it in writing, remit the case to the inquiry for fresh or further inquiry and report and the Inquiry Officer shall thereupon proceed to hold the further inquiry according to the provisions of regulation 38.32 as far as may be.

(2) The Competent Authority, shall, if it disagrees with the findings of the Inquiry Officer on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the Competent Authority, having regard to the findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in regulation 38.31 should be imposed on the employee it shall notwithstanding anything contained in regulation 38.34, make an order imposing such penalty.

(4) If the Competent Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

38.34 Procedure for imposing minor penalties

(1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of regulation 38.31(1), the employee concerned shall be informed in writing of the imputations of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Competent Authority and the defence statement, if any, submitted by the employee shall be taken into consideration by the Competent Authority before passing orders.

(2) Where however, the Competent Authority is satisfied that an inquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation 38.32.

(3) The record of the proceedings in such cases shall include:

- (a) A copy of the statement of imputations of lapses furnished to the employee;
- (b) The defence statement, if any, of the employee; and
- (c) The orders of the Competent Authority together with the reasons therefor.

38.35 Communication of orders

Orders made by the Competent Authority under regulation 38.33 or regulation 38.34 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

38.36 Common Proceedings

Where two or more employees are concerned in a case, the Competent Authority may make an order directing that the disciplinary proceedings against all of them may be taken in a common proceeding.

38.37 Special procedure in certain cases

Notwithstanding anything contained in Regulation 38.32 or Regulation 38.33 or Regulation 38.34, the Competent Authority may impose any of the penalties specified in Regulation 38.31 if the facts on the basis of which action is to be taken have been established in a Court of Law or Court Martial or where the employee has absconded or where it is for any other reason impracticable to communicate with him or where there are other difficulties in observing the requirements contained in Regulation 38.32, 38.33 and 38.34 and the requirements can be waived without injustice to the employee. In every case where all or any

of the requirements of Regulation 38.32, 38.33 and 38.34 are waived, the reasons for so doing shall be recorded in writing.

38.38 Suspension

- (1) An employee may be placed under suspension by the competent authority: -
 - (a) Where a disciplinary proceeding against him is contemplated or is pending; or
 - (b) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
- (2) An employee shall be deemed to have been placed under suspension by an order of the competent authority –
 - (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours;
 - (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment and is forthwith not dismissed or removed or compulsorily retired consequent to such conviction.

Explanation: - The period of 48 hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for that purpose, intermittent periods of imprisonment, if any, shall be considered.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have been continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the Competent Authority, on a consideration of a circumstances of the case, decides to hold a further enquiry against him on the allegations on which a penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Competent Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.
- (5) Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

Subsistence allowance

- (6) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the Competent Authority which made or is deemed to have made the order.

During such suspension, he shall receive subsistence allowance equal to (i) his substantive pay plus fifty percent of allowances thereon, for the first six months of suspension; and (ii) his substantive pay plus seventy-five per cent of allowances thereon for the period of suspension beyond six months.

Provided that the enhanced rate of subsistence allowance specified under sub-clause (ii) shall be admissible only if the enquiry is not delayed for reasons attributable to the concerned employee or any of his representatives.

Provided further that if no penalty under Regulation 38.31 is imposed, the employee shall be refunded the difference between the subsistence allowance and the emoluments which he would have received but for such suspension, for the period he was under suspension, and that, if a penalty is imposed on him under Regulation 38.31, no order shall be passed which shall have the effect of compelling him to refund such subsistence allowance. The period during which an employee is under suspension shall, if he is not dismissed or removed or compulsorily retired from service, be treated as period spent on duty or leave as the Competent Authority who passes the final order may direct.

38.39 Vigilance cases

Notwithstanding anything contained in Regulations 38.31 to 38.38 or any other Regulation, the following additional provisions shall apply where it is alleged that an employee has been guilty of corrupt practices, namely:

(1) Where it is alleged that an employee is possessed of disproportionate assets or that he has committed an act of criminal misconduct or where the investigation and proof of the allegation would require the evidence of persons, who are not employees of the Commission or where, in the opinion of the competent authority, the investigation into the allegations may with the approval of the Chairperson, be entrusted to the Central Bureau of Investigation or the Central Vigilance Commission or any other such agency as may be approved by the Chairperson.

(2) If after considering the report of the investigation, the competent authority is satisfied that there is a prima facie case for instituting disciplinary proceedings against the employee, it may send the investigation report to the Central Vigilance Commission or such other authority as may be decided by the Chairperson from time to time in this behalf, for its advice whether disciplinary proceedings should be taken against the employee concerned;

(3) If after considering the advice of the Central Vigilance Commission or other authority, as the case may be, the competent authority is of the opinion that disciplinary proceedings should be instituted against the employee concerned, then notwithstanding the provisions of Regulation 38.32(2), the enquiry under this Regulation may be entrusted to a Commissioner for Departmental Enquiries or other person who may be nominated by the Central Vigilance Commission for this purpose.

(4) The Inquiry Officer shall submit his report to the competent authority and the report shall be forwarded by the Chairperson to the Central Vigilance Commission for its advice as to whether the charge or charges as the case may be, can be considered to have been established and the penalty or penalties to be imposed under Regulation 38.31 hereof. The penalty or penalties to be imposed shall be decided by the competent authority after considering the advice of the Central Vigilance Commission.

Explanation: An employee shall be deemed to be guilty of corrupt practices if he has committed an act of criminal misconduct as defined in Section 13 of the Prevention of Corruption Act, 1988 or he has acted for

an improper purpose or in a corrupt manner or had exercised or refrained from exercising his powers with an improper or corrupt motive.

38.40 Appeal

(1) An employee may appeal against an order imposing upon him any of the penalties specified in Regulation 38.31 or order of suspension under Regulation 38.38. The appeal shall lie to the Appellate Authority.

Note: For the purpose of this regulation “Appellate Authority” means the Authority, in case the Chairperson is the competent authority; Chairperson or whole- time member of the Authority, in case the Executive Director is the competent authority and Executive Director concerned in all other cases.

- (2) Every appeal shall comply with the following requirements:
- (a) it shall be written in Hindi or English or if not written in Hindi be accompanied by a translated copy in Hindi and shall be signed.
 - (b) it shall be couched in polite and respectful language and shall be free from unnecessary padding or superfluous verbiage.
 - (c) it shall contain all material statements and arguments relied on and shall be complete in itself.
 - (d) it shall specify the relief desired.

(3) An appeal shall be preferred to the appellate authority within 45 days from the date of receipt of the order appealed against. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case

Provided that -

- (i) if the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in Regulation 38.31(2) and an inquiry as provided in regulation 38.32 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of regulation 38.32 and thereafter consider the record of the inquiry and pass such orders as it may deem proper.
- (ii) if the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in regulation 38.32, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after considering the representation, if any, submitted by the employee.

39. Execution of Bond, etc.

Notwithstanding anything contained in these Regulations, the Commission will have the right to obtain undertakings / bonds from an employee for payment of liquidated damages relating to

deputation of training or his failure to complete the required number of years of service in a particular post, as may be determined by the Commission from time to time.

40. Power to relax

Where the Commission is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing after obtaining approval of the _____ Government, relax any of the provisions of this Regulation with respect to any class or category of persons.

41. Interpretation

If any queries relating to implementation of this Regulation arise, they shall be decided by the Commission.

42. Removal of Difficulties

The Commission may from time to time issue such general or specific directions not in consistent with these regulations, as may be necessary to remove difficulties in the operation of any of the provisions of this Regulation.

Secretary
..... ERC

SCHEDULE-I

{Refer Clause (b) of Sub Regulation (3) of Regulation (6)}

Note: - (a) It is at the discretion of the ERCs to modify designation/mode of recruitment/qualification as per requirement of the Commission.

(b) Staff of the Commission shall be classified under different functional divisions, viz. Engineering, Finance, Legal, Economics, Regulatory, MIS and Administration/Accounts.

(c) The number of posts against each category of posts shall be as per the functional requirement of the ERCs.

Name of the Post	Number of Posts	Mode of Recruitment & proportion of posts to be filled up through different modes	Age and Qualification for deputation	Length of service for Promotion	Experience for Deputation
Secretary	01	Deputation from Central Govt./State Govt/Regulatory Commission	Not less than 40 years. Qualification : Post-Graduation Degree Desirable: Degree in Law	Not applicable	Deputation from Govt. (All India Central/ Civil Services Group A); State Govt. and working in Equivalent Grade or one grade lower with 03 years of service. Must have experience in secretariat functioning in the Central Government/Regulatory Commission as well as experience and knowledge of the functioning of State Governments. Prior experience and exposure to regulation and infrastructure management will be preferable.
Executive Director	_____	(a) Promotion (b) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions.	Not less than 40 years and not more than 55 years. Qualification : Commission may decide as per their requirement	Promotion of internal candidates from Grade F with minimum of 3 years' service	Deputation from Govt. (All India Central/ Civil Services Group A); State Govt., Autonomous Bodies/PSU/Regulatory Commission & Academic Institutions, and working in Equivalent Grade or one grade lower with 03 years of service in officer cadre dealing with matters relating to

					Regulatory affairs / Financial Sector or special knowledge / experience of law, regulation, Finance, Economics, Accountancy, Administration or any other discipline considered useful to the Commission.
Grade D, E & F		(a) Promotion (b) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions.	Qualification : Commission may decide as per their requirement	Promotion of internal candidates from Grade C, D and E respectively with minimum of 3 years' service. However, minimum 8 years' experience as an Officer is necessary for considering the claim for promotion from Grade C to D	Candidate working in Equivalent Grade or one grade lower with 03 years of service for Grade D, E and F respectively for deputation from Govt. (All India Central/ Civil Services Group A); State Govt., Autonomous Bodies/PSU/ Regulatory Commission & Govt Academic Institutions having experience in dealing with matters relating to Regulatory affairs / Financial Sector or special knowledge / experience of law, regulation, Finance, Economics, Accountancy, Administration or any other discipline considered useful to the Commission
Grade A, B & C		(a) Promotion (b) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions. (c) Absorption	Qualification: Commission may decide as per their requirement	Promotion of internal candidates from Grade A and Grade B respectively with minimum of 3 years' service. Promotion of internal candidates	Candidate working in Equivalent Grade or one grade lower with 03 years of service for Grade A, B and C respectively for deputation from Govt. (All India Central/ Civil Services Group A); State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions

				from Personal/ General Assistant (Grade-III) with minimum of 5 years' service.	having experience in dealing with matters relating to Regulatory affairs / Financial Sector or special knowledge / experience of law, regulation, Finance, Economics, Accountancy, Administration or any other discipline considered useful to the Commission
Personal/ General Assistant (Grade-III)	_____	(a) Promotion (b) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions.	Commission may decide as per their requirement	Promotion of internal candidates from Grade-II with minimum of 5 years' service	Commission may decide as per their requirement
Personal/ General Assistant (Grade-II)	_____	(a) Promotion (b) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions.	Commission may decide as per their requirement	Promotion of internal candidates from Grade-I with minimum of 5 years' service	Commission may decide as per their requirement
Personal/ General Assistant (Grade-I)	_____	(a) Deputation from Govt., State Govt., Autonomous Bodies/PSU/Regulatory Commission & Govt Academic Institutions. (b) Absorption	Commission may decide as per their requirement	-----	Commission may decide as per their requirement

PROPOSED SCALES			PRESENT		Equivalent Ranks in Central Govt
PROPOSED RANKS	PROPOSED GRADES	PROPOSED SCALES	Present Scales	Present Ranks in CERC	
Executive Director	ED	204000-6000(2)-216000 (3 years)	Level 14	CHIEF/SECY	Joint Secy
Chief General Manager	GRADE F	165900-5000(4)-185900 (5 years)	Level 13	JC	Director
General Manager	GRADE E	117150-3700(1)-120850-3900(2)-128650-4100(3)-140950-5000(5)-165950 (12 years)	Level 12	DC/SR PPS/IFA	Deputy Secy
Deputy General Manager	GRADE D	110050-3550(2)-117150-3700(5)-135650-3900(1)-139550 (9 years)	TIME SCALE PROMOTION AFTER 3 YEARS SERVICE IN GRADE C		
Assistant General Manager	GRADE C	77950-2850(3)-86500-3100(2)-92700-3300(4)-105900-EB-3300(2)-112500-3550(1)-116050 (13 years)	Level 11	AC/AS/BO/PPS	Under Secy
Manager	GRADE B	55200-2850(9)-80850-EB-2850(2)-86550-3300(4)-99750 (16 years)	Level 10	SAO/PAO	PAO
Assistant Manager	GRADE A	44500-2500(4)-54500-2850(7)-74450-EB-2850(4)-85850-3300(1)-89150 (17 years)	Level 7	PS	Assistant/PA/JHT
Personal/General Assistant	Grade-III	Rs. 20650-1150(3)-24100-1225(1)-25325-1325(3)-29300-1475(6)-38150-	Level 6	ASSISTANT/PA/JHT	

		1525(2)-41200- 1740(2)-46420- 1875(1) (20 years)			
Personal/General Assistant	Grade-II	Rs.13150-750(3)- 15400-900(4)-19000- 1200(6)-26200- 1300(2)- 28800-1480(3)-33240- 1750(1)-34990(20 years)	Level 2 to Level 4	STENO/HINDI TYPIST/RCTO	UDC/LDC
Personal/General Assistant	Grade-I	Rs.10940-380(4)- 12460-440(3)-13780- 520(3)-15340-690(2)- 16720-860(4)-20160- 1180(3)-23700(20 years)	Level 1	MTS/DRIVERS	MTS

SCHEDULE – II

- (i) Accommodation
- (ii) Furnishing of Residence
- (iii) AC for home
- (iv) AC electricity consumption charges at home
- (v) Housing Loan
- (vi) Special Advance
- (vii) Advance for purchase of motor car
- (viii) Advance for purchase of consumer articles
- (ix) Education loan
- (x) Advance for purchase of computer
- (xi) Facilities for retiring employees
- (xii) Car Insurance
- (xiii) Household Help/Cleaning
- (xiv) Expense on Recreational Activity
- (xv) Personal Pay (On Personal Promotion)
- (xvi) Stagnation Increments
- (xvii) Car facility for private visit to ED and above
- (xviii) Qualification allowance
- (xix) Sodexo Meal Voucher
- (xx) Special Function Allowance
- (xxi) Eye Refraction Expenses, and
- (xxii) Benefits of Higher Grade on Personal Promotion

DECLARATION OF FIDELITY AND SECRECY

I _____ do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as an employee of the _____ ELECTRICITY REGULATORY COMMISSION and which properly relate to the office or position held by me in or in relation to the said Commission.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Commission or relating to the affairs of any person having any dealing with the Commission nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Commission and relating to the business of the Commission or the business of any person having any dealing with the Commission.

Place:
(Signature)

Date:

Name in
full _____

Nature of
appointment _____

Signed before me

FORM-B

DECLARATION OF DOMICILE

I, the undersigned, having been appointed to the service of the _____ Electricity Regulatory Commission, hereby declare (place) in _____(district) as my place of domicile.

OR

The above is not my place of birth. My place of birth is _____ (place) in _____(district) but _____(place) has been declared as my place of domicile for the reasons given below:

Name in full :- _____

Nature of appointment :- _____

Date of appointment Signature :- _____

Place Date :- _____

FORM - C

DECLARATION TO BE BOUND BY THE EMPLOYEES' SERVICE REGULATIONS

I hereby declare that I have read and understood the _____ Electricity Regulatory Commission (Employees' Service) Regulations, 2023 and I hereby subscribe to and agree to be bound by the said Regulations, as may be in force from time to time.

Name in full :- _____
Nature of appointment :- _____
Date of appointment Signature :- _____
Witness :- _____
Place :- _____
Date :- _____