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## CONDUCT, DISCIPLINE AND APPEAL RULES

### Rule 1 Short title and Commencement

- (i) These rules may be called Conduct, Discipline and Appeal Rules, 1977.
- (ii) These rules are effective from 1<sup>st</sup> April, 1977.

### Rule 2 Application


These rules shall apply to all employees except:

- (i) those in casual employment or paid from contingencies;
- (ii) those governed by the Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.


### Rule 3 Definitions

In these rules, unless the context otherwise requires:

- (a) "**Employee**" means a person in the employment of the undertaking other than the casual, work-charged or contingent staff or workmen as defined in the Industrial Employment (Standing Orders) Act, 1946, but includes a person on deputation to the Company.
- (b) "**Workman**" means a person as defined in the Industrial Employment (Standing Orders) Act, 1946, and to whom the provisions of these rules shall not apply.
- (c) "**Company**" means the NTPC Limited.
- (d) "**Board**" means the Board of Directors of the Company and includes, in relation to the exercise of powers, any committee of the Board/Management or any officer of the Undertaking to whom the Board delegates any of its powers.
- (e) "**Chairman/Managing Director/Chief Executive**" means the Chairman/Managing Director of the Company.
- (f) "**Director**" means the Board of Directors of the Company and includes in relation to the exercise of powers, any Committee of the Board.
- (g) "Disciplinary **Authority**" means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rules.
- (h) "**Competent Authority**" means the authority empowered by Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (i) "**Government**" means the Government of India.

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- (j) **"Appellate Authority"** means the authority specified in the Schedule appended to these rules.
- (k) **"Appointing Authority"**, in relation to an Employee means:
- (i) the Authority empowered to make appointments to the post which the Employee for the time being holds; or
  - (ii) the Authority which appointed the Employee to such grade or post as the case may be; or
  - (iii) where the Employee having been a member of any other service or having held any other post has been in continuous employment of the Company, the Authority which appointed him to that service, or to any grade in the service or to the post.
- (l) **"Reviewing Authority"** means the authority specified in the Schedule attached to these rules.
- (m) **"Family"** in relation to an employee includes:
- (i) The Wife or husband, as the case may be, of the employee, whether residing with him or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court.
  - (ii) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
  - (iii) Any other person, related whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.
- (n) **"Public Servant"** shall have the same meaning as in clause 9 (iii) of Section 2 (c) of the Prevention of Corruption Act, 1988 and includes a person as mentioned in section 21 of the Indian Penal Code as amended from time to time.
- (o) **"Designated employee"** means:
- (i) *The Chairman & Managing Director, other whole-Time and Part-Time Directors and Chief Vigilance Officer*
  - (ii) *All Executive Directors*
  - (iii) *All General Managers*
  - (iv) *All Additional General Managers*
  - (v) *All Heads of Finance of Projects / Stations / Divisions / Regions and other offices*
  - (vi) *All executives working in Corporate Finance and Accounts Departments of the Company including in Internal Audit, Taxation, International Finance, Budget, Bonds / Public Deposit Cell / IPO Cell.*

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- (vii) *All executives working in Corporate Monitoring Group, Corporate Planning, Fuel Management, Commercial, Operation Services and Joint Venture & Consultancy of Corporate Centre.*
- (viii) *All Heads of Department of Planning & Systems (P&S), Technical Services, Fuel Management, Operation Services and Commercial Department at all Projects / Stations / Divisions / Regions and other Offices.*
- (ix) *All executives working in the Company Secretariat.*
- (x) *All Special Technical Assistants (STAs) and Secretarial staff at executive level of Chairman & Managing Director / Functional Directors / Chief Vigilance Officer*
- (xi) *STA of all Executive Directors at different offices*
- (xii) *The Directors and all employees of the subsidiary companies with equivalent responsibilities as detailed above.*
- (xiii) *Such other employees of the Company including of subsidiary companies that may be notified by the Compliance Officer, from time to time, with the approval of the Reporting Officer*

*Note 1: Depending on the change in the scope of responsibility of an employee, the Compliance Officer with the approval of Reporting Officer may exclude any employee from the list of Designated Employees.*

*Note 2: In case any of the designated employee separates from the services of the Corporation due to superannuation / resignation / termination etc. he shall continue to be considered as such for a further period of six months subsequent to the date of his separation from the Corporation as envisaged under SEBI (Prohibition of Insider Trading) Regulations, 1992.*

#### **Rule 4                      General**

- (1) Every employee of the Company shall at all times:
  - i) Maintain absolute integrity;
  - ii) Maintain devotion to duty; and
  - iii) Do nothing which is unbecoming of a public servant.
- (2) Every employee of the Company holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time-being under his control and authority.
- (3) (i) Notwithstanding anything contained in these rules, the Competent Authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire prematurely any employee in the executive or supervisory category who has attained the age of 50 years / 55 years or completed 30 years of service (inclusive of notional service) on the grounds of his/her inefficiency or absenteeism due to medical unfitness, by giving him/her notice of 3 months/1 month in writing or 3 months/1 month basic pay and dearness allowance (D.A.) in lieu of such notice as may be applicable to the employees under the terms and conditions of service. [Refer Guidelines and Procedure for Premature Retirement at **Annexure-V**.

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- (ii) In addition, an employee who is prematurely retired as above will also be entitled to the following benefits: -
- a) Leave Salary for unavailed Earned leave and Half pay leave subject to maximum of 300 days combined together. HPL shall not be commuted for encashment.
  - b) Transfer benefits for self and family for proceeding to home-town or the place where he/she intends to settle in India as admissible under NTPC Travelling Allowance (TA) Rules.
  - c) All superannuation benefits namely PF, Gratuity, Pension and PRMS in terms of the admissibility as defined in the relevant rules.

**Rule 4A Prohibition of sexual harassment of workingwomen**

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


**Explanation:** For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behavior, whether directly or otherwise, as:

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

**Rule 4B** Where there is an act of sexual harassment committed by any employee as defined in Rule 4A of NTPC CDA Rules, the complaints committee established in the offices / units of NTPC for inquiring into such complaints, shall be deemed to be the Inquiry Authority appointed by Disciplinary Authority for the purpose of these rules.

**Rule 4C Absence from Station**

- (1) Unless otherwise expressly provided, the whole time of an Employee shall be at the disposal of the Company and he shall serve the Company in its business in such capacity and at such places as he may from time to time be directed by his superiors.
- (2) An employee shall not absent himself from duty without having obtained the permission of the Competent Authority.
- (3) No employee shall leave the station where he is posted, without prior permission of the Competent Authority.

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**Rule 4(D) Bar against Employment after Retirement/Resignation**

- (a) No functional Director of the Company including the Chief Executive, who has retired / resigned from the service of the Company, after such retirement/resignation, shall accept any appointment or post, whether advisory or administrative, in any firm or Company, whether Indian or foreign, with which the Company has or had business relations, within one year from the date of retirement/resignation without prior approval of the Government. The term retirement includes resignation; but not the cases of those whose term of appointment was not extended by Government for reasons other than proven misconduct. The term 'business relations' includes 'official dealings' as well. A bond shall be secured from the concerned person at the time of his / her employment / retirement / resignation as functional Director/Chief Executive in the Company for an amount equivalent to basic pay drawn by the Functional Director / Chief Executive during last six months to be payable by him/her as damages for any violation of this rule.
- (b) No employee who has deserted his services from the Company for reasons such as resignation not following the rules or unauthorized absence from his duties or otherwise, after such an event, shall accept any appointment or post whether advisory, consultancy or otherwise, in any firm or Company whether in India or outside, till a final decision is taken by NTPC.


**Rule 4(E) Joining of Associations by Employees**

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 sovereignty and integrity of India, public order or morality.

**Rule 4(F) Pressing of Claim or Seeking Redress of a Grievance in Service Matters**

- (1) An employee shall address his immediate superior or such other Authority at the lowest level as may be competent to deal with service matters.
- (2) An appeal or representation to higher authorities shall not be made unless the appropriate lower authority has already rejected the claim or refused relief or unduly delayed the disposal of the case.
- (3) A representation to the Director or the Chairman & Managing Director of the Company shall not be made unless all means of seeking redress from lower authorities have been completely exhausted.
- (4) No representation, appeal, petition or memorial shall be addressed by an Employee to the Director or the Chairman & Managing Director of the Company personally or to any outside Authority or an Authority not specified under these Rules.

Provided that an Employee belonging to the Scheduled Castes or Scheduled Tribes may write direct to the National Commission for Scheduled Castes or Scheduled Tribes, as the case may be, on matters relating to appointments against the reserved quota.

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- (5) No employee shall send a representation or advance copies thereof to higher authorities except through proper channel or send copies of a representation to outside authorities.


Note 1: An advance copy of representation may be sent directly to the addressee when the state mentioned in sub-rule (2) is reached.

Note 2: An employee can send advance copy of representation directly to the Director (HR) or Group Head, Employee Relations at Corporate Headquarters.

Note 3 : No employee shall quote or reproduce (in his representation/appeal) from any letter, or from note from any file, or from any document, manuscript and file, any micro film, microfiche and facsimile copy of a document, any reproduction of image (s) embodied in such micro film and any other material produced by an computer or by any other device to which he is not authorized to have an access or to which he is not authorized to have an access or to which he is not authorized to keep in his personal custody or for personal purposes.

#### **RULE 4(G) Approaching Foreign Governments for Financial Assistance**


- (1) No Employee shall, without the prior permission of the Company, approach directly or indirectly any foreign Government or foreign organization for financial assistance for visiting a foreign country or attending a course abroad.
- (2) Association of Employees with Activities not connected with Official Duties
- (3) An employee may, with the previous sanction in writing of the Competent Authority, join an educational Institution or a course of study outside normal office hours provided that such pursuit does not detract him from efficient discharge of his official duties.
- (4) Subject to the observance of the conditions laid down in sub-rule (1) and other conditions, if any, which may be mentioned in the letter granting such sanction, an Employee may join:
- (a) Home Guards, National Voluntary Corps, Prantiya Raksha Dal or any other officially sponsored police organization;
  - (b) Shramdan;
  - (c) St. John Ambulance Brigade
  - (d) Territorial Army;
  - (e) Auxiliary Air Force
- (5) Competent Authority for this purpose shall be as below:
- |               |   |         |
|---------------|---|---------|
| Project       | : | BUH     |
| Region        | : | RED     |
| Corp. Centre: |   | ED (HR) |

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**Rule 5 Misconduct**

Without prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct:

- (1) Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the Company.
- (2) Taking or giving bribes or any illegal gratification.
- (3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- (4) Furnishing false information regarding name, age, father's name, qualifications or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- (5) Acting in a manner prejudicial to the interests of the Company.
- (6) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- (7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- (8) Habitual late or irregular attendance.
- (9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (10) Damage to any property of the Company.
- (11) Interference or tampering with any safety devices installed in or about the premises of the Company.
- (12) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Company or outside such premises where such behavior is related to or connected with the employment.
- (13) Gambling within the premises of the establishment.
- (14) Smoking within the premises of the establishment where it is prohibited.
- (15) Collection without the permission of the competent authority of any money within the premises of the Company except as sanctioned by any law of the land for the time-being in force or rules of the Company.
- (16) Sleeping while on duty.
- (17) Commission of any act which amounts to a criminal offense involving moral turpitude.

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- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores, etc., to the Company without express permission in writing from the competent authority.
- (20) Commission of any act subversive of discipline or of good behavior.
- (21) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (22) *Contravention of the "Code of Internal Procedures and Code of corporate disclosure practices for prevention of Insider Trading" under SEBI (Prohibition of Insider Trading) Regulations 1992, in dealing with the Securities of NTPC by designated employees".*
- (23) *Breach of Code of Conduct for Board Members by Whole time Directors.*
- (24) Breach of Code of Conduct for Board Members and Senior Management Personnel framed in compliance with Clause 49 of the Listing Agreement entered into by the Company with the Stock Exchanges.

NOTE: (i) The above instances of misconduct are illustrative in nature, and not exhaustive.

(ii) Clause No. 23 & 24 under mis-conduct shall stand deleted upon approval of CDA Rules for Whole Time Directors by Ministry.

**Rule 6 Provisions regarding Employment of dependent family members of employees of the Company**

- (1) No employee shall use his official position or influence directly to secure employment in any Company or Firm enjoying patronage of the Company for any of his/her dependent family members.
- (2) (i) No employee shall, except with prior information\* to the concerned HOHR, permit any dependent member of his/her family\*\* to accept employment with any private firm with which he/she has direct official dealings.

If the acceptance of the employment cannot, await the prior information, the employment may be accepted and informed to concerned HOHR within 30 days.


Subsequently, the employee should upload the required information (every year) in the next cycle through declaration in ESS, failing which it shall be construed as misconduct.

\*The GRC (currently under implementation) would ensure such provisions.

\*\*Family means:

- (a) The wife and husband, as the case may be, of the employee, whether residing with him/her or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a court.



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- (b) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him/her.
- (c) Any other person, related by blood to the employee and wholly dependent on such employee.
- (3) No employee shall in the discharge of his official duties deal with any matter, or give or sanction any contract to any company or any other person if any of his relatives, as defined under Indian Companies Act, 2013 is employed in that company or under that person or if he or any of his relatives is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the Authority to whom the reference is made. (The extract of section 6 of the Indian Companies Act 2013, defining Relative is at **Annexure-II**).

**Rule 7 Taking part in Demonstrations**

No employee of the company shall engage himself or participate in any demonstration which involves incitement to an offense.

**Rule 7.1 Taking part in political activities**

An employee is prohibited to take part in political activities as detailed hereunder:


- i) to be an office bearer of a political party or an organization which takes part in politics;
- ii) to take part in or assist in any manner in any movement/agitation or demonstration of political nature;
- ii) to take part in an election of any legislature or local authority; and
- iii) to canvas in any election to any legislature or local authority.

**Rule 7.2 Promotion under Suspension or Pending Disciplinary Proceedings**


**7.2.1**

At the time of consideration of the cases of employees for promotion/appointment to higher grade, details of employees in the consideration zone for promotion/appointment falling under the following category should be specifically brought to the notice of CPC:

- (i) Employees under suspension
- (ii) Employees in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iii) Employees in respect of whom prosecution for criminal charge is pending.

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- 7.2.2** The CPC shall assess the suitability of employees coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the CPC including 'unfit for promotion/appointment' and the recommendations by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion/appointment to the grade/post of..... in respect of Shri.....(name of the employee). Not to be opened till the termination/conclusion of the disciplinary case/criminal prosecution against Shri..... The proceeding of the CPC need only contain the note "The findings are contained in the attached sealed cover."
- 7.2.3** The same procedure outlined as above will be followed by the subsequent CPCs convened till the disciplinary case / criminal prosecution against the employee concerned is concluded.
- 7.2.4** On the conclusion of the disciplinary case/criminal prosecution, which results in dropping of allegations against the employee, the sealed cover or covers shall be opened. In case the employee is completely exonerated, he shall be promoted/appointed from the due date. However, whether the employee concerned will be entitled to any arrear of pay for period preceding to the date of actual issuance of promotion order and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceedings /criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so.
- 7.2.5** If any penalty is imposed on the employee as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next CPC in the normal course and having regard to the penalty imposed on him. Such employee shall not receive promotion during currency of the punishment.
- 7.2.6** All efforts to finalize expeditiously the proceedings shall be taken so that the need for keeping the case of an employee in a sealed cover is limited to the barest minimum. Appointing authorities concerned should review periodically & comprehensively the case of employees, whose suitability for promotion/appointment to a higher grade has been kept in a sealed cover. The review shall, inter alia, cover the progress made in the disciplinary proceedings / criminal prosecution and the further measures to be taken to expedite the completion.
- 7.2.7** In spite of periodical review, there may be some cases, where the disciplinary case/ criminal prosecution against the employee is not concluded even after the expiry of two years from the date of the meeting of the first CPC, which kept its findings in respect of the employee in a sealed cover. In such a situation, the appointing authority may review the case of the employee, provided he is not under suspension, to consider the desirability of given him provisional promotion keeping in view the following aspects: -
- (a) Whether the promotion of the officer will be against the public interest;
  - (b) Whether the charges are grave enough to warrant continued denial of promotion;
  - (c) Whether there is any likelihood of the case coming to a conclusion in the near future;
  - (d) Whether the delay in the finalization of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the employee concerned; and

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- (e) Whether there is any likelihood of misuse of official position which the employee may occupy after ad-hoc promotion, which may adversely affect the conduct of the departmental case / criminal prosecution.

The appointing authority should also consult the Corp. Vigilance/Site Vigilance and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Corp. Vigilance/Site Vigilance.

- 7.2.8** In case the appointing authority comes to a conclusion that it would not be against the public interest to allow provisional promotion to the employee, his case should be placed before the next CPC held in the normal course after the expiry of two-year period to decide whether the officer is suitable for promotion / appointment on provisional basis. Where the employee is considered for provisional promotion the CPC should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecutions against him.
- 7.2.9** After a decision is taken to promote an employee on provisional basis, an order of promotion /appointment may be issued making it clear in the order itself that:
- (i) The promotion/appointment is being made on purely provisional basis and provisional promotion / appointment will not confer any right for regular promotion / appointment; and
  - (ii) The promotion / appointment shall be 'until further orders'. It should also be indicated in the orders that the Organization reserve the right to cancel the provisional promotion /appointment and revert at any time the employee to the post from which he was promoted/appointed.
- 7.2.10** If the Employee concerned is acquitted in the criminal prosecutions on the merits of the case or is fully exonerated in the departmental proceeding, the provisional promotion / appointment already made shall be confirmed and the promotion / appointment treated as a regular one from the date of the provisional promotion/ appointment with all attendant benefits.
- 7.2.11** In case the Employee is not acquitted on merits in the criminal prosecution but purely on technical grounds and Organization either proposes to take up the matter to a higher court or to proceed against him departmentally or if the employee is not exonerated in the departmental proceedings, the provisional promotion/appointment granted to him should be brought to an end.
- 7.2.12** The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc.
- 7.2.13** An employee, who is recommended for promotion/appointment by the CPC but in whose case any of the circumstances mentioned in para 7.2.1 above arise after the recommendations of CPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the CPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions as above will also be applicable in his case.

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**Rule 8 Connection with Press or Radio**

- (1) No employee of the Company shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.
- (2) No employee of the Company shall, except with the previous sanction of the competent authority or the prescribed authority, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymous or in the name of any other person to any newspaper or periodical.

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

**Rule 9 Criticism of Government and the Company or any of its Employees or its Board of Directors**

No employee shall, in any media broadcast or in document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:


- (a) Which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the Company; or
- (b) Which is capable of embarrassing the relations between the Company and the public.

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of a purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him:

Provided further that nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a recognized trade union for the purpose of safeguarding the condition of service of such employees or for securing an improvement thereof.

**Rule 10 Evidence before Committee or any other Authority**

- (1) Save as provided in sub-rule (3), no employee of the Company shall, except with the previous sanction of the competent authority, give evidence 'in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government or of the Company.

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- (3) Nothing in this rule shall apply to:
- (a) Evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Company.
  - (b) Evidence given in any judicial enquiry; or
  - (c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Government.


**Rule 11 Unauthorized Communication of Information**

- (1) No employee, whether during the period of his service or after leaving the service of Company shall, except with the previous sanction of the Competent Authority, by writing to any person (including any other employee) or by communicating to newspapers, journals or books or by speech or discussion or in any other manner disclose or cause to be disclosed any information or documents relating to the activities of the Company or its subsidiaries.
- (2) No employee shall, except in the ordinary course of his duties, give or cause to be given to any person any advice on matters relating to the activities of the Company or its subsidiaries.
- (3) No employee shall, except in the ordinary course of his duties, disclose or cause to be disclosed to any person any secret process, know-how, cost of production of any or all of the products of the Company or its subsidiaries or any information regarding purchases made by or contracts entered into by the Company or any information regarding settlement of claims by the Company in or out of courts or any other information, knowledge or matters of trade or business secrets of the Company or its subsidiaries.
- (4) No employee shall except with the previous sanction of the Competent Authority carry with him or cause to be carried outside the office/factory/mine premises any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of the Company or its subsidiaries, notes of copy thereof.

Provided that this provision shall not apply to Employees who are specially authorized by the Competent Authority to take out of the office/factory/mine premises any papers, books, documents etc. for study or other purposes approved by the Competent Authority in writing.

Competent Authority for this purpose shall be as below:

Project : BUH  
Region : RED  
Corp. Centre: ED(HR)

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**Rule 12            Gifts**

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

**Explanation:** The explanation "gift" shall include free-transport, board, 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.

**Note:** An employee of the Company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the Company may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds Rs.25000/-.
- (3) On such occasions as are specified in sub-rule (2) an employee of the Company may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any such gift exceeds Rs.25000/-.

The Competent Authority for this clause in terms of sub rule (2) & (3) shall be as below:

Project            :        BUH  
Region            :        RED  
Corp. Centre     :        ED (HR)

**Note: The ceiling limit shall get revised as announced by Govt. of India from time to time/Competent Authority of NTPC.**


- (4) In any other case, an employee of the Company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gifts.

**Rule 12A           Dowry**

"No employee of the Company shall

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

**Note:** For the purposes of this rule, 'dowry' has the same meaning as defined in the Dowry Prohibition Act, 1961 (No.28 of 1961), which reads as follows:

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**"Definition of Dowry"**

In this Act, 'dowry' means any property or valuable security given or agreed to be given either directly or indirectly

- (a) by one party to a marriage to the other party to the marriage; or
- (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation I - For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

Explanation II - The expression "valuable security" has the same meaning as in Section 30 of the Indian Penal Code.


**Rule 13 Private Trade or Employment**

- (1) No employee of the Company shall, except with the previous sanction of the competent authority engage directly or indirectly in any trade or business or undertake any other employment:

Provided that an employee may, without such sanction undertake honorary work of a social or charitable nature of occasional work or a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

- (2) Every employee of the Company shall report to the competent authority if any member of his family is doing service / job in any organization or is engaged in a trade or business or owns or manages an insurance agency or commission agency or any other commercial activity.
- (3) No employee of the company shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 2013 or other law for the time being in force or any co-operative society for commercial purposes.

Provided that an employee of the company may take part in the registration, promotion or management of a Consumer/House Building Co-operative Society substantially for any benefit of employees of the company registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time- being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act 1860 (21 of 1860) or any corresponding law in force.

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- (4) No employee of the Company may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

**Note:** Amount of fee an employee may accept for any work done by him with prior permission of the Competent Authority.

- (i) For one-time external assignment performed with the prior approval of the competent authority and for all internal assignment in NTPC, honorarium fees etc. received by the employees concerned may be retained by them in full; and
- (ii) For recurring and continuous assignments such as lectures for evening classes, part time or other courses other than above, honorarium fees etc. upto one month's Basic Pay per annum may be retained by the employees concerned. However, if the amount received is beyond one-month Basic Pay per annum then the employees concerned shall be required to deposit 1/3<sup>rd</sup> of the amount, in excess of one-month Basic Pay with the Company.
- (5) The Competent Authority for giving sanction under this rule shall be as below:

Project : BUH  
Region : RED  
Corp. Centre : ED(HR)

#### **Rule 14 Investment, Lending and Borrowing**


No employee shall, save in the ordinary course of business with a bank, the Life Insurance Corporation or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

#### **Rule 15 Insolvency and Habitual Indebtedness**

- (1) An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- (2) (i) An employee of the company who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his competent authority.
- (ii) Competent Authority for this purpose shall be as below:

Project : BUH  
Region : RED  
Corp. Centre : ED(HR)




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**Rule 16 Movable, Immovable and valuable property**

- (1) No employee of the Company shall, except with the previous knowledge of the competent authority, acquire or dispose of 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.
- (2) No employee of the Company shall except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- (3) Every employee of the company shall report to the competent authority every transaction in movable property, acquired, owned or held by him/her in his name or in the name of any member of his / her family
- (4) Every employee shall, on first appointment in the Company, submit within thirty days of joining the company, a return of:
  - (i) Assets acquired, owned or held by him/her in his/her own name or in the name of any member of his/her family in the format / Form A & B given in Annexure-III.
  - (ii) Debt and other liabilities incurred by him/her directly or indirectly, in the format / Form C given in Annexure-III.
- (5) Every employee shall submit every year such return of his/her Assets and Liabilities as on 31st March of the year on or before 31st July of that year in the formats / Forms A, B & C attached herewith till the formats, rules & procedure are prescribed by the Govt. of India in terms of Section 44 of the Lokpal and Lokayutas Act 2013.
- (6) The competent authority may at any time, by general or special, order ask an employee to submit, 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 details of the means by which, or the source from which such property was acquired.
- (7) For employees upto E8 (AGM) level posted at Projects/RHQs, the Returns/ documents relating to all these transactions shall be kept with Vigilance Department at respective Projects/Stations/RHQs. However, in Project/Stations/RHQs where the Vigilance Department is not functional, these will be kept with the respective Business Unit Head.

For employees E8 (GM) & above posted at any location and for employees posted at Corporate Centre, the Returns/Papers/Documents shall be kept at Corporate Vigilance.

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- (8) The Competent Authority for this rule shall be same as Disciplinary Authority for imposing minor penalties, as specified in the attached schedule and the case shall be processed through Vigilance.
- (9) (i) A full time Director or any executive/employee involved in the decision making process of fixation of price of an IPO / FPO of shares of NTPC shall not apply either himself/herself or through any member of his/her family or through any other person acting on his / her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO / FPO of NTPC, even out of the category of preferential quota reserved for employees/directors of NTPC.
- (ii) All executives / employees including full time Directors of NTPC who are in possession of unpublished price sensitive information would be prohibited from dealing / transacting either in their own name or through any member of their family in the shares of their own company.
- (iii) Full time Director or executives / employee of NTPC or any member of his/her family or any person acting on his / her behalf shall not apply for shares out of any preferential quota reserved for employees / Directors of other companies.
- (iv) All employees of NTPC would be required to disclose to the company all transactions of purchase / sale in shares worth 2 months Basic Pay or Rs. 1 lakh whichever is higher in value or existing holding / interest in the shares worth 2 months Basic Pay or Rs. 1 lakh whichever is higher in his / her own company either in his / her own name or in the name of any family member to report to the company indicating quantity, price, date of transaction and nature of interest within 4 working days.
- (v) All employees of NTPC covered by the Insider Trading code of conduct would be required to disclose to the company all transactions of purchase / sale in shares or existing holding / interest in the shares in his / her own company either in his / her own name or in the name of any family member to the company indicating quantity, price, date of transaction and nature of interest within 4 working days, if the value of shares purchased exceeds 2 months basic pay or Rs. 1 lakh, whichever is higher.

**Note1:** The ceiling limit shall get revised as announced by Govt. of India from time to time/Competent Authority of NTPC.

**Note2:** All Workmen of NTPC (including those posted in JVs & Subsidiaries), to whom NTPC CDA Rules apply, are also required to submit Annual Property Return as prescribed under the Rules.

#### **Rule 17 Canvassing of Non – official or other influence**

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

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**Rule 18 Marriages**

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

Provided that the Chairman & Managing Director may permit an employee to enter into or contract, any such marriage as is referred to in clause (1) or clause (2) if he is satisfied that

- (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; or
  - (b) in the opinion of the CMD good and sufficient reasons exist for doing so.
- (3) An employee who has married or marries a person other than that of Indian nationality, shall forthwith intimate the fact to his appointing authority.

**Rule 19 Consumption of Intoxicating Drinks and Drugs**

An employee of the Company shall:


- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) refrain from consuming any intoxicating drink or drug in a public place;
- (d) not appear in a public place in a state of intoxication;
- (e) not use any intoxicating drink or drug to excess.

**Explanation I**

For the purpose of this rule 'public place' means any place or premises (including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

**Explanation II**

An employee of the Company should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved or at parties arranged by Government, public undertakings or semi-Government Organizations where foreigners are entertained or at similar parties hosted by others.

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**Rule 19A      Observance of small family norms as per National Population Policy**

Every employee should ensure that:

- (i) He does not have more than three children after 30.9.77; and
- (ii) Where he has more than three children on 30.9.77, the number is not exceeded, after that date.

**Rule 20      Suspension**


- (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the management by general or special order may place an employee under suspension:
  - (a) Where a disciplinary proceeding against him is contemplated or is pending; or
  - (b) Where, in the opinion of the Authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the state; or
  - (c) Where a case against him in respect of any criminal offence is under investigation or trial.

- (2) (a) An employee who is detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention by an order of the **appointing authority or by the authority to whom the powers are delegated** and shall remain under suspension until further orders.

(b) An employee shall also be deemed to have been placed under suspension from the date of his conviction if in the event of a conviction for an offence; he is sentenced to a term of imprisonment exceeding 48 hrs. and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Note: The period of 48 hours referred to in Clause 2(b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent period of imprisonment, if any, shall be taken into account.

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

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(d) Headquarter of the suspended employee shall be the station of posting immediately before the order of suspension if issued.

(e) The Competent Authority may change the headquarters of any employee during suspension, if it is in the public / administrative interest.

(f) When an employee under suspension request for a change of headquarters, the Competent Authority may consider the request and upon being satisfied that such a course will not put the Company to any extra expenditure like grant of travelling allowances etc. or other complications like creating difficult in investigation or departmental proceedings etc. may take appropriate decision.

(g) Leave shall not be granted to any employee under suspension.


(h) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail if the Competent Authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

- (3) The suspension of employees placed under suspension in terms of sub-Rule 1 & 2 shall be reviewed by Competent Authority and in no case the currency of Suspension Order should extend beyond Three (03) months, if within this period Memorandum of Charges / Charge sheet is not served on the delinquent Employee. In case the Charge sheet is served within 3 months, Competent Authority may revoke suspension citing reasons in writing or extend suspension by a reasoned order in writing.

All suspension cases shall be reviewed at a periodical interval of 03 months.

The Competent Authority shall be the authority which placed the employee under suspension/under deemed suspension or any other higher authority.


- (4) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on an appeal or on a review under these rules 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 continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (5) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

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

#### **Rule 21 Subsistence Allowance**


- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent of his Master basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to Dearness Allowance admissible on such subsistence allowance. The revenues, if any, to be made out of the subsistence allowance are as below:
- (a) **Compulsory Deductions:**
- (i) Income tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable).
- (ii) House rent recovery's related charges i.e. electricity, water etc.
- (iii) Repayment of loans and advances taken from Company at such rates as may be fixed, if necessary, by the Competent Authority.
- (iv) Subscription to Insurance under HBA rules,
- (b) **Optional Deductions** – should not be made except with the employee's written consent:
- (i) Premia due for Life Assurance Policies.
- (ii) Amounts due to Co-operative Stores and Co-operative Credit Societies.
- (iii) Refund of advances taken from Provident Fund.
- (c) The deductions of the following nature should not be made from the subsistence Allowance:
- (i) Amounts due on Court attachments.
- (ii) Recovery of loss to Company for which employee is responsible.
- (d) As regards the recovery of overpayments, the competent administrative authority will exercise discretion to decide whether the recovery should be held wholly in abeyance or it should be affected at a rate not exceeding one-third of the subsistence allowance only i.e., excluding dearness allowance and other compensatory allowances. Competent Authority for this purpose shall be the Disciplinary Authority to whom powers have been delegated or higher authority.

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- (2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:
- (i) the amount of subsistence allowance may be increased to 75 percent of master basic pay and allowance thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension. However, in case the employee after enhancement of subsistence allowance to him, starts non-cooperation with the authorities concerned and the period of non-cooperation exceeds three months, the subsistence allowance shall be again reduced to 50% of master basic pay and allowances thereon and shall thereafter be regulated in terms of sub rule 2(ii).
- (ii) the amount of subsistence allowance may be reduced to 25 percent of master basic pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension. In case the employee starts cooperating with the authorities concerned, his/her subsistence allowance will be restored to 50% of basic pay and allowances and after completion of three months period if the employee continues to cooperate, it may be further enhanced to 75% in terms of sub rule 2(i).
- (3) If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail if the Competent Authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.
- (4) The initial period of six months for revision in subsistence allowance in terms of sub rule 2(i) & (ii), as the case may be, shall be reckoned from the date of his release from jail/police custody.

**Rule 22 Treatment of the Period of Suspension**

- (1) When the employee under suspension is re-instated, the competent authority may grant to him the following pay and allowances for the period of suspension after the completion of the proceedings/ investigation as under:
- (a) If after completion of investigation it is decided to take no further action against the employees concerned then full pay and allowance which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him.

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- (b) If the employee is exonerated in the departmental proceedings and not awarded any of the penalties mentioned in Rule 23, then full pay and allowances which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him.
- (c) if the employee is exonerated by the Court of Law and in case no departmental proceedings have been initiated separately then full pay and allowances which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him; and
- (d) In cases other than (a), (b) & (c) above, such proportion of pay and allowances as the competent authority may prescribe.
- (e) In case suspension of the employee is revoked during investigation/pendency of departmental proceedings, the decision on treatment of suspension period shall be taken after conclusion of the proceedings keeping in view the outcome / penalty imposed on the employee concerned.
- (2) In cases falling under sub-clause (a), (b) & (c), the period of absence from duty will be treated as a period spent on duty. In case falling under sub-rule (1) (d), it will not be treated as a period spent on duty unless the competent authority so directs.
- (3) In cases where the employee is dismissed/removed/compulsorily retired, as penalty specified in Rule 23, no separate order will be required for treatment of the period of suspension; however, the subsistence allowance paid to the employee till his separation will not be recovered.
- (4) **Death while under suspension**
- Where an employee under suspension dies before the disciplinary proceedings or the court proceedings against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances to which he would have been entitled had he not been suspended, for that period subject to adjustment of subsistence allowance already paid.
- (5) The Competent Authority for this rule shall be the authority which placed the employee under suspension or the Disciplinary Authority which decides the departmental proceedings against him, whichever is higher.

## **Rule 23**

### **Penalties**

The following penalties may be imposed on an employee, as hereinafter provided, for misconduct committed by him or for any other good and sufficient reasons.



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### Minor Penalties


- (a) Censure;
- (b) Withholding of increments of pay (which will include stagnation increments in case the employee has already crossed the upper limit of the pay scale) with or without cumulative effects;
- (c) Withholding of promotion;
- (d) Recovery from pay or such other amount as may be due to him, of the whole or part of any pecuniary loss, caused to the Company by negligence or breach of orders.
- (e) Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his terminal benefits.

### Major Penalties

- (f) Save as provided in clause (e), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay.
- (g) 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 from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post.
- (h) Compulsory retirement (other than by way of premature retirement under the NTPC CDA Rules).
- (i) Removal from service which shall not be a disqualification for future employment under the Govt. or the Corporation / Company owned or controlled by the Govt.
- (j) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Corporation / Company owned or controlled by the Govt.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or (j) shall be imposed.

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


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- (k) Wage freeze (i.e. no increase in the Basic pay, DA and other allowances).
- (l) Ineligible for future participation in employee stock option plans.

The penalties at (k) and (l) are to be awarded in case of misconduct for indulging in Insider trading while dealing with the securities of NTPC by designated employees.

**Explanation:**

- 1) Compulsory Retirement imposed as penalty under sub rule (h) shall not adversely affect the terminal benefits of the employee including PRMS and Leave encashment, etc.
- 2) The following shall not amount to a penalty within the meaning of this rule:
  - i) withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
  - ii) stoppage 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 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;
  - vi) termination of 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;
    - (b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry 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 any employee on reduction of establishment.

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(e) of an employee consequent upon abandonment of employment due to overstaying his sanctioned leave beyond the period originally granted/subsequently extended or absenting unauthorizedly *ab initio*, for a period of more than 90 consecutive days.

(vii) Caution / Advisory Memo / Warnings / Recordable Warnings issued to employees as administrative action by the concerned HOD / HOP as administrative authority.

**Rule 24 Disciplinary Authority and Appellate / Reviewing Authority**

The Disciplinary Authority, as specified in the Schedule, or any authority higher than it, may impose any of the penalties specified in Rule 23 on any employee.

The Appellate Authority and Reviewing Authority (wherever applicable) shall be as specified in the schedule.

**Rule 25 Procedure for Imposing Major Penalties**

(1) No order imposing any of the major penalties specified in Clauses (f), (g), (h), (i), (j) (j), (k) and (l) of Rule 23 shall be made except after an inquiry is held in accordance with this rule.


(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire into, or appoint any public servant or retired public servant (hereinafter called the inquiring Authority) to enquire into the truth thereof.

(3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom, the article of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the articles of charge.

It will not be necessary to show or provide the documents listed with the charge-sheet or any other document to the employee at this stage.

(4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority or by Inquiring Authority appointed under sub rule (2)

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The disciplinary authority shall, however, record its findings on each such charge.

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(5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(6) The employee may take the assistance of any other public servant but may not engage a legal practitioner for the purpose

Provided that the employee shall not take assistance of a public servant who has two pending disciplinary cases on hand in which he has to function as Defense assistant.

(7) On the date fixed by the inquiry authority, the employee shall appear before the inquiring Authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty or has any defense to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

(8) If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defense:


- i) inspect the documents listed with the charge-sheet;
- ii) submit a list of additional documents and witnesses that he wants to examine; and
- iii) be supplied with the copies of the statement of witnesses, if any, listed in the charge-sheet.

Relevancy of the additional documents and the witness referred to in sub rule 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.


(9) The inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

(10) The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition notice:

Provided that the authority 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 Company. In that event, it shall inform the inquiring authority accordingly.

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- (11) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.
- (12) Before the close of the prosecution case, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or, recall or re-examine, any witnesses. 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.
- (13) When the case for the disciplinary authority is closed, the employee may be required to state his defense, orally or in writing, as he may prefer. If the defense 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 defense shall be given to the Presenting Officer, if any, appointed.
- (14) 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 and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.
- (15) The inquiring authority may, after the employee closes his case and shall if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (16) 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.
- (17) If the employee does not submit the written statement of defense referred to in sub-rule (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 rules, the inquiring authority may hold the enquiry ex-parte.
- (18) Whenever any inquiring authority, after having heard, recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:


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

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

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

- (20) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain:
- (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehavior;
  - (b) a gist of the defense 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 of each article of charge and the reasons therefore.
- (ii) The inquiring authority, where it is not itself the disciplinary authority shall forward to the disciplinary authority the records of inquiry which shall include:
- (a) the report of the inquiry prepared by it under sub-clause (i) above.
  - (b) the written statement of defense, if any, submitted by the employee referred to in sub-rule (13);
  - (c) the oral and documentary evidence produced in the course of the enquiry;
  - (d) written briefs referred to in sub-rule (16) if any; and the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

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**NOTE:** With a view to conduct the Disciplinary proceedings expeditiously and more efficiently:


- i. Online facilities (Video Conferencing, Microsoft Teams, etc.) may be used at all stages of Inquiry / Disciplinary Proceedings. All proceedings conducted via online mode shall be deemed to be regular proceedings conducted in terms of these Rules, and all the courtesies and protocols applicable to physical proceedings, in terms of these Rules, shall apply to such virtual proceedings.
- ii. Further, the Inquiry Officer may, with reasons to be recorded in writing, direct that the Inquiry proceedings be conducted through Online mode (Video Conferencing, Microsoft Teams, etc.) at any stage of the proceedings.
- iii. A formal set of SOP / Guidelines, governing the manner in which certain aspects of physical disciplinary proceedings needs to be suitably adapted for implementation through online mode, are placed at **Annexure-IV**.

**Rule 26                      Action on the Inquiry Report**

- (1) The disciplinary authority, if it is not itself the inquiring authority, may for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh / **de novo** or further inquiry and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be.
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority 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 disciplinary authority having regard to its findings on all or any of the article of charge is of the opinion that any of the penalties specified in Rule 23 should be imposed on the employee it shall, notwithstanding anything contained in Rule 27 make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.
- (5) If charges are proved or partly proved by the Inquiring Authority and the Disciplinary Authority himself is not the Inquiring Authority, a copy of the Inquiry report giving observations & findings shall be given to the charged employee for his comments. The comments, if any so given by the Charged employee within the stipulated time shall be considered by the Disciplinary Authority.

**Rule 27                      Procedure for Imposing Minor Penalties**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Rule 23, the employee concerned shall be informed in writing of the imputations of the misconduct or misbehavior against him and given an opportunity to submit his written statement of defense within a specified period not exceeding 15 days. The defense statement, if any, submitted, by the employee shall be taken into consideration by the disciplinary authority before passing orders.

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- (2) The record of the proceedings shall include:
- i) a copy of the statement of imputations of misconduct or misbehavior delivered to the employee;
  - ii) his defense statement if any; and
  - iii) the order of the disciplinary authority together with the reasons therefore.

**Rule 28                    Communication of Order**

Orders made by the disciplinary authority under Rule 26 or 27 s hall be communicated to the employee concerned.

**Rule 29                    Common Proceedings**

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceeding and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

**Rule 30                    Special Procedure in Certain Cases**


Notwithstanding anything contained in Rule 25 or 26 or 27, the disciplinary authority may impose any of the penalties specified in Rule 23 in any of the following circumstances:

- i) the employee has been convicted on a criminal charge, involving moral turpitude or on the strength of facts or conclusions arrived at by a judicial trial; or
- ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these Rules; or
- iii) where the disciplinary authority is satisfied that in the interest of the security of the Corporation/Company, it is not expedient to hold an enquiry in the manner provided in these rules.
- (iv) If an employee is acquitted of a criminal charge or on the strength of the facts/conclusion arrived at by a Court of Law, Disciplinary Authority may proceed ahead with internal departmental action, if not already done so.

**Rule 31                    Employees on deputation from the Central Government or the State Government etc.**

- (i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Company from the Central or State Government or another public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.



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(ii) In the light of the findings in the disciplinary proceeding taken against the employee:

(a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority:

Provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the lending Authority.

(b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him it should place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.

(iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority:

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

**Rule 31.1 Employees sent on deputation / secondment to other organization including Govt. / other PSUs or NTPC JVs.**

The rules and procedures shall be as applicable to the Employees of NTPC.


**Rule 31.2 Continuation of Disciplinary Proceedings after superannuation**

An employee against whom disciplinary proceedings have been initiated shall cease to be in service on the date of superannuation but the disciplinary proceedings will continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof. The concerned officer will not receive any pay and / or allowance after the date of superannuation.

**Rule 32 Appeals**

i) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the Schedule.

ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the Schedule and submitted to the Appellate Authority concerned. The Appellate Authority shall refer the appeal, if preferred within time, to a Committee of 02 senior


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officers to be appointed by CMD on case to case basis as delineated in **Annexure-I** for examining the merit of the appeal and to submit its observations and recommendations thereon within 30 days to the Appellate Authority. In cases dealt with by Vigilance Dept., the constitution of Committee shall be processed by Vigilance Dept. for approval of CMD and the recommendations shall be submitted by the Committee to the Appellate Authority through CVO. Taking into account the Committee's observations / recommendations and the views of Vigilance Dept., wherever applicable, the appellate authority shall consider whether the findings of the Disciplinary Authority are justified or whether the penalty is excessive or inadequate and pass appropriate orders within six to twelve months of the date of appeal depending upon the nature and the complexities involved. The appellate authority may pass 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 if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (f), (g), (h), (i), (j), (k) & (l) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the penalty and an enquiry has already been held as provided in Rule 25, or if the proposed enhanced penalty is a minor penalty specified in Clauses (a) to (e) of Rule 23, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

## **RULE 33      REVIEW**

Notwithstanding anything contained in these rules, the reviewing authority as specified in the Schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit. Provided that if the enhanced penalty, which the reviewing authority, proposes to impose, is a major penalty specified in clauses (f), (g), (h), (i), (j), (k) & (l) of Rule 23 and an enquiry as provided under Rule 25 has not already been held in these cases, the reviewing authority shall direct such an enquiry be held in accordance with the provisions of Rule 25 and thereafter, consider the record of the enquiry and pass such order as it may deem proper. If the reviewing authority decides to enhance the penalty and an enquiry has already been held in accordance with the provisions of Rule 25, or if the proposed enhanced penalty is a minor penalty specified in Clauses (a) to (e) of Rule 23, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

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In the case of review petitions received from the employees, it shall not be necessary to constitute a Committee of 02 senior officers as referred to in sub-rule 32(ii) and the petition shall be directly considered by the Reviewing Authority. However, in cases which have been dealt with by Vigilance, processing of review petition will be done by Vigilance Dept.

## SCHEDULE OF DELEGATION OF POWERS

The delegation of powers in respect of all disciplinary cases for employees covered under these Rules, including cases arising out of vigilance action shall be as per **Schedule**. Group cases will be those where two or more employees are involved in a case and disciplinary action is to be taken against all of them except where the various employees involved are not covered under these rules and are subject to different sets of disciplinary rules. In such cases, proceedings against employees covered under these Rules will be taken as one group case while those covered under another set of disciplinary rules will constitute a separate case / group case, as specified in those rules.

### **Rule 34 Service of Orders, Notice etc.**

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post or speed post at his last known address if the employee is not attending the office.


### **Rule 35 Power to Relax Time Limit and to Condone Delay**

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

### **Rule 36 Savings**

- (1) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these rules.
- (2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.
- (3) The proceedings pending at the commencement of these rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
- (4) Any misconduct etc. committed prior to the issue of these rules shall be deemed to be a misconduct under these rules.

**Rule 36 A** Notwithstanding anything contained in these rules for the purpose of disciplinary proceedings under Rules 20 to 35 (both inclusive) wherever the terms Disciplinary Authority and Competent Authority have been used either interchangeably or otherwise, they shall mean the authorities as specified in the schedule appended to the CDA rules for exercising various powers as detailed therein.

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**Rule 37**

**Removal of doubts**

Where a doubt arises as to the interpretation of any of these rules the matter shall be referred to the Board for final decision.

**Rule 38**

In cases where vigilance proceedings have already been initiated against any employee and the employee concerned commits another misconduct or violates any of the service conditions / conduct rules, action may be separately taken by the Competent Authority / Disciplinary Authority against the said employee.

**Rule 39**

**Exercise of Delegated Power by Higher Authority:**

Powers delegated at a particular level can be exercised by higher level

**Rule 40**


**Powers to CMD**

Powers which are not covered or delegated at particular level shall vest with CMD.

**Rule 41**

**Amendments**


The Board or authorized persons to whom the powers have been delegated by the Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.

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## SCHEDULE

### Schedule of Delegation of Powers in respect of Disciplinary Matters for employees governed under NTPC Conduct, Discipline & Appeal Rules, 1977

S. N	Level of Employees	Disciplinary Authority competent to pass order of suspension/ deemed suspension, to issue charge-memo, appoint Inquiring Authority & impose penalties				Appellate Authority	Reviewing Authority
		Suspension / deemed suspension	Minor Penalty	Major Penalty	Removal, Dismissal, Compulsory retirement		
1.	Employees in the grades E4 and below under their control	HOD not below AGM	HOD not below AGM	BUH/HOP not below GM or RED / ED in RHQ/CC	Appointing Authority	Executive/ Authority next higher to the one which imposed the penalty/passed order of suspension, as defined in note below	Executive/ Authority next higher to the Appellate Authority, as defined in note below.
2.	Employees in the grades of E7 and below under their control	HOP not below GM or RED / ED in RHQ/CC	BUH/HOP not below GM or RED / ED in RHQ/CC	ED/RED	Appointing Authority	-do-	-do-
3.	Employees in the grades of E8 and below under their control	Functional ED / ED (HR) / RED	Functional ED/RED/ ED(HR)	Functional ED / ED (HR) / RED	Appointing Authority	-do-	-do-
4.	Employees in the grades of E9 and below under their control	Functional Director / D(HR)*	Functional Director / D(HR)*	Functional Director / D(HR)*	Appointing Authority	-do-	-do-
* Wherein employee/s are directly reporting to CMD							

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5	Group Cases (including employees not under control)	Not applicable	Disciplinary Authority shall be as for the highest-ranking charged employee including those employees who are posted in other projects/region/CC and not under direct control or those posted in JVs or subsidiaries of NTPC on secondment other than in S.N. 6.			-do-	-do-
6	Employees on foreign deputation/ deputation to other organizations/ Govt. dept.	ED (HR) NTPC/ or the Authority specified in the rules of their working dept./organization	ED (HR) NTPC	Director (HR)	Executive/ Authority next higher to the one which imposed the penalty/passed order of suspension, as defined in note below or as specified in the rules of their working dept./organization	Executive/ Authority next higher to the Appellate Authority, as defined in note below or as specified in the rules of their working dept./ organization	

**Note:**

1. Employees referred here includes both executives and non-executives governed by these Rules
2. Functional Directors mean a full-time Director on the Board appointed by the President of India.
3. Cases where Board of Directors are the Disciplinary Authority or Appellate Authority or Reviewing Authority, cases will be put up to the Board for decision through a Committee of Directors which will comprise of two independent Directors as nominated by the Board and Director (HR) or any other Full time Director, to be decided by CMD on case to case basis. In case the Director (HR) has acted as Disciplinary Authority or Appellate Authority in the matter. The senior most Director in the Committee shall be the Chairman of the Committee.
4. The CMD may/shall abstain from discussions in the Board Meeting when the disciplinary matters are discussed in which CMD himself had acted as Disciplinary Authority or Appellate Authority.
5. Group cases will be those where proceedings are initiated against two or more employees on the basis on their involvement is in the same case/incident/investigation report. In cases where the employees involved are not covered under CDA rules and are subject to different sets of disciplinary rules i.e. Certified Standing Orders etc. in such cases, proceedings against employees shall be as per rules applicable to them these Rules will be taken as one group case while those covered under another set of disciplinary rules will constitute a separate case / group case, as specified in those rules.
6. The hierarchy of authorities for the purpose of suspension/disciplinary proceedings under these rules shall be as under:


Level	Next higher	Next higher	Next higher	Next higher	Next higher	Next higher	Next higher
AGM	GM	BUH/ GGM	ED	RED / FED	Director	CMD	Board

No appeal/review lies against the decision of Board of Directors.

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7. In cases where CMD/Board is the Disciplinary Authority/Appellate Authority/Reviewing Authority, the power of signing of the documents/communications such as charge-memo, order appointing inquiring authority, suspension pending enquiry/trial etc., shall be delegated to authorities, subject to overall control and the final decision being with the CMD/Board in such disciplinary matters, as under:

	<b>Level of Employees against whom action is proposed</b>	<b>Competent Authority</b>
a.	Upto AGM (E8)	Concerned HOP/BUH not below E8 (GM) level or ED/RED in RHQ/CC (or the executive officiating in that capacity)
b.	Upto ED (E9)	Director (HR)


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## ANNEXURE-I

### **Procedure for processing of the appeal preferred by an employee against a Penalty imposed on him/her by the Disciplinary Authority**

- i) Appeals in vigilance cases will be processed by Corporate Vigilance Dept., while Appeals in other cases will be processed by concerned HR Dept. At Corporate Centre / Site / Region, as the case may be.
- ii) Wherever GM / GGM / Executive Director / RED / FED is Appellate Authority, the Vigilance / HR Dept. Concerned shall move a proposal for constitution of a Committee of officers consisting of two officers of the level of AGM / GM within 15 days of the receipt of the appeal in the department.
- iii) In order to have an independent assessment by the Committee, the officers nominated for Committee constitution as aforesaid shall be from among those who have not dealt with the case previously as a witness. Inquiry Authority, Presenting Officer, Disciplinary Authority etc.
- iv) An officer from the Vigilance / HR Dept. Concerned shall coordinate with the Committee and shall provide necessary assistance as required by the Committee.
- v) Record, such as, reply to the charge sheet, inquiry report relevant evidence and other relevant documents shall be provided to the Committee for examination of the appeal and giving its recommendations to the Appellate Authority through CVO / Head of concerned HR Dept. As the case may be.
- vi) The report of the Committee with the recommendations of the CVO / HOD of HR Dept. Concerned shall be put up to the Appellate Authority for decision on the appeal. However, appeals which lie with Board of Directors shall be put up through Committee of Directors as per the procedure.
- vii) In all cases where Appellate Authority is Director / CMD / Board, other than vigilance matters, the processing shall be done by Corporate HR and the Committee will submit its recommendations to ED (HR).
- viii) In all cases of appeals received within the stipulated time period, the Committee of Officers shall be constituted by CMD on case-to-case basis.



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## ANNEXURE-2


### EXTRACT FROM INDIAN COMPANIES ACT, 2013

SECTION 6 - Meaning of 'Relative' - A person shall be deemed to be a relative of another if, and only if -

- (a) they are members of a Hindu Undivided family; or
- (b) they are husband and wife; or
- (c) the one is related to the other in the manner indicated in Schedule given below:

#### List of Relatives {Section 2(77) of the Companies Act 2013}

1. Father (including step-father)
2. Mother (including step-mother)
3. Son (including step-son)
4. Son's wife (Daughter-in-law)
5. Daughter
6. Daughter's husband (son-in-law)
7. Brother (including step-brother)
8. Sister (including step sister)

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### ANNEXURE-III

#### FORM No. A

#### Statement of movable property on first appointment or as on 31st March, 20.....

(Use separate sheets for self, spouse and each dependent child)

Name of public servant with Emp. No.....

S. No.	Description	Remarks, if any
(i)*	Cash and bank balance	
(ii)**	Insurance (premia paid)	
	Fixed / Recurring Deposits (s)	
	Shares / Bonds :	
	Mutual Fund(s) :	
	Pension Scheme / Provident Fund	
	Other investments, if any:	
(iii)	Personal loans / advance given to any person or entity including firm, company, trust etc. and other receivables from debtors and the amount (exceeding two months basic pay or Rupees one lakh as the case may be)	
(iv)	Motor Vehicles (Details of Make, registration number, year of purchase and amount paid)	
(v)	Jewelry [Give details of approximate weight (plus or minus 10 gms in respect of gold and precious stones; plus or minus 100 gms. in respect of silver)]	
	Gold	
	Silver	
	Precious metals and precious stones	
	Composite items (indicate approximate value)***	
(vi)	Any other assets (Give details of movable assets not covered in (i) to (v) above] Furniture Fixtures Antiques Paintings Electronic equipments Others (Indicate the details of an asset, only if the total current value of any particular asset in any particular category (e.g. furniture, fixtures, electronic equipments etc.) exceeds two months' basic pay or Rs.1.00 lakh, as the case may be]	


Date.....

Signature.....

\* Details of deposits in the foreign Bank(s) to be given separately.

\*\* Investments above Rs.2 lakhs to be reported individually. Investments below Rs. 2 lakhs may be reported together.

\*\*\* Value indicated in the first return need not be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of, during the relevant year."

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**FORM NO. B**

**Statement of immovable property on first appointment or as on the 31st March,**

**20...**

(e.g. Lands, House, Shops, Other Buildings etc.)


[Held by Public Servant]

S. N.	Description of property (Land / House / Flat /Shop / Industrial etc.)	Precise location (Name of District, Division Taluk and Village in which the property is situated and also its distinctive number etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in name of public servant, state in whose name held and his/ her relationship, if any to the public servant	Date of acquisition	How acquired (whether by purchase, mortgage, lease, inheritance, gift or otherwise) and name with details of person / persons from whom acquired (address and connection of the Government servant, if any, with the person / persons concerned) (Please see Note 1 below) and cost of acquisition	Present value of the property (If exact value not known, approx. value may be indicated)	Total annual income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Date.....

Signature.....

Note (1): For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

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**FORM No. C**

**Statement of Debts and Other Liabilities on first appointment or as on 31st March, 20....**


Sl. No.	Debtor (Self/spouse or dependent children)	Name and address of Creditor	Nature of debt / liability and amount	Remarks
1	2	3	4	5

Date.....

Signature.....  
Emp. No.:

Note1: Individual items of loans not exceeding two months basic pay (where applicable) and Rs.1.00 lakh in other cases need not be included.


Note2: The statement should include various loans and advances (exceeding the value in Note 1) taken from banks, companies, financial institutions, Central / State Government and from individuals.

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## ANNEXURE-IV

### **Standard Operating Procedure (SOP) for conducting Disciplinary proceedings through Online mode**


1. Every participant in the Proceedings shall remain present at the designated room for Video Conferencing at respective NTPC offices as and when communicated.
2. All the communication(s) regarding the departmental proceedings shall be given on the registered email addresses of the parties and the same shall be deemed as duly served upon receipt of the same in the recipient email. The mail should be sent with return acknowledgement feature also. The concerned persons are advised to contact through email address of the Inquiry Authority in case of any doubt or queries regarding the Departmental proceeding.
3. The Head of HR of the respective station shall arrange the Video Conferencing room at all the designated places.
4. Every person appearing for Proceedings through Video Conferencing shall be required to furnish appropriate proof of identity.
5. Each NTPC office, from where Proceedings through Video Conferencing is joined / conducted, shall designate one person each from the HR and IT department to act as a "Coordinator" in order to facilitate uninterrupted conduct of Departmental proceedings through Video Conferencing. The Coordinators shall be nominated by the respective HODs.
6. The IT Coordinator shall ensure the required IT infrastructure in the designated VC Room for smooth and uninterrupted conduct of Departmental proceedings including VC hardware/software equipped with proper Audio system and capable for handling dual Video transmission, Desktop/Laptop, Printer, Scanner, Intranet/Internet facility with good speed, etc.
7. Departmental Proceeding held through Video Conferencing shall be recorded and preserved electronically in audio/video format. Said recording shall include all documents and other material put up on the shared VC screen. The record of departmental proceedings is property and responsibility of the Inquiry Officer and the Inquiry Officer shall have the primary responsibility for safe and proper custody of the said records, and for the same he may take the help of the IT Coordinator. The IT Coordinator shall have the secondary responsibility for safe and proper custody of the records and shall be required to provide the records to the management as and when required. The Inquiry Officer and IT Coordinator shall maintain absolute confidentiality of the recordings.
8. No other person except Coordinators, and any other person required to provide administrative / technical support for smooth functioning of VC systems, shall be allowed to remain present in the designated room for Video Conferencing at any of the locations involved in the proceedings.
9. Unauthorized recording/storing or broadcasting of the disciplinary proceedings, in any manner whatsoever, shall be treated as a misconduct and suitable action will be taken against the individual concerned.

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10. It shall be the responsibility of the Coordinator from IT department to ensure un-interrupted functioning of Video Conferencing system during the proceedings and shall take necessary steps to keep the recording of departmental proceedings through Video Conferencing in safe custody. The HR Coordinator shall facilitate and provide all necessary assistance during the departmental proceedings through Video Conferencing. The HR and IT Coordinators shall ensure adequate lighting and power backup during the video conferencing. The room identified for the VC should be noise free. The standard rule about one person speaking at a time in VC shall have to be followed during the proceedings.
11. In case the Video-Conferencing facility is not working properly, the Inquiry Officer can defer the enquiry.
12. All documents required to be exhibited during the course of VC Proceedings shall either be transmitted electronically or physically, and Inquiry officer shall give sufficient time for perusal of the same by the parties concerned as per the wisdom and discretion of the Inquiry Officer, before the said documents are referred to or made use of, in the proceedings being conducted.
13. The Coordinator(s) shall ensure that all such documents are readily available during the course of Proceedings.
14. If the documents are transmitted electronically, the IT Coordinator shall bring up the concerned document on the shared VC screen at the relevant time.
15. If the documents have been transmitted physically, the IT Coordinator shall, at the relevant time, upload the document through a scanner, and bring up the same on the shared VC screen.
16. All documents shared during the course of the VC Proceedings shall form part of the proceedings, and shall be preserved accordingly. Additionally, if the documents are available in physical form, persons may sign such documents, if required to do so under the relevant Rules. Documents so signed shall form part of the official record.
17. Any document required to be signed, may be signed electronically, if electronic signatures are available.
18. If electronic signatures are not available, an official transcription may be sent by e-mail to official email ID of the concerned Coordinator. The Coordinator shall take a print of the said document / transcript, and have the relevant person(s) sign the same.
19. All persons required to sign a document / transcript may
  - i. sign the same document in succession (having been printed, signed, scanned and shared); or,
  - ii. sign their own copies of the official transcript, and upload their individual copies to the common record.
  - iii. Needless to say, all physical copies shall be preserved and forwarded to the Inquiry Officer.
20. The HR Coordinator shall ensure that the person being examined as a witness is not being prompted / guided by any other person or referring any external material.
21. A witness of the Management or Charged Officer being examined or any other person concerned may refer to a document, if permissible under relevant rules, and the document so referred shall be brought up on the shared VC screen for as long as it is being referred to.

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22. The minutes of Proceedings shall be finalized and a transcription, may be sent by e-mail to official email ID of the concerned HR Coordinator. The Coordinator shall take a print of the said document / transcript, and get the signature of concerned person(s). The same may be done while the proceedings are ongoing (through a suitable support person, physically present at one of the locations), or at a later stage.
23. The Inquiry officer shall be required to have Digital Signature and the same shall be facilitated and ensured by the IT Coordinator. The master copy of the entire proceedings shall be locked with digital signature of Inquiry officer in order to prevent from further changes/modification. This master copy shall be retained by the Inquiry Officer as part of the record and the same shall also be kept in the server by the IT Coordinator for backup purpose in the event of any emergency. Transcript of the evidence recorded during the proceedings shall be given to the parties as per applicable rules.
24. For smooth and effective conduct of Enquiry Proceedings, the Inquiry Officer may add or amend the SOPs to be followed in the Enquiry Proceedings. Any other instruction being issued during the Departmental Proceedings in respect of Video Conferencing shall also become the part of this Standard Operating Procedure. The directions of the Inquiry officer should be strictly followed at all times in VC to enable smooth hearing.
25. The SOPs are aimed at aiding the conduct of enquiry through online mode, the CDA Rules shall apply mutatis mutandis.

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## ANNEXURE-V

### **GUIDELINES & PROCEDURE FOR PREMATURE RETIREMENT (Under Rule 4(3) of CDA Rules)**

#### **1.0 Coverage:**

The provision for Premature Retirement of employees in the public interest on grounds of inefficiency and absenteeism due to medical unfitness shall be applicable to employees in the Executive and Supervisory categories who have attained the age of 50/55 years or completed 30 years of service (inclusive of notional service) as the case maybe.

#### **2.0 Guidelines on Inefficiency:**

##### **2.1 Executives:**

2.1.1 An Employee who has secured 'Bottom' rating in relative performance scores post normalization twice in the last four years.

2.1.2 An Employee who has been awarded major penalty on two occasions or minor penalty on three occasions in entire service career

##### **2.2 Employees in Supervisory category:**

2.2.1 An Employee who has secured 'Unsatisfactory' rating in his annual appraisal report twice in the last four years.

2.2.2 An Employee who has been awarded major penalty on two occasions or minor penalty on three occasions in entire service career

#### **3.0 Procedure on Inefficiency (Executives):**

3.1 A standing committee consisting of employee's concerned Functional Director and Director (HR) shall examine the cases meeting the criteria stated in Clause 2.1 above.

##### **3.2 Counselling prior to submission of case to Standing Committee**

3.2.1 All cases where overall Annual PMS rating is 'Bottom', counselling will be done by


- BUH in case of executives upto E7;
- RED/ Functional Executive Director in case of E8,
- Functional Director in case of E9

indicating the deficiencies on the part of the concerned executive with a view to give opportunity to the concerned executive to improve in the next assessment year.

3.2.2 The concerned executive will be counselled each time the PMS rating is 'Bottom' in the relevant assessment year by concerned BUH/RED/Functional ED/Functional Director (as the case may be).

3.2.3 A brief on the counselling session will be communicated to the employee concerned after the counselling is provided.



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### 3.3 Procedure of submission of cases to Standing Committee

3.3.1 Based on criteria listed at Clause 2.1, list of executives who have attained 49 years of age or attained 54 years of age or completed 29 years of service (inclusive of notional service) will be identified through online system at the start of every quarter.

3.3.2 Concerned RED/RHOHR will go through the complete records and invite the concerned employee for counselling in writing mentioning reasons.

3.3.3 Based on the feedback provided during counselling session including details of performance gaps identified, concerned employee shall formulate his/her individual development plan in consultation with his/her reporting Officer and HOD. The final Individual Development Plan (IDP) will be signed off by employee and his/her Reporting Officer. The IDP will be required to be actualized within the next 6 months.

3.3.4 Continuous monitoring is to be ensured by concerned HOD, HOHR, BUH, RHOHR and RED and an interim progress report to be submitted online once in 3 months.

3.3.5 At the end of 6 months since date of identification, the standing committee will go through the complete records relating to performance of the identified executives. On the basis of documents/ feedback from concerned Head of Department, BUH and Regional EDs as also the PMS Reports, the Committee will identify the cases where it feels premature retirement is warranted.

### 3.4 Counselling by the Standing Committee:

The Standing Committee will also counsel each of the executives identified as at Clause 3.3.5 above and review the performance again after 4 months. In case it finds that desired improvement in performance is not shown by the executive, it will recommend to the Competent Authority ie CMD for premature retirement.

3.5 Based on the recommendations of the Standing Committee, show cause notice with the approval of CMD will be issued as per format at Annexure-A1 to the concerned executive by BUH concerned.

3.6 The reply of the employee to the show cause notice, along with the recommendations of the Standing Committee will be put up to CMD for decision and approval for pre- mature retirement.

### 4.0 Procedure on Inefficiency (Supervisory Category):

4.1 Respective units (Project/ Station/ Offices) shall identify the supervisors meeting the criteria for premature retirement after DPC.


4.2 Identical procedure as at Clause 3.0 will be followed for supervisors except that:

4.2.1 Criteria for inefficiency shall be as per Clause 2.2

4.2.2 Counselling will be done by concerned HOD (not below the rank of DGM)

4.2.3 The constitution of Committee in case of employees in supervisory category shall be as under:

- For deciding the cases of employees at Projects/Regional HQ: Members will be two Heads of Projects not below the level of GM and the Regional Head of HR will co-ordinate the activities of the Committee.

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- For deciding the cases of other employees in the supervisory category: Members will be two executives not below the level of GM and GM(HR), CC will co-ordinate the activities of the Committee

4.2.4 The Competent Authority for deciding the cases of employees at Projects/Regional HQ will be Regional ED. For other employees in the supervisory category, cases will be decided by ED (HR).

## 5.0 Guidelines on Absenteeism due to Medical Unfitness:

5.1 Instances where an employee may be considered for premature retirement on ground of absenteeism due to medical unfitness shall be as under:

5.1.1 He/she has been continuously absent on EOL on medical grounds or absent without leave on medical grounds for a period of 120 days or more (including Sundays & Holidays) in the previous calendar year.

5.1.2 He/she who has been intermittently absent on EOL or absent without leave for reasons of sickness for a total period of 180 days or more (including Sundays & Holidays) in the previous calendar year.

5.2 The above provisions shall exempt the Extra-Ordinary leave on medical grounds sanctioned to employees within the limits prescribed in Clause 16.1(ii) and 16.1(iii) of NTPC Leave Rules.

5.3 Employees who have been rendered medically unfit (permanent partial disablement) on account of accident while on duty shall not be covered in this Scheme.

5.4 Employees who have acquired a disability during his/her service at NTPC Ltd and are covered under the provisions of The Rights of Persons with Disabilities Act, 2016 shall not be covered in this Scheme.

5.5 HIV infection is not a cause for termination of employment. Persons with HIV-related illnesses should be able to work for as long as medically fit in appropriate conditions.

5.6 The above provisions for premature retirement on the grounds of absenteeism due to medical unfitness are independent of and without prejudice to the right of the Company under Clause 24 of NTPC Service Rules.


## 6.0 Procedure on Medical Unfitness:

6.1 Based on criteria listed at Clause 5.1, list of employees who have attained 50 years of age or attained 55 years of age or completed 30 years of service (inclusive of notional service) will be identified through online system at the start of every calendar year.

6.2 Site HR shall upload the details of employees' leave application for EOL along with medical records and related correspondence submitted by employee.

6.3 Site CMO and Regional CMO shall go through the complete records pertaining to medical history of identified employees and make their recommendations. In the event of an employee being identified from the same project as that of Regional CMO, another CMO in the region shall also offer his/ her recommendations.

6.4 Director (HR) on receiving the recommendations of Regional CMO through respective RED shall constitute a Medical Board consisting of Corporate Chief Medical Officer and two more doctors of which one will be from outside. Cases in which premature retirement has been recommended by Site/ Regional CMO shall be referred to the Medical Board for medical examination.

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6.5 The Medical Board will submit its report to the standing committee consisting of employee's concerned Functional Director and Director (HR). The report of the Medical Board should contain interalia the following:

- i. Details of the medical condition of the employee
- ii. Whether the medical condition is curable to enable the employee to perform his/her normal duties without frequent absence on account of sickness within a period of 12 months.
- iii. Whether the medical condition is infectious or contagious making him/her unsuitable for services of the Company or whether his/her presence in working premises is likely to pose hazards to others.

6.6 Based on the report of the Medical Board, the Standing committee of Directors will submit its recommendations to the Competent Authority ie CMD for premature retirement.

6.7 Based on the recommendations of the Standing Committee, show cause notice with the approval of CMD will be issued as per format at Annexure-A2 to the employee by the BUH concerned.

6.8 The reply of the employee to the show cause notice, along with the recommendations of the Standing Committee will be put up to CMD for decision and approval for premature retirement.


#### **7.0 General:**

7.1 Order of premature retirement of employees in the public interest will be issued as per format at Annexure-A3 by the BUH concerned.

7.2 In the event of refusal by the employee to accept the order of premature Retirement, the same will be sent by Registered/ Speed Post/ Courier at the last known address available in his/her personal file/ other official records. This would be deemed as serving of the order to the employee.

7.3 If Voluntary Retirement Scheme is in operation at the relevant time during which action on premature retirement is proposed, and if the concerned employee under consideration for premature retirement is otherwise eligible for VRS, he/she on his/her own volition may apply for VRS and Management shall have no objection to the same.

7.4 CMD reserves the right to make amendments/ modifications/ additions/ deletions to the above rules/ procedures or make supplementary rules that may be required from time to time.

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**Annexure-A5**

**Show Cause Notice on Inefficiency**

**Ref No:**

**Date:**

**Name:**.....  
**Employee Number:**.....  
**Designation:**.....  
**Department:**.....

During the past year, we have had several discussions concerning your work assignments and the performance of your duties. In particular you have failed to demonstrate satisfactory performance for an employee at your grade/ level.

On ..../.., you were counselled about this unacceptable level of performance by your RED and again on ..../.. by a Committee of Directors.

In exercise of the powers conferred by Rule 4.3 of Conduct, Discipline and Appeal Rules and with approval of Competent Authority, it is being contemplated in public interest to prematurely retire you on account of inefficiency.

Accordingly you are hereby called upon to show cause and submit your written explanation within seven days from date of receipt of this notice, as to why premature retirement should not be given to you.

Please acknowledge receipt of this Show Cause Notice on the duplicate copy enclosed.

(On Behalf of Appointing Authority)

Name:.....  
Designation:.....

**Copy to:**

1. Concerned BUH
  2. RHOHR/RED
  3. Centres of Excellence-HR/HR-USS/HR-Operations
  4. Personnel File/ Subject File
- .....


**Acknowledgement from Employee**

I,.....(Name & Employee Number) now holding the post of.....(Designation & Department) hereby acknowledge the receipt of the Original Show Cause Notice dated ..../.. issued under Rule 4.3 of Conduct, Discipline and Appeal Rules.

(Signature of Employee)

Name:.....  
Designation:.....  
Place:.....

Date:.....

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**Annexure-A6**

**Show Cause Notice on Absenteeism due to Medical Unfitness**

**Ref No:**

**Date:**

**Name:**.....  
**Employee Number:**.....  
**Designation:**.....  
**Department:**.....

During the past year, we have had several discussions concerning your continuous absence from workplace due to a medical condition and we are sorry to hear that your medical condition has not improved. In particular, the medical board opines that it is unlikely that *(you may be able to resume work and perform your normal duties without frequent absence on account of sickness within a period of 12 months)* or *(your medical condition is infectious or contagious making you unsuitable for services of the Company and your presence in working premises is likely to pose hazards to others)*. In exercise of the powers conferred by Rule 4.3 of Conduct, Discipline and Appeal Rules and with approval of Competent Authority, it is being contemplated in public interest to prematurely retire you on account of medical unfitness.

Accordingly you are hereby called upon to show cause and submit your written explanation within seven days from date of receipt of this notice, as to why premature retirement should not be given to you.

Please acknowledge receipt of this Show Cause Notice on the duplicate copy enclosed.

(On Behalf of Appointing Authority)

Name:.....  
Designation:.....

**Copy to:**


1. Concerned BUH
  2. RHOHR/RED
  3. Centres of Excellence-HR/HR-USS/HR-Operations
  4. Personnel File/ Subject File
- .....

**Acknowledgement from Employee**

I,.....(Name & Employee Number) now holding the post of.....(Designation & Department) hereby acknowledge the receipt of the Original Show Cause Notice dated .././.... issued under Rule 4.3 of Conduct, Discipline and Appeal Rules.

(Signature of Employee)

Name:.....  
Designation:.....  
Place:.....  
Date:.....

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**Annexure-A3**

**Order of Premature Retirement**

**Ref No:**

**Date:**

**Name:**.....  
**Employee Number:**.....  
**Designation:**.....  
**Department:**.....

Whereas, the Competent Authority is of the opinion that it is in the Public Interest to prematurely retire Mr/Ms....., Employee Number ....., Designation ....., Department ....., on account of inefficiency/absenteeism due to medical unfitness. Now therefore, in exercise of the powers conferred by Rule 4.3 of Conduct, Discipline and Appeal Rules, the Competent Authority hereby gives notice or pay in lieu of notice period (3 months/ 1 month) to .....(Name and Employee Number),.....(Designation and Department) that Mr/Ms..... having already attained the age of 50 years or 55 years or completed 30 years of service shall retire from the services of NTPC Ltd on .....


(On Behalf of Appointing Authority)  
Name:.....  
Designation:.....

- Copy to:**
1. Concerned BUH
  2. RHOHR/RED
  3. Centers of Excellence-HR/HR-USS/HR-Operations
  4. Personnel File/ Subject File

**Acknowledgement from Employee**

I,.....(Name & Employee Number) now holding the post of.....(Designation & Department) hereby acknowledge the receipt of the Original Notice of the Order of Premature Retirement dated .././.....

(Signature of Employee)  
Name:.....  
Designation:.....  
Place:.....  
Date:.....

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### RECORD OF REVISIONS

Section-Clause No.	Revision No.	Revision Date	Amendment Details
0103-Record of Revisions	0	15.03.2019	HR Policy Manual Updation
0103-Record of Revisions	1	28.05.2019	Amendment in Rules
0103-Record of Revisions	2	30.06.2020	Amendment in Rules
0103-Record of Revisions	3	29.07.2020	Amendment in Rules
0103-Record of Revisions	4	16.09.2020	Amendment in Rules
0103-Record of Revisions	5	21.09.2020	Amendment in Rules
0103-Record of Revisions	6	10.06.2021	Amendment in Rules

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