

PREFACE

The Employee's Provident Fund Staff (Classification, Control and Appeal) Rules, 1971 was published in the year 1972 as a part of the Employees' Provident Fund Service Manual. These rules were later on in 1984 published in a separate manual. With the efflux of time, it has become necessary to publish an upto - date version of these rules. The present publication is an Endeavour to that effect.

2. There is no gainsaying the fact that for efficient, clean and effective administration, the officers and staff of the organization should have proper understanding and knowledge of these rules. I am sure that this compilation which has been updated (December, 1993) would serve as a useful reference book for the entire rank file of the organization.

3. Any suggestion to improve the quality of this compilation would always be welcome.

[B.N. SON]

CENTRAL PROVIDENT FUND COMMISSIONER

NEW DELHI

DATED THE: 25TH FEBRUARY, 1994.

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

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THE GAZETTE OF INDIA, JUNE 4, 2005(JYAISTHA 14,1927)

EMPLOYEES' PROVIDENT FUND ORGANISATION

New Delhi - 110066, the 18th May 2005

No. P - IV/2(6)84/CCA/Vol.II - In exercise of the powers conferred by sub - section 7(a) of Section 5 D of the Employees' Provident Fund & Miscellaneous Provision Act 1952 (19 of 1952), Executive Committee, Central Board of Trustees, Employees Provident Fund makes the following rules and further amend the Employees' Provident Fund Staff (Classification Control and Appeal) Rules, 1971 namely:-

1. (i) These Rules may be called Employees Provident Fund Staff (Classification, Control and Appeal) Rules, 2005.
(ii) The Shall Come into force from the date of their publication in the Official Gazette.
2. In the Employees Provident Fund Staff (Classification, Control and Appeal) Rules, 1971 following entries shall be substituted against the existing entries in the Rules/ Sub - Rules shown as below:-

a. In rule 7, after clause (ix) of the penalties, the following provision shall be inserted, namely:

“Provident that, in every case in which the charge of possession of assets disproportionate to known source of income of the charge of acceptance from any person of any gratification, other than legal remuneration, for doing or forbearing to do any official act is established, the penalty mentioned in Clause (viii) or Clause (ix) shall be imposed”.

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

b. In rule 10, in 'NOTE' below sub - rule (8A):-

for the word “two”, the word “three” shall be substituted.

c. In rule 10, after rule (8B), the following Note shall be inserted namely:-

“NOTE:- “The retired employee or retired Government servant concerned should not act as Defense Assistant in more than five cases at a time. The retired employee or retired government servant should satisfy the inquiring Officer that he does not have more than five cases at hand including the case in question.

d. In rule 11, for sub - rule (2) the following sub – rules (2) and (2A) shall be substituted, namely:-

“(2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary Authority or where the Disciplinary Authority is not the inquiring Authority a copy of the report of the inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the employee who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favorable or not to the employee.”

“(2-A) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the matter as specified in sub-rules (3) and (4).”

e. In rule 20, below sub-rule (1), for sub-rule (a), the following sub - rule (a) shall be substituted namely:-

“(a) By the Central Provident Fund Commissioner to the Chairman, Executive Committee, EPF”.

f. In rule 23, below sub-rule (2), the provision (ii) shall be substituted with the following provision:-

“if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clauses (v) to (ix) of Rule 7 and an enquiry under Rule 10 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation within 15 days, against the proposed penalty: and”

(g) In Schedule annexed thereto:-

1. Under Heading “Central Office”

- i. In part I - Group ‘D’ the post of “Peons / Chowkidar / Mali” shall be deleted and substituted by “Multi Task Attendant”. The prescribed authority for the post shall be the same.
- ii. In part II - Group ‘C’, after the post of “Assistant” the post of “Auditor” shall be inserted. The prescribed authorities for the post shall be the same as for that of S S A.
- iii. In part II - Group ‘C’ after the post of SSA. The post of “Data Entry Operator” shall be inserted. The prescribed authorities for the post shall be the same as for that of SSA.
- iv. In Part II - Group ‘C’, after the post of “Assistant”, the post of “Supervisor (Computer Cell)” shall be inserted. The prescribed authorities for the post shall be in same as for that of Assistant.
- v. In Part II - Group ‘C’ the post of “UDG” shall be deleted and substituted by “Social Security Assistant”. The prescribed Authority for the post shall be the same.
- vi. In part II - Group ‘C’ before the post of “Stenographer Grade II” the post of “Assistant” shall be deleted and insert in the part III - group ‘B’ The prescribed Authority for the post shall be the Addl. CPFC(HR).
- vii. In Part III- Group ‘B’ the post “Vigilance Officer” shall be deleted.
- viii. In part III - Group ‘B’ before the post of “Welfare Officer”, the post of Programmer shall be inserted. The prescribed authorities for the post shall be the same as for that of “AD (OL)”.
- ix. In part III - Group ‘B’, after the post of “Welfare Officer”, the post of “Assistant Programmer” shall be inserted. The prescribed authorities for the post shall be the same as for that of “Welfare officer”.
- x. In part III - Group ‘B’ after the post of “Assistant Programmer” the post of Assistant Audit Officer” shall be inserted. The prescribed authorities for the post shall be the same as for that of “Welfare Officer”.
- xi. In part III - Group ‘B’ after the post of “Research Assistant” the post of “Junior Engineer” shall be deleted and inserted in part II Group ‘C’ before the

post of “Assistant”. The prescribed authorities for the post shall be the same as for that of “Assistant”.

- xii. In part III - Group ‘B’, in column for appellate authority for the post of “Sr Personal Assistant” the words “Chairman, C B T” may be substituted with the words “Chairman Executive Committee” and the post of Sr. Personal Assistant be deleted and substituted by “Private Secretary”.
- xiii. In part III - Group ‘B’, in column for appellate authority for the post of “Hindi Officer”. The words “Chairman, CPT” may be substituted with the words Chairman, Executive Committee.”
- xiv. In part III - Group ‘B’ in column for ‘appellate authority’ for the post of “Junior Anaiyst” the words “Chairman, CBT” may be substituted with the words “Chairman Executive Committee”.
- xv. In part III- Group ‘B’, in column for ‘appellate authority’ for the post of “Welfare Officer”, the words “Chairman, CBT” may be substituted with the words “Chairman, Executive Committee”.
- xvi. In part III - Group ‘B’, in Column for ‘appellate authority for the post of “A P F C , the words “Chairman, CBT” may be substituted with the words “Chairman, Executive Committee”.
- xvii. In Part III - Group ‘B’ the post of “**Superintendent**” shall be deleted and substituted by “**Section Officer**”. The prescribed authority for the post shall be the same.
- xviii. In part IV - Group ‘A’, after the post of “A.P.F.C”, the post of “Assistant Director (Vigilance)” shall be inserted. The prescribed authorities for the post shall be the same as for that of A.P.F.C.
- xix. In part VI - Group ‘A’, after the post of “Assistant Director (Vigilance)” the following Group ‘A’ officials shall be inserted. (a) Assistant Research Officer (NATRSS), (b) Assistant Engineer (Civil/Electrical), (c) Zonal Audit Officer, (d) Assistant Director (Information Services). The prescribed authorities for these posts shall be the same as for that of A.P.F.C.
- xx. In Part IV - Group ‘A’, after the post of “Addl. C.P.F.C”, the post of “Director, NATRSS” shall be inserted. The prescribed authorities for the post shall be the same as for that of Addl. C.P.F.C.

- xxi. In part IV – Group ‘A’, the post of “Superintending Engineer” shall be deleted and substituted by “Chief Engineer”. The prescribed authorities for the post shall be the same as for that of Addl. C.P.F.C.
- xxii. In part IV – Group ‘A’, after the post of “Deputy Director (Training)”, the post of “Deputy Director (Official language)” shall be inserted. The prescribed authorities for the post shall be the same as for that of Deputy Director (Training).
- xxiii. In part IV- Group ‘A’ after the post of “Deputy Director (Training)”, the post of “Deputy Director (Information services)” shall be inserted. The prescribed authorities for the post shall be the same as for that of Deputy Director (Training).
- xxiv. In part IV group ‘A’, after the post of “Deputy Director (Information service” the following group ‘A’ posts shall be inserted, a – Deputy Director (Audit), Executive Engineer (Civil/Electrical). The prescribed authorities for the post shall be the same as for that of Deputy Director (Training)
- xxv. In the ‘NOTE’ appended below part IV – Group ‘A’, for the words (v) to (ix) the words (vii) to (ix) shall be substituted,
- xxvi. In part IV – group ‘A’ before the post of Regional Provident Fund Commissioner (Gr. I) the post of “Director (information Services)” shall inserted. The prescribed Authority for the post shall be the same as for that Regional Provident Fund Commissioner (Gr. I).

II. Under heading “Regional Office”

- i. In part – I Group ‘D’ the post of “Peon / Chowkidar / Mali” shall be deleted and substituted by “**Multi Task Attendant**”. The prescribed Authority for the post shall be the same.
- ii. In part II Group ‘C’, after the post of “SSA”, the post of “Data Entry Operator” shall be inserted. The prescribed authorities for the post shall be the same as for that of SSA.
- iii. In part II – Group ‘C’, after the post of “Section Supervisor”, the post of “Supervisor (Computer Cell)” shall be inserted. The prescribed authorities for the post shall be the same as for that “Section Supervisor”.
- iv. In part II – group ‘C’ the post of “Stenographer – II) shall be deleted.

- v. In part II – Group ‘C’, the post of “Hindi translator (Grade II) shall be deleted and substituted by “Junior Hindi Translator”. The prescribed authorities for the post shall be the same.
- vi. In part II – Group ‘C’, the post of “Stenographer (Grade III)” shall be deleted and substituted by “Stenographer”. The prescribed authorities for the post shall be same.
- vii. In part II – Group ‘C’ the post of “UDC” shall be deleted and substituted by “Social Security Assistant”. The prescribed Authority for the post shall be the same.
- viii. In part III – Group ‘B’, after the post of “Hindi Officer”, the post of “Assistant Programmer” shall be inserted. The prescribed authorities for the post shall be the same as for that of “AD(OL)”.
- ix. In part III – group ‘B’, in column for “appellate authority” for the post of “Enforcement Officer / Assistant Accounts Officer”, the words “Chairman, CBT” may be substituted with the word “Chairman, Executive Committee”.
- x. In part III – Group ‘B’, the post of “Hindi Officer”, shall be deleted and the post of “Assistant Director (Official language)” shall be inserted. The prescribed authorities for the post shall be same and in column for ‘appellate authority’ for the post of “Hindi Officer”, the words “Chairman, CBT” may be substituted with the words “Chairman, Executive Committee”.
- xi. In part III – Group ‘B’, the post of “Hindi Translator (Grade I) shall be deleted and substituted by the post of “Senior Hindi Translator”. The prescribed authorities for the post shall be the same.
- xii. In part III – group ‘B’, the post of “Stenographer (Grade I) Personal Assistant (Regional Office) shall be deleted and substituted by the post of “Private Secretary” and “Personal Assistant”. The prescribed authorities for the post of “Private Secretary would be same as that of “AD (OL)” and for “Personal Assistant” the prescribed authority would be the same as that of “Senior Hindi Translator”.

h) A new rule i.e. Rule 28 shall be inserted, namely

“28. Saving Clause:

Government of India / Department of Personnel & Training’s instructions/ Clarifications issued from time to time with regard to CCS “(CC&A) Rules, 1965 shall also apply to the employees of Central Board mutatis mutandis so far as these relate to and are not inconsistent with any of the provisions of EPF Staff (CC&A) Rules, 1971”.

ANIRUDH RAJ
Central P.F. Commissioner &
Secretary, CBT
Employees’ Provident Fund

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

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

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

PART – I GENERAL

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

- a) 'Act' means the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 to 1952);
- b) 'Appointing Authority' in relation to an employee means
 - i. The authority empowered to make appointments to the grade in which the employee is for the time being included, or
 - ii. The authority empowered to make appointment to the post which the employee for the time being holds, or
 - iii. The authority which appointed the employee to such grade or post, as the case may be;
 - iv. Where the employee, having been substantively appointed to a grade, having held a permanent post has been in continuous employment of Central Board, the authority which appointed him to that grade or post; whichever is the highest authority.
- c) 'Central Board' means the Board of Trustees constituted under section 5A of Act;
- d) 'Chairman' Means Chairman of the Central Board;
- e) Deleted.
- f) 'Commissioner' means the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a regional provident fund commissioner appointed under sub – section (1) or sub – section (2) OF SECTION 5 (D) of the Act;

- g) 'Disciplinary authority' means the authority competent under these rules to impose on an employee any of the penalties specified in rule 7;
- h) 'Employee' means every person, other than a Central Provident Fund Commissioner and Financial Advisor & Chief accounts Officer appointed to a post under the central Board and includes a person whose services are temporarily placed at the disposal of a company, corporation, a local authority or an office or department of the central Government or that of a state Government on Foreign service or deputation terms;
- i) 'Government' means the central government;
- j) 'Post' means a post under the Central Board;
- k) All other words and expressions used herein after but not defined herein shall have the meanings assigned to them in the relevant rules applicable to the corresponding classes of central Government servants.
- l) 'Schedule' means the schedule to these rules.

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

(2) Nothing in these rules shall apply to –

- i. any person in casual employment;
- ii. any person subject to discharge from service on less than one month's notice;
- iii. any person for who special provision is made, in respect of matters covered by these rules, by or under an agreement entered into by or with the approval of the central government / central Board before or after the commencement of these rules, in regard to matters covered by such special provisions;

(3) Notwithstanding anything contained in sub – rule (i):-

- a. The central government may exclude any class of employees from the operation of all or any of this rule.
- b. The central provident fund commissioner may with the approval of the Central Government/ central board, by order, exclude any class of employees from the operation of all or any of these rules,

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

PART – II – CLASSIFICATION.

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

- i. Group 'A'
- ii. Group 'B'
- iii. Group 'C' and
- iv. Group 'D';

PART III – APPOINTING AUTHORITY

5. (1) Deleted.

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

PART IV – SUSPENSION

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

- (a) Where a disciplinary proceedings against him contemplated or is pending; or
- (aa) Where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the state; or
- (b) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial;

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

2. An employee shall be deemed to have been placed under suspension by an order of appointing authority:-

- a. With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty – eight hours.
- b. with effect from the date of his conviction, if, in the event of a conviction for a offence, he is sentenced to the term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION:- The period of forty eight hours referred to in clause (b) of this sub – rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

3. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

4. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or

compulsory retirement and shall continue to remain under suspension until further orders.

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

- (5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so,
- (b) Where an employee is suspended or is deemed to have been suspended, (whether in connection with any disciplinary 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 him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V - PENALTIES AND DISCIPLINARY AUTHORITY

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

MINOR PENALTIES:-

- I. Censure;
- II. Withholding of his promotion;
- III. Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Central Board by negligence or breach of order;

III. (a) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.

IV. Withholding of increments of pay with or without cumulative effect.

MAJOR PENALTIES:-

V. *save as provided for in clause (iii)a, reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

VI. Reduction to a lower time - scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of the restoration to that grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post;

VII. Compulsory retirement;

VIII. Removal from service which shall not be a disqualification for future employment under the Central Board;

IX. Dismissal from service which shall ordinarily be a disqualification for future employment under the central board.

* Instead vide notification No. p - IV / 2 (6)/84/cca DT: 11/11/1993

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

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

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

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

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

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

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

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

(viii) Termination of the Services:-

- a. of an employee appointed on probation, during or out the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation;
- b. of temporary employee in accordance with the provisions of sub - regulation (3) of regulation 8 of the Employee's provident Fund (Staff and Condition so services) Regulations, 1962; or
- c. of an employee, employed under an agreement in accordance with the terms of such agreement.

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

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

“Rule 8(3) without prejudice to the provisions of sub – rules (1) and (2) any of the penalties specified in Rule 7 may be imposed on any employee by (i) the appointing Authority (ii) Authority specified in the Schedule to this Rule or (iii) by any other authority empowered in this behalf by general or special order of the Central Board of Trustees or the Central Government as the case may be.

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

NOTE: below explanation under rule 8(3) Deleted.

9. AUTHORITY TO INSTITUTE PROCEEDINGS:-

(1) The central Government may –

Rule 9(1) The Chairman, Central Board of Trustees or the central govt. as the case may be, may (i) institute disciplinary proceeding against nay employee; (ii) Direct Disciplinary Authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in Rule 7.

Rules any of the penalties specified

(2) The Central board may –

- a. Institute disciplinary proceeding against any employee for whom it is the appointing authority under sub section 3 of section 5 (D) of the act;
- b. Direct disciplinary authority to institute disciplinary against any employee to who the central board is the appointing authority provided that such

authority is competent to impose any of the penalties on that employee under rule 7.

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

PART – VI – PROCEDURE FOR IMPOSING PENALTIES

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

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

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

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

- i. the substance of the imputations of misconduct or misbehaviors into definite and distinct articles of charge;
- ii. a statement of the imputations of misconduct or misbehavior in support of each article of charge, which shall contain - -
 - a. a statement of all relevant facts including any admission or confession made by the employee;

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

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

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

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

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

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

- i. a copy of the articles of charge and the statement of the imputations of the articles of charge and the statement of the imputations of misconduct or misbehavior;

- ii. a copy of the written statement of defence, if any, submitted by the employee;

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

- iii. a copy of the statements of witnesses, if any, referred to in sub – rule (3);
- iv. evidence providing the delivery of the documents referred to in sub – rule (3) to the employee; and
- v. a copy of the order appointing the “Presenting Officer”.

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

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

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

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

(8B) The employee may also take the assistance of a retired employee or a Retired Government Servant to present the Case on his behalf subject of the following conditions:-

- i. The retired Government Servant / employee should have retired from service under Central Govt./ or Employees' Provident Fund Organisation.
- ii. If the retired employee / retired Govt. servant is also a Legal Practitioner, the restriction on engaging a Legal Practitioner by a delinquent employee to present the case on his behalf, contained in Rule 10(8A) of Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971, would apply
- iii. The retired Employee / Government servant concerned should not have, in any manner been associated with the case at investigation stage or otherwise in his official capacity.

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

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

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

- i. inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub – rule (3);
- ii. submit a list of witnesses to be examined on his behalf.

Note:- if the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub – rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later

than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

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

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

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

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

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

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

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witness shall be examined by or on behalf of the Presenting officer and may be cross examined by or on behalf of the employee. The presenting officer shall be entitled to re – examine the witnesses on any points on which

they have been cross – examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such question to the witnesses as it thinks fit.

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

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

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

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

(18) The inquiring authority may after the employee closes his case and shall if the employee has not examined himself generally question him on the circumstances

appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in evidence against him.

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

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

(21) a. Where a disciplinary authority competent to impose any of the penalties specified in clauses (1) to (iv) of rule 7 [but not competent to impose any of the penalties specified in clauses (v) to (ix) of rule] has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own finding or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clause (v) to (ix) of rule 7 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

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

(22) Whenever any inquiring authority, after having heard and recording the whole or any part of the evidence in head and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so

succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself;

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

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

- a. The articles of charge and the statement of the imputations of misconduct or misbehavior;
- b. The defence of the employee in respect of each article of charge;
- c. An assessment of the evidence in respect of each article of charge;
- d. The findings on each article of charge and the reasons therefore.

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

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

ii. The enquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include –

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

- e. the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

11. ACTION ON THE INQUIRY REPORT:- (1) The disciplinary authority, if it is not itself the inquiring authority may for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of the rule 10 as far as may be.

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

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

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

12. PROCEDURE FOR IMPOSING MINOR PENALTIES:-

- i. Subject to the provisions of sub – rule (3) of rule 11, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of rule 7 shall be made except after:-
 - a. Informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is

proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

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

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

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

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

13. COMMUNICATION OF ORDERS:- Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the

report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

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

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

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

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

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

- i. Where any penalties is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or
- ii. Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonable practicable to hold an inquiry in the manner provided in these rules, or
- iii. Where the Central Government/ Central Board or the Central Provident Fund Commissioner is satisfied that in the interest of the security of the

State, it is not expedient to hold any inquiry in the manner provided in these rules, the authority may consider the circumstances of the case and make such orders thereon as it deems fit;

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

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

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

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

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

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

- ii. if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 7 should be imposed on the

employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceeding of the inquiry and thereupon the lending authority any, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary;

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

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

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

(2) In the light of the findings in the disciplinary proceeding conducted against the employee if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 7 should be imposed on him, it may, subject to the provision of Sub – rule (3) of rules 11 and after consultation with the lending authority, pass such orders on the case as it may deem necessary:

- i. Provided that in the event of a differences of opinion between the borrowing authority, the services of the employee shall be replaced at the disposal of the lending authority;
- ii. If the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 7 should be imposed on the

employee, it shall replace the services of such employee at the disposal of the lending authority, and transmit to it the proceeding of the inquiry for such action as it may deem necessary.

PART VII – APPEALS

18. ORDER AGAINST WHICH NO APPEAL LIES:- Not with –

- 18 (i) Notwithstanding anything contained in this part, no appeal shall lie against any order made by the Central Government.
- (ii) any order of an interlocutory nature or of the nature of a step in aid or the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) Any order passed by an inquiring authority in the course of an inquiry under rule 10.

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

- i. an order of suspension made or deemed to have been made under rule 6
- ii. an order imposing any of the penalty specified in rule 7 whether made by the disciplinary authority or by any appellate or revising authority;
- iii. an order enhancing any penalty, imposed under rule 7
- iv. an order which - -
 - a. denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
 - b. interprets to his disadvantage the provisions of any such rule or agreement;
- v. an order - -
 - a. stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
 - b. reverting him while officiating in a higher grade or post to a lower grade or post otherwise than as a penalty;
 - c. reducing or withholding the pension or denying the maximum pension admissible to him under the rules;

- d. determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- e. determining his pay and allowances - -
 - i. for the period of suspension, or
 - ii. for the period from the date of his dismissal removal, or compulsory retirement from service or from the date of his reduction to a lower grade or post, time scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his grade or post; or
- f. determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation : - in this rule

- (i) the expression 'employee' includes a person who has ceased to be in the service of the Central Board
- (ii) the expression 'pension' include additional pension, gratuity and any other retirement benefit.

20. APPELLATE AUTHORITIES : -(1) An employ, including a person

20(1)(a) an employee including a person who as ceased to be in the service of the Central board, may prefer as appeal against all any of the orders specified in Rule 19 if such order is made:-

- (a) By the Central Provident Fund Commissioner of the Voice Chairman. CBT.
- (b) By an authority subordinate to the appointing authority, to the appointing authority,

- (c) By any other authority , to the authority to which the authority which made the order is immediately subordinate.
- (2) notwithstanding anything contained in sub-rule (1)
 - (a) an appeal against an order in a common proceeding held under rule 14 shall lie to the authority to which the authority functioning as the disciplinary authority for purpose of that proceeding is immediately subordinate;
 - (b) where the person who made the order appealed against becomes, by, virtue of his subsequent appointment or otherwise the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

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

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

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

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forward by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall a receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

23. CONSIDERATION OF APPEAL:- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions

of rule 6 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

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

- (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non – compliance has resulted in the failure of justice:
- (b) whether the finding of the disciplinary authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; And pass order
 - (i) conforming enhancing, reducing, or setting side, the penalty; or
 - (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority which such direction as it may deem fit in the circumferences of the case;

Provided that:-

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

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

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

PART VIII – REVISION & REVIEW

25 (1) Notwithstanding anything contained in these rules:

- (i) The Central Government of the Chariman, Central Board of Trustees or the Central Provident Fund Commissioner as the case may be

Date of the order proposed to be revised; or

iii. any other authority specified in this behalf by the Central Govt. / Central Board by a general or special order, may, at any time, either on its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or regulations repealed by rule 29 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, any may - -

- a. Confirm, modify or set aside the order; or
- b. Confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed or
- c. Remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstance of the case; or
- d. Pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty, shall be made by any revising authority unless the employees concerned has been given a reasonable opportunity of making representation against the penalty proposed and, where it is proposed to impose any of the penalties specified in clauses (v)to (ix) of rule 7 or to enhance the penalty imposed by the order sought to be revised to any of the penalties

specified in those clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in rule 10 but subject to the provisions of Rule 15.

(2) No proceedings for revision shall be commenced until after:

- i. the expiry of the period of limitation for an appeal or
- ii. the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt within the same manner as if it were an appeal under these rules.

25 (A) the Central Government may at any time, either on its own motion or otherwise review any order passed under these rules when any new material or evidence which could not be produced as was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to his notice.

Provided that no order imposing or enhancing any penalty shall be made by the Central Government / Central Board unless the employee concerned has been given reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in clauses (v) to (ix) of Rule 7 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under rule 10 has not already been held in the case, no such penalty shall be imposed except after holding an inquiry in the manner laid down in rule 10, subject to the provisions of Rule 15.

PART IX – MISCELLANEOUS

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

27. POWER TO RELAY TIME – LIMIT AND TO CONDONE DELAY:- Save as otherwise expressly provide in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or it sufficient cause is shown, extend the time, specified in these rules for anything required to be done under the rules of condone any delay.

28. SUPPLY OF COPY OF COMMISSIONERS ADVICE: (Deleted)

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

Provided that:-

- a. such repeal shall not affect the previous operation of the said regulations of order made or anything done, or any action taken there under;
- b. any proceedings under the said regulations pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

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

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

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

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

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

**The Employee's provident Fund Staff (Classification, Control and Appeal) Rules,
1971 – Application to the Commissioners order.**

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

Published in part –II, section 3(i) of Extra Ordinary Gazette of India dated the 7th September, 1972 vide Notification No. G.S.R._____.

EMPLOYEES' PROVIDENT FUND ORGANISATION SERVICE SCHEDULE

UNDER RULE 7, OF E.P.F. STAFF (C.C.A.) RULES, 1971

So. No.	Description of Service	Appointing authority (vide Rule 5)	Authority competent to impose penalties & penalties which it may impose with reference to item numbers in rule 7 & 8		Appellate authority (vide rule 20)
			Authority	Penalties	
1	<p>REGIONAL OFFICE GROUP 'D'</p> <ul style="list-style-type: none"> • Junior Gestetner Operator for Regional Office • Record Sorter (senior) • Chowkidar / Helper / Mali/Fresh/ later Carrier/ Safaiwala (Sweeper) • Jamader / Daftry/ Record Sorter (Junior) • Cook – cum – Guest House Attendant • Peons 	R.P.F.C. – in charge of the Region.	<p>a. RPFC – in Charge of Region</p> <p>b. RPFC / APFC – in charge of the sub regional office</p>	<p>All (Both minor & Major)</p> <p>(Minor)</p> <p>I to iv of rule 7</p>	<p>Addl. C.P.F.C.</p> <p>RPFC – in charge of the Region</p>

2	<p>GROUP 'C'</p> <ul style="list-style-type: none"> • Section Supervisor • Stenographer (Gr. II) • Statistical Assistant • Legal Assistant • Machine Operator • Hindi Translator (Gr. II) • Upper Division Clerk • Stenographer (Gr. III) • Lower Division Clerk • Senior Gestetner Operator • Electrician (Wireman) • Lift Operator • Staff Car Driver/ Jeep Driver Despatch Rider / scooter Driver • Plumber/Pump Operator • Binder 	RPFC – in charge of the Region	<p>i)RPFC in charge of the Region</p> <p>ii)RPFC /APFC IN charge of SPO</p>	<p>All (Both Minor & major)</p> <p>(Minor)</p> <p>i to iv of rule 7</p>	<p>Addl. CPFC</p> <p>RPFC in charge of the Region / SRO</p>
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3	<p>GROUP 'B'</p> <ul style="list-style-type: none"> • Stenographer (Gr. I) Personal Assistant (Regional Office) • Enforcement Officer / Assistant Accounts Officer. • Hindi Translator (Gr. I) • Hindi Officer 	<p>RPFC – in charge of the Region</p> <p>CPFC</p> <p>Addl. CPFC</p> <p>C.P.F.C</p>	<p>i)RPFC in Charge of the Region</p> <p>i)CPFC</p> <p>i)RPFC in Charge of the Region / SRO</p> <p>i)Addl. CPFC</p> <p>ii)R.P.F.C. in charge of the Regional / SRO</p> <p>i)C.P.F.C</p> <p>ii)Addl. CPFC</p> <p>iii)RPFC in Charge of the Region / SRO</p>	<p>All (Both Minor & Major)</p> <p>All (Both Minor & Major)</p> <p>i. to iv of rule 7</p> <p>all (Both minor & Major)</p> <p>Minor (i to iv of rule 7)</p> <p>All (Both minor & Major) do</p> <p>Minor (I to iv of rule 7)</p>	<p>Addl. CPFC (for minor penalties)</p> <p>CPFC for Major penalties</p> <p>Chairman, CBT.</p> <p>C.P.F.C.</p> <p>C.P.F.C.</p> <p>Addl. C.P.F.C.</p> <p>Chairman, CBT</p> <p>C.P.F.C.</p> <p>Addl. C.P.F.C.</p>
CENTRAL OFFICE					
I	<p>GROUP 'D'</p> <ul style="list-style-type: none"> • Junior Gestetner Operator • Record sorter (Senior) • Jamader/Daftry/record Sorter (junior) • Peons • Chowkidar / Helper / Mali / Farash/ Water Carrier / safaiwala (Sweeper) • Cook cum guest House attendant. 	<p>RPFC in charge of Local administration</p>	<p>RPFC in Charge of local administration</p>	<p>All (Both minor and major)</p>	<p>Addl. C.P.F.C.</p>

II	GROUP 'C' <ul style="list-style-type: none"> • Assistant Stenographer (Gr. II) • Hindi Translator (gr. II) • Senior Technical Asst. / legal asst. • Library information Asstt. (CO) • Stenographer (Gr. II) • Upper Division Clerk • Lower division clerk • Library Clerk (C.O) • Left operator • Staff car Driver/Jeep Driver/ Despatch Rider/ Scooter Driver. • Electrician (Wire man), senior Gestetner Operator, Plumber / Pump Operator • Binder. • Vigilance assistant 	RPFC in charge of Local administration	RPFC in Charge of local administration	All (Both minor and major)	Addl. C.P.F.C.
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III	GROUP 'B'		i) Addl. CPFC		CPFC
	• Superintendent	Addl.CPFC	ii) RPFC (LA)	All (Both Minor & Major) i to iv of rule 7	Addl.CPFC
	• Stenographer (gr.I) Personal Asst.		i)Addl. CPFC		CPFC
	• Junior Accounts Officer	Addl.CPFC	ii)RPFC in charge of local adm.		Addl.CPFC
	• Research Assistant.	Addl.CPFC		---	CPFC
	• Junior Engineer		i)Addl. CPFC	---	Addl.CPFC
	• Hindi Translator (gr. I)	C.P.F.C.	ii)RPFC (LA)	---	Chariman, CBT
	• Sr. Personal Asst.		i)CPFC	---	CPFC
	• Hindi Officer	C.P.F.C.	ii)Addl. CPFC	---	Addl.CPFC
	• Vigilance Officer		iii)RPFC (LA)	---	Chariman, CBT
• Junior Analyst	C.P.F.C.	i)CPFC	---	CPFC	
• Welfare officer		ii)Addl. CPFC	---	Addl.CPFC	
			iii)RPFC (LA)	---	Chariman, CBT
					CPFC

IV	GROUP 'A'				
	<ul style="list-style-type: none"> • Addl. C.P.F.C. • Director (Vig.) • Law Officer • Superintending Engineer • R.P.F.C. (gr. I) • R.P.F.C. (Gr. II) • Dy. Director (vigilance) • Dy. Director (training) • Senior admn. Officer (NATRASS) • Senior analyst • A.P.F.C. 	Chariman, CBT	Chariman, CBT	All (Both minor & Major)	Central Government
		C.P.F.C.	C.P.F.C.	All (Both minor & Major)	Chariman, CBT

NOTE: Where appointing authority in respect of any employee happens to be the Central Govt. that authority shall act as disciplinary authority for the purpose of imposing major penalties that is (v) to (ix) under rule 7

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

No. Pers. III/1 (3) 83-CCA.

Dated the 26th September, 1984.

ORDER

In exercise of the powers conferred under sub rule (1) of rule (6) and sub rule (2) of rule 8 of the E.P.F. Staff (Classification, control and appeal) Rules, 1971 the Central Board with the approval of the Central Government hereby delegates the power to the Regional Provident Fund Commissioner to place any of the officers working under their control in the cadre of enforcement officer / Assistant Accounts officer / superintendent under suspension and to impose on them any of the minor penalties specified in clauses. (i) to (iv) of rule 7 of the E.P.F. staff (Classification, control and appeal) Rules,, 1971.

2. The delegation of these powers taken effect from the date of issue of this order and will remain in force until further orders.

3. The powers delegated hereunder shall not be re delegated.

Sd/-

(B.K. BHATTACHARYA)

CENTRAL PROVIDENT FUND COMMISSIONER.

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

No. Pers. III/2 (2) 84-CCA.

Dated the 15th November, 1984.

ORDER

In exercise of the powers conferred under sub rule (1) of rule 6 of the E.P.F. Staff (Classification, central and appeal) Rules, 1971, the Central Board with the approval of the Central Government hereby delegates the powers to:-

- i. The central Provident Fund Commissioner to place under suspension the officers in the cadre of assistant Provident Fund Commissioner / Officers of equivalent status and grades;
- ii. The Regional Provident Fund Commissioner in charge of a Region to place under suspension any of the officers working under them in the cadre of Provident Fund Inspector (Gr. I)/Accounts Officer/Hindi Officers and any of the officers of equivalent status/grade, and Hindi Translator (Gr. I) any of the officials of the equivalent status and grade; and
- iii. The Regional Provident Fund Commissioner / Assistant Provident Fund Commissioner in charge of sub Regional Office to place under suspension any of the officers in the cadre of Enforcement Officer / Assistant Accounts officer / Hindi Translator (Gr.I) and other officials of equivalent rank and grade.

2. The aforesaid delegation of powers is subject to the condition that a report is submitted forthwith to the appointing authority of the officer placed under suspension indicating inter alia the circumstances in which the order of suspension was made.

3. The delegation of these powers takes effect from the date of issue of this order and will remain in force until further orders.

4. The powers delegated hereunder shall not be re delegated.

Sd/-

(B.K. BATTACHARYA)
CENTRAL PROVIDENT FUND COMMISSIONER, AND
SECRETARY, CENTRAL BOARD OF TRUSTEES,
EMPLOYEES PROVIDENT FUNDS.

(Authority:- Ministry of Labour Letter No. 36019 (1) 84-85- III, dated the 30th October, 1984)

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

No. Pers. IV/1(3) CPFC/Del/84.

Dated the 13th February, 1987.

To

1. All Regional Provident Fund Commissioners (Including R.C. (L.A.).
2. All Officers in charge, Sub – Regional Offices.

Subject: Delegation of powers to Central Provident Fund Commissioner for imposing minor Penalties on Assistant Provident Fund Commissioner.

Sir,

I am direct to inform you that the Central Government have conveyed their approval under sub – rule (2) of rule 8 of the E.P.F. Staff (Classification, control and appeal) Rule, 1971 to the proposal of the Central Board of Trustees, Employees' Provident Fund for empowering the Central Provident Fund Commissioner to impose minor penalties specified in clauses (i) to (iv) of Rule 7 of the E.P.F. Staff (classification, control and appeal) Rules, 1971 on the Assistant Provident Fund Commissioners.

(Authority:- Ministry of Labour Letter No. A 36019 (2) 86-SS. III/73, dated the 29th January, 1987)

Yours faithfully,

Sd/-

(S.S. CHATTERJEE)

DIRECTOR (PERSONNEL AND TRAINING)
For GENERAL PROVIDENT FUND COMMISSIONER.

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

No. Pers. IV/2 (3) 86/vol.II/

Dated the 4th June, 1987.

OFFICE ORDER

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

2. The delegation of these powers taken effect from the date of issue of its order and shall remain in inforce until further orders.

3. The powers delegated hereunder shall not be further delegated by them to any other officer subordinate to him.

Sd./-

(E.K. BATTACHARYA)

CENTRAL PROVIDENT FUND COMMISSIONER.

To,

Regional Commissioner in charge of Local Administration
(Head Quarters)