



## **CGEWHO (DISCIPLINE AND APPEAL) RULES**

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**CENTRAL GOVERNMENT EMPLOYEES WELFARE HOUSING ORGANISATION**

(An Autonomous Body of Govt. of India under Ministry of Housing and Urban Affairs)

(An ISO 9001 : 2015 Organisation)

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**CENTRAL GOVERNMENT EMPLOYEES WELFARE**  
**HOUSING ORGANISATION (CGEWHO)**  
**CGEWHO (DISCIPLINE AND APPEAL) RULES**

**1. SHORT TITLE AND COMMENCEMENT:**

- i) These rules may be called the **CGEWHO (DISCIPLINE AND APPEAL) RULES**.
- ii) These rules shall come into force w.e.f. approval of Governing Council, CGEWHO i.e. w.e.f. 12.06.2017.

**2. INTERPRETATION:**

In these rules unless the context otherwise requires: -

- a) **“Appellate authority”** means the authority specified as such in the schedule;
- b) **“Appointing authority”** in relation to an employee of the Organisation means the authority empowered to make appointments to the class, grade of posts, as the case may be, in which he is for the time being employed;
- c) **“Competent authority”** means the authority empowered by the Governing Council by any general or special rules or order to discharge the function or use the powers specified in the rule or order;
- d) **“Administrative Ministry”** means the *M/O Housing & Urban Poverty Alleviation, Govt. of India, renamed as M/O Housing & Urban Affairs.*
- e) **“CGEWHO”** means the *Central Government Employees Welfare Housing Organisation, a Society registered under the Societies Registration Act, 1860.*
- f) **“General Body”** means the General Body as given under Para 6 of the Memorandum of Association of CGEWHO.
- g) **“Governing Council”** means Governing Council as given under Para 5 of the Memorandum of Association of CGEWHO.
- h) **“Executive Committee”** means Executive Committee as given under Para 11 of the RULES & REGULATIONS of CGEWHO.
- i) **“President Governing Council”** means the President of the Governing Council of CGEWHO.
- j) **“Chairman Executive Committee”** means the Chairman Executive Committee of CGEWHO.
- k) **“Chief Executive Officer”** means the Chief Executive Officer (CEO) of CGEWHO.
- l) **“Disciplinary authority”** means the authority specified as such in the schedule.



- m) "Employee" means an employee of the Organisation.
- n) "Schedule" means the schedule appended to these rules.
- o) "Organisation" means the Central Government Employees Welfare Housing Organisation.

### 3. APPLICATION:

These rules shall apply to every employee borne on the regular establishment of the Organisation and to the employees of the Central or State Government whose services are temporarily placed at the disposal of the Organisation shall be governed by the rules by which they were governed immediately before their services were placed at the disposal of the Organisation and the rules as amended thereafter from time to time by the Government concerned.

### 4. SUSPENSION:

- 4.1. 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 Governing Council 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 a case against him in respect of any criminal offence is under investigation enquiry or trial; or
  - c) Where in the opinion of authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State.
- 4.2. An employee shall be deemed to have been placed under suspension by an order of Appointing authority and shall remain under suspension until further orders.
  - a) with effect from the date of his detention, if he is detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours.
  - b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsory retired consequent to such conviction.
- 4.3. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside on 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.
- 4.4. 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 consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of



## Discipline & Appeal Rules

dismissal removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry 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.

- 4.5. a) Any 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 employees suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise), and any other disciplinary proceedings is commenced against him during 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 termination of all or any of such proceedings.
- 4.6. 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.
- 4.7. An order of suspension made or deemed to have been made shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days on the recommendation of the review committee constituted for this purpose and pass order either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

### **5. SUBSISTENCE ALLOWANCE:**

- 5.1. An employee under suspension shall be entitled to draw subsistence allowance as per rules in vogue of Govt. of India 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 and any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted. The payment of subsistence allowance would however subject to the employee under suspension furnishing a certificate every month that he was not engaged in any other employment, business, profession or vocation.
- 5.2. 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 (three months) as follows :-

(i) The amount of subsistence allowance may be increased to 25% of substance allowance and allowances 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.

(ii) The amount of subsistence allowance may be reduced to 25% of substance allowance 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.

5.3. 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 decided to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

### 6. **RESIGNATION AND RETIREMENT UNDER SUSPENSION:**

6.1 **RESIGNATION:** If an employee under suspension submits a resignation, the competent authority should examine with reference to the merit of the disciplinary case pending against him. Where the alleged offence do not involve moral aptitude or where the quantum the evidence against him is not showing enough to justify his dismissal or removal from service, where the departmental proceedings likely to be protracted that it would be cheaper to the organisation to accept the resignation, the same may be accepted.

6.2 **SUPERANNUATION:** If an employee under suspension attains the age of superannuation before the termination of disciplinary proceedings or court proceedings, he should be provisionally retired off. No gratuity will, however be paid to him until the conclusion of the proceedings and issue of final orders thereon.

The authority competent to grant leave may withhold whole or part of cash equivalent to earned leave in case of employee who retires from service on attaining the age of superannuation while under suspension or while disciplinary proceedings are pending against him, if in the view of such authority there is possibility of some money becoming recoverable from him on the conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.

### 7. **TREATMENT OF THE PERIOD OF SUSPENSION:**

7.1 When the employee under suspension is re-instated, the competent authority may grant to him the following pay and allowance for the period of suspension:

(a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 8, the 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



- (b) If otherwise, such proportion of pay and allowance as the competent authority may prescribe.

7.2. In a case falling under sub-clause (a)

- (a) the period of absence from duty will be treated as a period spent on duty. In case falling under sub-clause (b)
- (b) it will not be treated as a period spent on duty unless the competent authority so directs.

### 8. 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.

#### A. MINOR PENALTIES

- a) Censure
- b) Withholding of promotion.
- c) Withholding of increment of pay with or without cumulative effect.
- d) Recovery from pay of the whole or part of any pecuniary loss caused to the Organisation by negligence or breach of orders.
- e) Reduction to lower stage in the time scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his terminal benefits.

#### B. 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 the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay.
- g) Reduction to lower Grade, time scale of pay, post or for a period to be specified in the order of penalty which shall ordinarily be a bar to the promotion of the employee during such specified period to the time scale of pay, grade, post from which he was reduced, with further directions regarding conditions of restoration to the time scale of pay, grade or post from which the employee was reduced and his original seniority on such restoration to that grade, post.
- h) Compulsory retirement.
- i) Removal from service which shall not be a disqualification for future employment under the Govt. or the Organisation/Company owned or controlled by the Government.
- j) Dismissal from service which shall ordinarily be a disqualification for future



employment under the Govt. or the Organisation / Company owned or controlled by the Government. Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charges of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or for bearing to do any official act is established, the penalty mentioned in Clause (h) or (i) shall be imposed; Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

### Explanation:

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 of 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 a 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.  
Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.

### (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.

## 9. PROCEDURE FOR IMPOSING MINOR PENALTIES:

9.1 No order imposing any of the penalties specified in clause (a) to (e) of Rule 8, shall be imposed except:



- a) the employee concerned is informed in writing of the proposal to take action against him the imputations of misconduct or misbehavior against him on which it is proposed to be taken and giving him an opportunity to submit his written statement of defence as he may wish to make against the proposal.
- b) holding an enquiry in the manner laid down in Rule 10 of this rule in every case in which the Disciplinary authority is of the opinion that such inquiry is necessary.
- c) taking the representation/ defence statement, if any, submitted by the employee and the record of inquiry, if any held into consideration by the disciplinary authority.
- d) consulting the Commission where such consultation is necessary.

Note: The disciplinary authority shall forward or caused to be forwarded a copy of the advice of the Commission to the employee who shall be required to submit, if he so desires, his written representation or submission of the advice of the Commission, to the Disciplinary Authority within a period of fifteen days.

- e) recording a finding on each imputation or misconduct or misbehavior.
- 9.2 The record of the proceedings 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 the employee;
  - iii) His defence statement, if any;
  - iv) The evidence produced during the inquiry;
  - v) The advice of the commission, if any
  - vi) The representation, if any, of the employee on the advice of the Commission.
- iv) The order of the disciplinary authority together with the reasons therefor.

### 10. PROCEDURE FOR IMPOSING MAJOR PENALTIES:

- 10.1 No order imposing any of the major penalties specified in clause (f), (g), (h), (i) and (j) of rule 8B shall be made except after an inquiry is held in accordance with the rule.
- 10.2 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 under this rule an authority (a Government servant including a retired government servant) (herein-after called the Inquiring Authority) to enquire into the truth thereof.

Provisions relating to sexual harassment.

- 10.3 Where it is proposed to hold an inquiry, the disciplinary authority shall draw up or caused to be drawn up 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 and state whether he desires to be heard in person;

### EXPLANATION:

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

- 10.4 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 itself, or by any other authority including retired Government servant appointed as an Inquiring Authority under sub-clause (2) by the Disciplinary Authority for this purpose; 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 after taking such evidence as it may think fit.
- 10.5 Where the Disciplinary Authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a Government including a retired Government servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- 10.6 The employee may take assistance of only other Government servant including a retired public servant for the purpose. Provided that the employee shall not take assistance of a Government servant who has two pending disciplinary cases on hand in which he has to function as Defence Assistant.
- 10.7 The Disciplinary Authority shall where it is not the Inquiring Authority, forward to the Inquiring Authority:
  - i) a copy of the article of charges and statement of imputations of misconduct or misbehaviour.
  - ii) a copy of written statement of the defence if any submitted by the employee
  - iii) a copy of statement of witnesses, if any
  - iv) evidence proving the delivery of the documents to the employee
  - v) a copy of the order appointing the Presenting Officer
- 10.8 On the date fixed by the Inquiring 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 defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee 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.



- 10.9 If the employee fails to appear within specified time or refuses or omits to plead, the Inquiry Authority shall require the Presenting Officer to produce the evidence by which he proposes to prove the article of charge, and shall adjourn the case to a later date not exceeding thirty days, after incorporating an order that the employee may, for the purpose of preparing his defence.
- (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.

Note : Relevance of the additional documents and the witness referred to in sub-clause 9(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. The Inquiry Authority may, for the reasons to be recorded in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- 10.10 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.
- 10.11 The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the an 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.
- 10.12 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 inquiry authority. The inquiring Authority may also put such questions to the witnesses as it thinks fit.
- 10.13 If it shall appear necessary, before the close of the prosecution 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, 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. The Inquiry Authority may also allow the employee to produce new evidence, if it is of the opinion that production of such new evidence is necessary in the interest of justice.



Note: New evidence shall not be permitted or called for or any witnesses shall not be recalled to fill any gap of the evidence. Such evidence may be called for only when there is any inherent lacuna in the evidence which has been produced originally.

- 10.14 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.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 If the employee does not submit the written statement of defence 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 inquiry ex-parte.
- 10.19 (a) Where a Disciplinary Authority competent to impose any of the penalties specified in rule 8(a) of this rule [but not competent to impose any of the penalties specified in rule 8(b), has itself inquired into or caused to be inquired into the article of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiry Authority appointed by it, is of the opinion that the penalties specified in rule 8(b) should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
- (b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the Government Servant such penalty as it may deem fit in accordance with these rules.
- 10.20 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. 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.

- 10.21 (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 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 of each Article of charge and the reasons therefor.

### **EXPLANATION:**

If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any Articles 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 Articles of Charge is based or has had a reasonable opportunity of defending himself against such Article of Charge.

- (ii) The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall include:
    - (a) The report of the inquiry prepared by it under sub-clause (i) above.
    - (b) The written statement of defence, if any, submitted by the employee referred to in such-rule (13).
    - (c) The oral and documentary evidence produced in the course of the inquiry.
    - (d) Written briefs referred to in sub-rule (16) if any; and
    - (e) The orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.
- 10.22) **Continuation of Disciplinary Proceedings after retirement**
- 22.1 Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
  - 22.2 During the pendency of the disciplinary proceeding, the Disciplinary Authority may withhold payment of gratuity for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found, in a



disciplinary proceeding or judicial proceeding, to have been guilty of offences / misconduct or to have caused pecuniary loss to the Company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement.

**EXPLANATION:** The term disciplinary proceedings appearing in Para (i) and (ii) above covers proceedings of both types i.e. major as well as minor.

### 11. ACTION ON THE INQUIRY REPORT:

11.1 The Disciplinary Authority, if it is not itself the Inquiry Authority may, for reasons to be recorded by it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provision of Rule-9 as far as may be.

11.1.2 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 concerned 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 favourable or not to the employees concerned.

In every case where it is necessary to consult the Commission, the Disciplinary Authority shall forward or caused to be forwarded to the Commission for its advice.

The Disciplinary authority shall forward or caused to be forwarded a copy of the advice of the Commission 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 on the advice of the Commission.

11.1.2.1 The Disciplinary Authority shall consider the representation, if any, submitted by the employee concerned before proceeding further in the manner specified in sub rules (2) to (4).

11.1.2.2 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 purpose.

11.1.2.3 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 (a) to (e) of Rule-8 should be imposed on the employee it shall, notwithstanding anything contained in Rule-9, make an order imposing such penalty.

11.1.2.4 If the Disciplinary Authority having regard to its findings on all or any of the Articles of Charge, and on the basis of evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clauses (f) to (i) of Rule 8 should be imposed on the employees, it shall make



an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

11.1.2.5 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.

### 12. **COMMUNICATION OF ORDER:**

Orders made by the disciplinary authority shall be communicated to the employee concerned by registered post or in-person, who shall also be supplied with a copy of its findings on each Article of Charge.

### 13. **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 proceedings and the specified authority may function as the Disciplinary Authority for the purpose of such common proceedings.

### 14. **SPECIAL PROCEDURE IN CERTAIN CASES:**

Notwithstanding anything contained in Rule 8 or 9 or 10 :

- (i) Whether any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or
- (ii) Where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules; or
- (iii) Where the Disciplinary Authority is satisfied that in the interest of the security of the state it is not expedient to hold an inquiry in the manner provided in these rules.

The Disciplinary Authority may consider the circumstances of the case and make such orders as it may deem 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 and also provided further that the Commission shall be consulted, where such consultation is necessary.

### 15. **EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR 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 Organisation from the Central or State Government or another public undertaking, or a local authority, the authority lending his services (herein-after



## Discipline & Appeal Rules

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 proceedings, as the case may be.

- (ii) In the light of the findings in the disciplinary proceedings taken against the employee;
  - (a) If the Disciplinary Authority is of the opinion that any 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 inquiry for such action as it deems necessary.

### 16. APPEALS:

- (i) An employee may appeal against an order of suspension made or deemed to have been made under rule 4 or an order imposing upon him any of the penalties specified in Rule 8. The appeal shall lie to the authority specified in the Schedule.
- (ii) **CONSIDERATION OF APPEALS:** In the case of an appeal against an order suspension, the Appellate Authority shall consider whether in the light of the provisions of Rule 4 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

In the case of an appeal against an order imposing any of the penalties specified under rule 8 or enhancing of penalty imposed under the said rule, the appellate authority shall consider:

- a. Whether the procedure prescribed in the preceding by-laws has been complied with, and, if not, whether such non-compliance has resulted in a miscarriage of justice, and
  - b. Whether the findings are justified, and
  - c. Whether the penalty imposed is excessive, adequate or inadequate, and pass order
  - d. Setting aside, reducing, confirming or enhancing the penalty or
  - e. Remitting the case to the Appointing Authority or to any other authority with such direction as it may deem fit in the circumstances of the case, provided that the Appellate Authority shall not impose any enhanced penalty unless the appellant has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.
- (iii) An appeal shall be submitted within 45 days 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 authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and records of the case to the Appellate Authority within 15 days. The appellate authority shall consider



whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. 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 proposed to impose is a major penalty specified in Clauses (f), (g), (h) and (i) of Rule 8B and an inquiry as provided in Rule 9 has not already been held in the cases, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 9 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 punishment but an inquiry has already been held as provided in Rule 9, 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.

### 17. REVIEW:

Notwithstanding anything contained in these rules, the Reviewing Authority as specified in the schedule may call for the record of any case involving a major penalty within 180 days 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) or (i) of Rule-8B and an inquiry as provided under Rule-9 has not already been held in these cases, the Reviewing Authority shall direct such an inquiry be held in accordance with the provisions of Rule 9 and thereafter consider the record of the inquiry and pass such orders as it may deem prompt, if the Appellate Authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of Rule 9, the Reviewing Authority shall give show cause notice to the employees 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.

### 18. 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 at his last known address.

### 19. 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.

### 20. REPEAL AND SAVINGS:

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 Any misconduct etc. committed prior to the issue of these rules shall be deemed to be misconduct under these rules.

### 21. REMOVAL OF DOUBTS:

In case of any doubt arises as to the interpretation of any of these rules, the matter shall be referred to President, Governing Council. 'President, Governing Council' in case required may refer any such issues to Governing Council.

### 22. AMENDMENTS:

The Governing Council 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.

### SCHEDULE TO CGEWHO (DISCIPLINE AND APPEAL) RULES

#### List of Appointing/Disciplinary/Appellate Authority in CGEWHO

Description of Posts	Appointing Authority	Disciplinary Authority	Appellate Authority
CEO	President of India	President of India	
Officers (CGEWHO) in Group "A"	President Governing Council	President Governing Council	Governing Council
Officials in Group "B", "C" and "D".	CEO	CEO	President Governing Council



**CENTRAL GOVERNMENT EMPLOYEES WELFARE HOUSING ORGANISATION**

**(An Autonomous Body of Govt. of India under Ministry of Housing and Urban Affairs)**

**(An ISO 9001 : 2015 Organisation)**

**6th Floor, A-Wing, Janpat Bhawan, Janpath, New Delhi - 110001**