

# **INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (EMPLOYEES' SERVICE) REGULATIONS, 2017<sup>1</sup>**

[AMENDED UPTO 26<sup>TH</sup> MARCH 2018]

**No. IBBI/2017-18/GN/REG 15.** - In exercise of the powers conferred by sub-sections (2) and (3) of section 194 read with section 240 of the Insolvency and Bankruptcy Code, 2016, the Insolvency and Bankruptcy Board of India hereby makes the following regulations, namely. -

## **CHAPTER I PRELIMINARY**

### **1. Short title and commencement.**

- (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Employees' Service) Regulations, 2017.
- (2) These shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

- (1) In these regulations, unless the context otherwise requires,-
  - (a) "Code" means the Insolvency and Bankruptcy Code, 2016;
  - (b) "decide" means decision by the Board through a circular and decided shall be construed accordingly;
  - (c) "dependent" means-
    - (i) parents and step parents (a female employee can have either her parents or her parents-in-law as dependent);
    - (ii) sisters, widowed sister, widowed daughter, minor brother;
    - (iii) children and step-children (son upto the age of 25 or till his marriage, whichever is earlier, and daughter till she gets married, and handicapped son);
    - (iv) divorced / abandoned or separated sisters and divorced / abandoned or separated daughters, whose income from all sources doesn't exceed Rs. 10,000/- per month or such other amount, as may be decided by the Board from time to time;
  - (d) "duty" includes-
    - (i) service as a probationer;
    - (ii) period during which an employee is on joining time or training authorized by the Board;
    - (iii) period spent on causal leave duly authorized by the Board;
  - (e) "employee" means an Officer, a Personal Assistant or a General Assistant, as referred in sub-regulation (1) of regulation 3, employed by the Board under these regulations;

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<sup>1</sup>Vide Notification No. IBBI/2017-18/GN/ REG15, dated 24<sup>th</sup> August, 2017, published in the Gazette of India, Extraordinary, Part III, Sec.4, vide No. 327, dated 24<sup>th</sup> August, 2017 (w.e.f. 24.08.2017).

- (f) "family" means spouse of the employee and includes dependent, if any;
  - (g) "initial appointment" means an appointment of an individual for the first time in the services of the Board;
  - (h) "relative" means employee's father, mother, son, son's wife, brother, sister, daughter, daughter's husband and includes step-father, step-mother, step-son, step-daughter, step-brother and step-sister;
  - (i) "service" includes the period during which an employee is on duty as well as on leave duly authorised by a competent authority, but does not include any period during which an employee is absent from duty without permission or overstays his leave, unless specifically permitted by the competent authority.
- (2) The words and expressions used herein and not defined in these Regulations, but defined in the Code shall have the meanings respectively assigned to them in the Code.

## **CHAPTER II**

### **APPOINTMENT, PROBATION AND TERMINATION OF SERVICE**

#### **3. Classification and appointment of employees.**

- (1) The Board may have employees in the following Positions and Grades:-
  - (a) Officers (Grades A, B, C, D, E, F and Executive Director);
  - (b) Personal Assistant (Grade-I, Grade-II and Grade-III);
  - (c) General Assistant (Grade -I, Grade-II and Grade-III).
- (2) The Board shall decide from time to time the maximum number of employees in each Grade and each position.
- (3) An appointment in any Grade shall be made by the Board at its discretion and no individual shall have a right to be appointed to any particular Grade or Position.

#### **4. Recruitment.**

- (1) Recruitments, including promotions under regulation 13, shall be made against vacant positions.
- (2) The method of recruitment to and eligibility for various Grades and Positions shall be as specified in the Schedule-I:  
Provided that the Board may relax any or all specifications in the Schedule-I, for reasons to be recorded in writing.

#### **5. Initial Appointments to be made on minimum pay.**

An initial appointment shall be made at the minimum pay of the Grade to which the appointment is made.

#### **6. Probation.**

- (1) An employee shall be on probation for two years on initial appointment in the Grade.
- (2) The Board may, if it considers it necessary, extend the period of probation up to one year for unsatisfactory performance or reduce or dispense with period of probation for reasons to be recorded in writing.

(3) Save as otherwise provided in this regulation, an employee shall be deemed to have been confirmed in the post to which he has been appointed on successful completion of the period of probation.

(4) An employee on initial appointment may be discharged without assigning any reason at one day's notice during the first month of his probation and at one month's notice or on payment of pay of the notice period in lieu thereof thereafter.

#### **7. Commencement of service.**

Except as otherwise provided by or under these Regulations, "service" of an employee shall be deemed to commence from the working day on which an employee reports for duty:

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

#### **8. Resignation from service.**

(1) An employee may resign from the services of the Board by giving notice to the Board, in writing of his intention to leave or discontinue the service.

(2) The period of notice under sub-regulation (1) shall be one month for an employee, if he is on probation on initial appointment, and three months in all other cases.

(3) An employee shall not be entitled to set off any leave in his credit against the period of such notice.

(4) The Board may allow an employee to resign without giving notice under sub-regulation (1) or (2), if the employee pays to the Board a sum equal to his pay for the period of notice:

Provided that the Board may waive or reduce the period of notice or payment under this regulation, for reasons to be recorded in writing.

(5) Notwithstanding anything contained in sub-regulation (1), the resignation of an employee shall not be effective unless it is accepted by the Board.

(6) Resignation of the employee may be refused-

(a) if any disciplinary proceeding is pending or is proposed to be instituted against him;

(b) if he is under an obligation to serve the Board for a certain period which has not yet expired;

(c) if he owes the Board any sums of money; or

(d) for any other sufficient ground to be recorded in writing.

#### **9. Superannuation and retirement.**

(1) An employee shall retire on the last day of the month when he completes 60 years of age:

Provided that in case he attains the age of superannuation on the first day of a calendar month, he shall retire on the last day of the preceding month.

- (2) Notwithstanding sub-regulation (1), the Board may retire an employee on or at any time after the completion of 55 years of age or 30 years of service, whichever is earlier, by giving him three months' notice in writing:

Provided that a due process given in Schedule-II shall be followed to decide to retire an employee.

- (3) An employee may, if he so desires, and subject to terms of appointment to the contrary, if any, retire from service on completion of 50 years of age or 20 years of service in the Board, by giving three months' notice to the Board in writing.
- (4) The Board may offer a scheme, subject to such terms and conditions as it may decide, to its employees for voluntary retirement from the services of the Board.

#### **10. Liquidated damages.**

Notwithstanding anything contained in these Regulations, the Board may require an employee to pay liquidated damages, if he fails to serve the required number of years after acquiring a training.

### **CHAPTER III RECORD OF SERVICE, SENIORITY AND PROMOTION**

#### **11. Record of service.**

A record of service of service of employees shall be maintained in such form and shall contain such information as may be decided by the Board.

#### **12. Seniority.**

- (1) An employee confirmed in the services of the Board shall rank for seniority in his Grade, according to the date of his appointment in that Grade.
- (2) On direct recruitment or on promotion, an employee shall rank for seniority among the employees selected along with him in the same batch according to the ranking assigned to him at the time of selection or promotion as the case may be.
- (3) Every year the Board shall prepare a list of the employees in its service showing their names in the order of their seniority and a copy of such list shall be made available to each employee.

#### **13. Promotion.**

- (1) Promotion of an employee shall be made at the discretion of the Board and notwithstanding his seniority in a Grade, no employee shall have a right to be promoted to any particular Position or Grade.
- (2) Promotions of Officers to a higher Grade shall be made on consideration of merit-cum-seniority.
- (3) Promotions of Assistants to a higher Grade shall be made on consideration of seniority-cum-merit.

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

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**15. Pay, allowances and other benefits.**

- (1) The Board, shall at its discretion, decide from time to time the pay and allowances of employees in each Position and each Grade.
- (2) The Board, may at its discretion, from time to time frame such schemes and allow such other benefits for the welfare of the employees on such terms and conditions as it may decide.
- (3) Allowances shall be payable to employees for the duration who fulfill the conditions subject to which they are admissible.

**16. Gratuity.**

- (1) An employee shall be eligible for gratuity on -
  - (a) retirement;
  - (b) death;
  - (c) disablement rendering him unfit for further service;
  - (d) resignation after completing five years of continuous service; or
  - (e) termination of service in any other way (except by way of punishment) after completion of five years of service.
- (2) The amount of gratuity payable to an employee shall be such as may be decided by the Board.

**17. Pension.**

- (1) An employee shall subscribe to the National Pension System.
- (2) The Board shall contribute such amount for each employee to the National Pension System as decided by it from time to time.

**18. Cessation of pay and allowances.**

- (1) Pay and allowances shall cease to accrue from the date the employee ceases to be in service of the Board.
- (2) In the case an employee is dismissed, removed or compulsorily retired from the Board's service, the pay and allowances shall cease from the date of his dismissal, removal or compulsory retirement.
- (3) In the case of an employee who dies while in service, the pay and allowances shall cease from the day following the day on which the death occurs.

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<sup>2</sup>Omitted by Notification No. IBBI/2017-18/GN/REG 026, dated 26<sup>th</sup> March, 2018 (w.e.f. 26-03-2018). Regulation 14, before omission, stood as under:

**"14. Entitlement.**

- (1) An employee on deputation to the Board shall have option to draw either pay, allowances and other benefits applicable to the Grade he is appointed or the pay, allowances and other benefits applicable to him in his parent organization.
- (2) An employee other than an employee on deputation to the Board shall be entitled to pay, allowances and other benefits provided in this chapter."

#### **19. Increments.**

- (1) Every employee shall be entitled to an annual increment in the scale of pay applicable to the Grade.
- (2) The increment shall be admissible on 1<sup>st</sup> January in case of an employee appointed or promoted during 2<sup>nd</sup> January and 1<sup>st</sup> July (both inclusive) of the previous year and on 1<sup>st</sup> July, in case of other employees.
- (3) An increment shall not be withheld except as a disciplinary measure under regulation 51.
- (4) The Board may grant stagnation increments to an employee who has reached the last stage in the scale of pay.

#### **20. Fixation of pay on promotion.**

The pay of an employee promoted to a higher Grade shall be fixed at the stage in the higher scale of pay which is next above his pay he was drawing in the earlier scale.

#### **21. Hometown.**

- (1) Every employee shall on his appointment declare his hometown in writing to the Board and if such hometown is not his place of birth, he must establish the same to the satisfaction of the Board.
- (2) No employee shall be allowed to alter the hometown declared under sub-regulation (1) unless he satisfies the Board that the change is bonafide:  
Provided that the hometown cannot be changed more than once in entire service.

### **CHAPTER V LEAVE AND JOINING TIME**

#### **22. Leave not a matter of right.**

- (1) Leave cannot be claimed as a matter of right.
- (2) The Board may refuse to grant leave to an employee, may revoke leave already granted to an employee or may recall an employee on leave when the exigencies of the service so require.

#### **23. Kinds of leave.**

- (1) Subject to the provisions of these Regulations, the following kinds of leave may be granted to an employee:
  - (a) Casual leave and Special casual leave,
  - (b) Ordinary leave,
  - (c) Sick leave,
  - (d) Maternity leave or Paternity leave, as the case may be,
  - (e) Extraordinary leave,
  - (f) Accident leave, and
  - (g) Any other leave, as may be allowed by the Board from time to time.

- (2) Full pay is admissible in case of leave of the kind mentioned in clauses (a), (b) or (d) of sub-regulation (1).
- (3) Half-pay is admissible in case of leave of the kind mentioned in clause (c) of sub-regulation (1).
- (4) No pay is admissible in case of leave of the kind mentioned in clause (e) of sub-regulation (1).
- (5) Full pay is admissible for the first four months and half pay for the rest of the period in case of leave of the kind mentioned in clause (f) of sub-regulation (1).

**24. Lapse of leave on cessation of service.**

Save as otherwise specifically provided in these Regulations, leave at the credit of an employee lapses on the date on which he ceases to be in service.

**25. Obligation to furnish Leave address.**

An employee shall, before proceeding on leave, intimate to the Board his address with telephone number while on leave, and shall keep the Board informed of any change in the address previously furnished.

**26. Leave not admissible to an employee under suspension.**

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

**27. Casual leave.**

- (1) An employee shall be eligible for casual leave up to a maximum of 12 working days in a year.
- (2) When an employee is employed for part of a year, he shall be eligible for casual leave at the rate of one day for each completed month during that year.
- (3) No casual leave may be availed of, except with prior sanction of the authority competent to sanction:  
Provided that if for any genuine reason, it is not possible for an employee to obtain such permission in advance, he shall intimate his absence within 24 hours.
- (4) Casual leave cannot be suffixed or prefixed with any other kind of leave except with special casual leave.
- (5) An employee shall not take casual leave for less than half day or more than 5 days at a time.
- (6) The casual leave, which has not been availed of at the end of the Calendar year, shall be credited to the extent of 50% of such leave not availed of, to the ordinary leave account of the concerned employee and fraction, if any, in such cases shall be ignored.

**28. Special casual leave.**

- (1) An employee may be granted special casual leave for not more than 45 days-
  - (i) when the absence from duty is necessitated by quarantine orders of the Board in consequence of any infectious disease in the family or household of any employee;
  - or

- (ii) when the absence of an employee is due to him having sustained a bodily injury while on duty and the absence is supported by certificate from the Medical Officer authorized by the Board; or
- (iii) when there are other exceptional circumstances necessitating the grant of special casual leave.

(2) An employee may be granted special leave for undergoing family planning operation, subject to production of Medical Certificate-

(a) in case of female employees:

- (i) 14 days for tubectomy / laparoscopy
- (ii) 1 day on the day on which the husband undergoes vasectomy
- (iii) 1 day on the day of IUD insertion / reinsertion; and

(b) in case of male employees:

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

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

## **29. Ordinary leave.**

(1) An employee shall be entitled to ordinary leave at the rate of 30 days for every year of service subject to a maximum accumulation of 300 days and the leave so earned shall be credited to the ordinary leave account of the employee half yearly on 1<sup>st</sup> January and 1<sup>st</sup> July respectively in each year at the rate of 15 days for every 6 months of service rendered by such employee:

Provided that if an employee renders less than 6 month of service in any half year, he shall be credited with one day for every 12 days of service.

(2) No employee shall earn ordinary leave for the period when he is on leave for a continuous period of more than 6 months.

(3) The period of ordinary leave, which can be taken at one time by an employee shall not be less than five days in case he has balance of casual leave sufficient to cover the leave period.

(4) An application for grant of ordinary leave shall be submitted to the Board fifteen days in advance from the date of availing the leave.

(5) An employee may encash ordinary leave once in two years for a minimum period of 10 days and a maximum period of 30 days:

Provided that at the time of such encashment, the balance of leave at his credit after the leave is availed shall not be less than the leave so encashed.

(6) If an employee dies during the service or is declared by a Medical Officer authorized by the Board, to be completely and permanently incapacitated for further service, his legal heirs, in case of death of an employee, shall be entitled to cash equivalent to unavailed ordinary leave to his credit as on the date of death, incapacitation, as the case may be, by the Board.



(7) Notwithstanding sub-regulation (5), an employee , who resigns from service after giving notice of resignation in terms of regulation 8, shall be entitled to encashment of half of the period of ordinary leave at his credit as on the date of resignation subject to a maximum of five months ordinary leave.

(8) Notwithstanding anything contained in these Regulations, where an employee has ordinary leave but not availed of as on the date of retirement, he shall, at his option be permitted to avail the leave or be paid a lump sum amount equivalent to the pay as on the date of his retirement, for a maximum period of 10 months.

### **30. Sick leave.**

(1) An employee shall be entitled to sick leave on half pay, on production of medical certificate, at the rate of 20 days for every Calendar year of service subject to a maximum of 540 days during the entire service.

(2) An employee may be granted sick leave during the first year of his service at the rate of one day for every 18 days of service.

(3) Production of a medical certificate may not be insisted upon if sick leave to be granted does not exceed three days.

(4) An employee who has availed sick leave for more than three days for reasons of health shall produce a medical certificate of fitness before he resumes duty even though such leave was not actually granted on a medical certificate.

(5) An employee, who has served the Board for at least a period of three years, may be permitted to avail, during the full period of his service, sick leave on full pay up to a maximum period of nine months and such leave shall be entered in his sick leave account as twice the amount of leave taken by him.

### **31. Maternity leave and paternity leave.**

(1) A female employee shall be entitled to maternity leave for a period not exceeding-

(a) 180 days at a time for birth of a child;

(b) 20 days (including stay in hospital) for undergoing hysterectomy operation;

(c) 45 days during the entire service in case of miscarriage, including abortion, on production of medical certificate.

(2) The Board may grant leave of any other kind admissible to the female employee in combination with, or in continuation of maternity leave under sub-regulation (1), if the request for its grant is supported by requisite medical certificate.

(3) A male employee with less than two surviving children shall be entitled to leave for a period of fifteen days per child in a single instance, from fifteen days prior to the delivery or up to six months from the date of such delivery or six months from the date of adoption in case he has adopted a child through proper legal process.

(4) The Board may grant leave of any other kind admissible to the male employee in combination with, or in continuation of leave under sub-regulation (3) other than casual leave and special casual leave.

### **32. Accident leave.**

Accident Leave may be granted to an employee who sustains an injury in the course of the performance of his duties, including while on tour, for the period for which leave is

certified by the Medical Officer authorized by the Board to be necessary for recovery from the injury.

**33. Extraordinary leave.**

- (1) Extraordinary Leave may be granted in exceptional circumstances to an employee when no other leave is due or admissible to him:

Provided that the duration of extraordinary leave shall not exceed 90 days on any one occasion and 360 days during the entire service.

- (2) Extraordinary leave may be granted in combination with, or in continuation of leave of any other kind admissible to the employee.

- (3) The period of Extraordinary leave shall not counted for service benefits and increments:

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

**34. Joining time.**

- (1) Joining time up to 7 days may be granted to an employee to enable him to join a new office to which he is posted which involves change of headquarters.

- (2) Where an employee does not avail the entire joining time, the un-availed joining time shall be added to the ordinary leave account of the employee.

**CHAPTER - VI**  
**CONDUCT, DISCIPLINE AND APPEALS**

**35. Definitions.**

For the purpose of this Chapter, -

- (a) "Competent Authority" means-

- (i) Chairperson, in the case of Executive Directors,
- (ii) Whole Time Member, in the case of officers in Grades D to F,
- (iii) Executive Director, in the case of officer in Grades A to C, and
- (iv) Chief General Manager (Human Resources), in the case of other employees;

- (b) "Appellate Authority" means-

- (i) the Board, where the Chairperson is the Competent Authority,
- (ii) the Chairperson, where the Whole Time Member is the Competent Authority,
- (iii) the Whole Time Member, where Executive Director is the Competent Authority,
- and
- (iv) the Executive Director, where Chief General Manager (Human Resources) is the competent authority.

**36. Scope of an employee's service.**

- (1) Unless distinctly provided, an employee shall be at the disposal of the Board and shall serve the Board in such capacity and at such place as he may be directed from time to time.
- (2) An employee shall not absent from his station overnight or absent from his duties without having obtained prior permission of the Board.
- (3) An employee, who absents from duty without leave or overstay leave or joining time, shall not be entitled to draw any pay and allowances during such absence or over stay, and shall further be liable to disciplinary measures and the period of such absence or overstay may, if not followed by discharge under sub-regulation (4) of regulation 6 or compulsory retirement or removal or dismissal under regulation 52, be treated as period spent on extraordinary leave.
- (4) An employee, who is habitually late in attendance, shall forfeit half day casual leave for each day he is late, in addition to such other penalty as the Board may deem fit to impose:  
Provided that where such an employee has no casual leave due to him, the period of leave to be so forfeited may be treated as ordinary or extraordinary leave by the Board.

**37. Liability to abide by regulations and directions.**

An employee shall conform to and abide by these regulations and shall observe and comply with all directions of the Board.

**38. Obligation to maintain secrecy.**

- (1) An employee shall maintain strictest secrecy regarding the Board's affairs and shall not divulge or disclose, directly or indirectly, any information of a confidential nature or relating to the working of the Board to a member of the public or of the Board's employees or to his friends or relatives, unless compelled to do so by judicial or other authority, or unless instructed to do so by the Board in the discharge of his duties.
- (2) No employee shall make use of any information emanating from the Board or otherwise which has come to his knowledge in the discharge of his official duties for his personal benefit or for the benefit of his friends or relatives.

**39. Employees to promote Board's interest.**

- (1) An employee shall serve the Board honestly and faithfully and shall use his utmost endeavor to promote the interests of the Board and shall show utmost courtesy and attention in all transactions and dealings with the public, officers of Government and the Board.
- (2) Every employee shall at all times-
  - (a) maintain absolute integrity, good conduct and discipline;
  - (b) maintain devotion and diligence to duty; and
  - (c) do nothing which is unbecoming of an employee/ public servant.

- (3) No employee shall in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.
- (4) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of the Board.
- (5) An employee shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and supervision.
- (6) No employee shall bring or attempt to bring any political or other outside influence to bear upon any officers of the Board to further his interests in respect of matters pertaining to his services in the Board.
- (7) No employee shall address any appeal, representation or petition to any outside authority or person in respect of a matter pertaining to the employees' service in the Board.
- (8) No employee shall make any statement of fact or opinion which has the effect of an adverse criticism of any current or recent policy or action of the Board or Government in any media, including social media.
- (9) No employee shall engage himself or participate in any demonstration or join or be a member of an association, the objects or activities of which are prejudicial to the interests of the Board, sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order and safety, decency or morality, or which involves contempt of court, defamation or incitement of an offence.
- (10) No employee shall, except with the prior approval of the Board, ask for or accept a contribution to or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any objective whatsoever.
- (11) An employee shall not use his official position for any personal favour for himself or his family members or his relatives or friends.
- (12) An employee shall strictly abide by any law relating to intoxicants or drugs in force in any area in which he may happen to be posted for the time being. It is also the duty of the employee to see that the performance of his duty is not affected in any way by the influence of any intoxicant or drug and he does not appear in public place in a state of intoxication.
- (13) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency.
- (14) An employee, against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings.

**40. Prohibition against participation in politics and standing for election.**

No employee shall take active part in politics or in any political demonstration, or stand for election as a member of a municipal council, district board or any other local body or any legislative body.

**41. Prohibition against joining certain associations and strikes.**

No employee shall-

- (a) become be a member or office-bearer of, or be otherwise directly or indirectly associated with, any trade union; or
- (b) resort to, or in any way abet, any form of strike or participate in any violent, unseemly or indecent demonstration.

**42. Contributions to the press.**

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

(2) No employee shall, except with the prior approval of the Board, publish or cause to be published any book or any similar printed matter of which he is the author or not, or deliver talk or lecture in any public meeting or otherwise:

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

**43. Employee not to seek outside employment.**

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

**44. Employment after retirement.**

(1) No employee, who has retired from service, shall, within a period of two years from the date when he ceases to be in the Board's service, accept or undertake a commercial employment except with the previous approval of the Board:

Provided, however, before refusing approval, the employee shall be given a hearing and a copy of the decision taken shall be communicated to him.

(2) While granting approval under sub-regulation (1), the Board reserves the right to impose such conditions as may be necessary having regard to circumstances.

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

**45. Employment with a service provider.**

(1) No employee shall use his position or influence directly or indirectly to secure employment in any service provider registered with the Board, for any person.

(2) An employee shall report to the Board in case any of his relatives accepts employment in any service provider registered with the Board.

**46. Giving evidence.**

- (1) No employee shall, except with the previous approval of the Board, give evidence in connection with any enquiry conducted by any person, committee or Board.
- (2) Where any approval has been accorded under sub-regulation (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or State Government or the Board.
- (3) Nothing in this regulation shall apply to any evidence given-
  - (a) at any enquiry before an authority appointed by the Central Government, State Government, Parliament or a State Legislature; or
  - (b) in any judicial enquiry; or
  - (c) at any enquiry ordered by the Board.

**47. Acceptance of gifts.**

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

*Explanation.* -The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage, unless it is provided by a near relative or a personal friend having no official dealings with the employee or with the Board.

- (2) On occasions such as marriages, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an employee may accept gifts from his personal friends having no official dealing with the employee or with the Board but he shall report to the Board within 30 days if the value of any of such gift exceeds Rs.10,000.

**48. Movable, immovable and valuable property.**

- (1) An employee shall comply with the directions issued by the Central Government in accordance with the Lokpal and Lokayuktas Act, 2013.
- (2) No employee shall, except with the previous intimation to the Board, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or of any member of his family.
- (3) Where an employee enters into a transaction in respect of a movable property, either in his own name or in the name of the member of his family, he shall within 30

days from the date of such transaction, report the same to the Board, if the value of such property exceeds two months basic pay of the employee:

Provided that that the prior approval shall be obtained by the employee, if any such transaction under sub-regulation (2) or (3) is with a person having official dealings with the employee. .

- (4) The Board may, at any time, by general or special order require an employee to furnish a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family and source from which, such property was acquired as may be specified in the order.

#### **49. Conviction.**

- (1) An employee shall be liable to dismissal or to any of the other penalties referred to in regulation 51, if he is committed to prison or is convicted for an offence which, in the opinion of the Board, either involves gross moral turpitude or has a bearing on any of the affairs of the Board or on the discharge by the employee of his duties with the Board and the opinion in this respect of the Board shall be conclusive and binding on the employee, and such dismissal or other penalty may be imposed as from the date of his committal to prison or conviction and nothing in Regulation 52 and 54 shall apply to such imposition.
- (2) Where an employee has been dismissed in pursuance of sub-regulation (1) and the related conviction is set aside by a higher court and the employee is acquitted, he shall be reinstated in service.

#### **50. Prohibition of sexual harassment of women employee at work place.**

- (1) No employee shall indulge in any act of sexual harassment of any women employee at the work place.
- (2) For the purpose of sub-regulation (1), sexual harassment shall have the same meaning as assigned to it in the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013.
- (3) Any complaint of violation of sub-regulation (1) shall be dealt with by the Internal Complaints Committee set up by the Board in accordance with the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder, provisions of which shall prevail in case of any conflict with these regulations.
- (4) The Internal Complaints Committee may evolve its own procedure for dealing with complaints received by it.
- (5) When the Internal Complaints Committee is of the opinion that there are grounds for inquiring into the truth of any such complaint, it shall initiate an inquiry into the truth thereof, after recording the reasons therefor.
- (6) Any inquiry initiated by the Internal Complaints Committee under sub-regulation (5) pursuant to any such complaint shall be deemed to be an inquiry within the meaning

of regulation 52 and accordingly the Internal Complaints Committee shall be deemed to be an inquiry officer appointed with respect to such complaint and shall have all the powers, functions and duties of an inquiry officer as provided in that regulation.

## **51. Penalties.**

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

- (a) censure;
- (b) withholding of promotion;
- (c) recovery from pay of the whole or part of any pecuniary loss caused to the Board by the employee by negligence or breach of orders;
- (d) reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect;
- (e) withholding of increments of pay;
- (f) save as provided for in clause (d), reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the employee shall earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction shall or shall not have the effect of postponing the future increments of his pay;
- (g) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that scale of pay, grade, post or service;
- (h) compulsory retirement;
- (i) removal from service which shall not be a disqualification for future employment;
- (j) dismissal from service which shall ordinarily be a disqualification for future employment.

(2) Penalties under clauses (a), (b), (c), (d) and (e) of sub-regulation (1) shall be classified as minor penalties, while under sub clauses (f), (g), (h), (i) and (j) shall be classified as major penalties:

Provided that the following shall not amount to a penalty within the meaning of this regulation, namely:

- (i) withholding of one or more increments of an employee on account of his failure to pass a specified departmental test or examination in accordance with the terms of appointment to the post which he holds;
- (ii) stoppage of pay of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;



- (iii) non-promotion whether in an officiating capacity or otherwise, of an employee, to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) reversion to a lower grade or post, of an employee officiating in higher grade or post, on the ground that he is considered to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- (v) reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment or regulations or orders governing such probation;
- (vi) termination of the service of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment, or the regulations or orders governing such probation;
- (vii) termination of employment of an employee on medical grounds, if he is declared unfit to continue in the Board's service by the Medical Officer authorized by the Board; and
- (viii) retirement of an employee in accordance with the proviso to sub-regulation (2) of regulation 9.

## **52. Procedure for imposing major penalties.**

- (1) No order imposing any of the major penalties specified in regulation 51 shall be made except after an inquiry is held in accordance with this regulation.
- (2) Where it is proposed to hold an inquiry, the Competent Authority shall frame definite and distinct charges on the basis of the allegations against the employee and the articles of charge, together with a statement of the allegations, on which they are based, shall be communicated in writing to the employee, who shall be required to submit his statement of defence within such time as may be specified by the Competent Authority.
- (3) On receipt of the written statement of the employee, or if no such statement is received within the time specified, if it has been considered that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, the Competent Authority may himself inquire into or appoint an inquiry officer to inquire into the truth thereof:

Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the employee in his written statement but it shall be necessary to record its findings on each such charge.
- (4) The Competent Authority shall, where it is not the Inquiry Officer, forward to the Inquiry Officer-
  - (a) a copy of the articles of charges and statements of imputations of misconduct or misbehavior;
  - (b) a copy of the written statement of defence, if any submitted by the employee;
  - (c) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;

- (d) a copy of statements of the witnesses, if any;
  - (e) evidence providing the delivery of articles of charge under sub-regulation (2);
  - (f) a copy of the order appointing the 'Presenting Officer' in terms of sub-regulation (5).
- (5) The Competent Authority may appoint an officer to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (6) The employee may take the assistance of any other employee for his defence but may not engage a legal practitioner, for the purpose, unless the presenting officer appointed by the Competent Authority is a legal practitioner or Competent Authority having regard to the circumstances of the case, so permits.
- (7) The Inquiry Officer shall by notice in writing specify the day on which the employee shall appear in person before the Inquiry Officer.
- (8) The employee shall appear before the Inquiry Officer at the time, place and date specified in the notice and the Inquiry Officer shall ask the employee whether he pleads guilty or as any defence to make and, if he pleads guilty to any of the articles of charge, the Inquiry Officer shall record the plea, sign the record and obtain the signature of the employee concerned thereon.
- (9) The Inquiry Officer shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.
- (10) If the employee does not plead guilty, the Inquiry Officer shall adjourn the case to a later date not exceeding 30 days.
- (11) The Inquiry Officer shall, where the employee does not admit all or any of the articles of charge, furnish to such employee a list of documents by which, and a list of witness by whom, the articles of charge are proposed to be proved.
- (12) The Inquiry Officer shall also record an order that the employee may for the purpose of preparing his defence-
- (a) inspect within five days of the order or within such further time not exceeding five days as the inquiring officer may allow, the documents listed;
  - (b) submit a list of documents and witness that he wants for the inquiry;
  - (c) be supplied with copies of statements or witnesses to be relied upon, if any, recorded earlier and the Inquiry Officer shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the Inquiry Officer;
  - (d) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring officer may allow for the discovery or production of the documents referred to in sub-clause (b).

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

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

(14) On the receipt of the requisition under sub regulation (11), the officer having the custody or possession of the requisitioned documents shall arrange to produce the same before the Inquiry Officer on the date, place and time specified in the requisition:

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

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

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

(17) The Presenting Officer shall be entitled to re-examine his witnesses on any points on which they have been cross - examined, but not on a new matter, without the leave of the inquiry officer and the inquiry officer may also put such questions to the witnesses.

(18) Before the close of the case, in support of the charges, the Inquiry Officer may, in its discretion, allow the Presenting Officer to produce evidence not included in charge sheet or may itself call for new evidence or recall or re-examine any witness and 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.

(19) The Inquiry Officer may also allow the employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

(20) When the case in support of the charges is closed, the employee may be required to state his defence, orally or in writing, as he may prefer and if the defence is made orally, it shall be recorded and the employee shall be required to sign the record:

Provided that in either case, a copy of the statement of defence shall be given to the Presenting officer, if any, appointed.

(21) The evidence on behalf of the employee shall then be produced.

(22) The employee may examine himself in his own behalf, if he so prefers and the witnesses produced by the employee shall then be examined by the employee and may be cross-examined by the Presenting Officer.

(23) The employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the Inquiry Officer.

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

(25) 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.

(26) If the employee does not submit the written statement of defence referred to in sub-regulation (2) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these regulations, the Inquiry Officer may hold the inquiry ex-parte.

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

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

(28) On the conclusion of the inquiry, the Inquiry Officer shall prepare a report which shall contain the following:-

- (a) a gist of the articles of charge and the statement of the imputations of misconduct or 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; and
- (d) the findings on each article of charge and the reasons therefor.

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

Provided that the findings on such article of charge shall 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.

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

- (a) the report of the inquiry prepared by it under sub-regulation (28);
- (b) the written statement of defence, if any, submitted by the employee referred to in sub regulation (20);

- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs referred to in sub-regulation (25), if any, and
- (e) the orders, if any, made by the Competent Authority and the Inquiry Officer in regard to the inquiry.

**53. Action on the inquiry report.**

- (1) The Competent Authority, if it is not itself the Inquiry Officer, may, for reasons to be recorded by it in writing, remit the case to the inquiry for fresh or further inquiry and report and the Inquiry Officer shall thereupon proceed to hold the further inquiry according to the provisions of regulation 52 as far as may be.
- (2) The Competent Authority, shall, if it disagrees with the findings of the Inquiry Officer on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the Competent Authority, having regard to the findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in regulation 51 should be imposed on the employee it shall notwithstanding anything contained in regulation 54, make an order imposing such penalty.
- (4) If the Competent Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

**54. Procedure for imposing minor penalties.**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of regulation 51, the employee concerned shall be informed in writing of the imputations of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Competent Authority and the defence statement, if any, submitted by the employee shall be taken into consideration by the Competent Authority before passing orders.
- (2) The record of the proceedings in such cases shall include-
  - (a) a copy of the statement of imputations of lapses furnished to the employee;
  - (b) the defence statement, if any, of the employee; and
  - (c) the orders of the Competent Authority together with the reasons therefor.
- (3) Where the Competent Authority is satisfied that an inquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation 52.

**55. Communication of orders.**

Orders made by the Competent Authority under regulation 53 or regulation 54 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

## **56. Common proceedings.**

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

## **57. Special procedure in certain cases.**

Notwithstanding anything contained in regulation 52 or regulation 53 or regulation 54, the Competent Authority may impose any of the penalties specified in regulation 51, if the facts on the basis of which action is to be taken, have been established in a Court of Law or where the employee has absconded or where it is for any other reason impracticable to communicate with him or where there are other difficulties in observing the requirements contained in regulation 52, 53 and 54 and the requirements can be waived without doing injustice to the employee:

Provided that in every case where all or any of the requirements of regulation 52, 53 and 54 are waived, the reasons for so doing shall be recorded in writing.

## **58. Suspension.**

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

*Explanation:* The period of 48 hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for that purpose, intermittent periods of imprisonment, if any, shall be 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 under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have been continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the Competent Authority, on a consideration of a circumstances of the case, decides to hold a further enquiry against him on the allegations on which a penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been

placed under suspension by the Competent Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

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

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

**59. Subsistence allowance.**

- (1) During suspension, an employee shall receive subsistence allowance equal to-

- (a) fifty percent of his pay for the first six months of suspension; and
- (b) seventy-five per cent of his pay for the period of suspension beyond six months:

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

Provided further that if no penalty under regulation 51 is imposed, the employee shall be refunded the difference between the subsistence allowance and the emoluments which he would have received but for such suspension, for the period he was under suspension, and that, if a penalty is imposed on him under Regulation 51, no order shall be passed which shall have the effect of compelling him to refund such subsistence allowance.

- (2) The period during which an employee is under suspension shall, if he is not dismissed or removed or compulsorily retired from service, be treated as period spent on duty or leave as the Competent Authority who passes the final order may direct.

**60. Vigilance cases.**

Notwithstanding anything contained in regulations 51 to 59, the following additional provisions shall apply where it is alleged that an employee has been guilty of corrupt practices, namely:-

- (a) where it is alleged that an employee is possessed of disproportionate assets or that he has committed an act of criminal misconduct or where the investigation and proof of the allegation would require the evidence of persons, who are not employees of the Board or where, in the opinion of the competent authority, the investigation into the allegations may be entrusted to the Central Bureau of Investigation or the Central Vigilance Commission or any other such agency as may be approved by the Board;
- (b) if after considering the report of the investigation, the Competent Authority is satisfied that there is a prima facie case for instituting disciplinary proceedings against the employee, it may send the investigation report to the Central Vigilance Commission or such other authority as may be decided, for its advice whether disciplinary proceedings should be taken against the employee concerned;
- (c) if after considering the advice of the Central Vigilance Commission or other authority, as the case may be, the Competent Authority is of the opinion that disciplinary proceedings should be instituted against the employee concerned, then notwithstanding the

provisions of sub-regulation(3) of regulation 52, the enquiry under this regulation may be entrusted to a Commissioner for Departmental Inquiries or other person who may be nominated by the Central Vigilance Commission for this purpose;

(d) the Inquiry Officer shall submit his report to the competent authority and the report shall be forwarded to the Central Vigilance Commission for its advice as to whether the charge or charges as the case may be, can be considered to have been established and the penalty or penalties to be imposed under regulation 51 thereof;

(e) the penalty or penalties to be imposed shall be decided by the competent authority after considering the advice of the Central Vigilance Commission.

#### **61. Appeal.**

(1) An employee may appeal against an order imposing upon him any of the penalties specified in regulation 51 or order of suspension under regulation 58 which shall lie before an Appellate Authority.

(2) An appeal shall be preferred to the Appellate Authority within 45 days from the date of receipt of the order appealed against.

(3) The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders.

(4) The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that -

(i) if the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in regulation 51 and an inquiry as provided in regulation 52 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of regulation 52 and thereafter consider the record of the inquiry and pass such orders as it may deem proper; or

(ii) if the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in regulation 52, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the employee.

## **CHAPTER - VII MISCELLANEOUS**

#### **62. Deputation of employees to other services.**

(1) No employee of the Board may be deputed to serve under any other employer without the approval of the Board for the duration of such deputation and the terms and conditions on which the deputation shall take effect:

Provided that no employee may be deputed to foreign service against his will.



(2) Where the services of an employee of the Board are placed at the disposal of a foreign employer, it shall be a condition of the deputation that the foreign employer shall, during the periods of such deputation, bear the entire cost of the services of the employee.

**63. Redressal of grievances.**

(1) The Board shall constitute a Grievance Redressal Committee, consisting of 3 members, at least one of which shall be a woman.

(2) All the grievances received from employees will be placed before the Grievance Redressal Committee within a period of 30 days.

(3) The Grievance Redressal Committee may further, if it considers necessary, summon the employee and/or any other officer of the Board or ask for written clarification from any officer of the Board.

(4) The Grievance Redressal Committee shall recommend follow-up action on the grievances, which shall be placed before appropriate authority for decision.

**SCHEDULE I**  
**(See regulation 4)**

Grade / Position	Mode of recruitment and proportion of positions to be filled up.	Eligibility			Composition of Selection Committee/Promotion Committee
		Direct recruitment	Promotion	Deputation from <b>I: Government</b> <b>II: RBI, Banks, Financial</b> <b>Institutions, regulatory</b> <b>bodies, statutory bodies,</b> <b>and Academies</b>	
1	2	3	4	5	6
<b>Executive Director</b>	Promotion: 75%; Deputation: 25%.	Not applicable.	Age: $\geq 40 - \leq 55$ years  Experience: 3 years of service in the Grade F	Age: $\geq 40 - \leq 55$ years  <b>From I:</b> All India Central/Civil Services Group A Officers in the Grade Pay of Rs.10,000 in PB-4, or in Grade Pay of Rs.8,700 or above in PB-4 with 8 years of experience in the scale. <b>From II:</b> Officers with not less than 20 years of experience in officer cadre.	Chairperson, two Whole Time Members and an external expert, constituted by the Chairperson.

<b>Grade F (Chief General Manager) and E (General Manager)</b>	Promotion:75%; Deputation:25%.	Not Applicable.	<p><b>For Grade-F</b> 3 years of service in the Grade E.</p> <p><b>For Grade-E</b> 3 years of service in the Grade D.</p>	<p><b>From I:</b> <b>For Grade F:</b> Grade Pay of Rs. 8,700 or above in PB-4 with 3 years of experience in the scale.</p> <p><b>For Grade E:</b> Grade Pay of Rs. 7,600 with 3 years of experience in the scale, or Grade Pay of Rs.8,700 in PB-4.</p> <p><b>From II:</b> Officers with not less than - Grade F -17; Grade E -14; years of experience in officer cadre.</p>	Chairperson, two Whole Time Members and an external expert, constituted by the Chairperson.
<b>Grade D (Deputy General Manager) and C (Assistant General Manager)</b>	Promotion: 50%; Deputation: 50%.	Not Applicable.	<p><b>For Grade-D</b> 3 years of service in the Grade C.</p> <p><b>For Grade-C</b> 3 years of service in the Grade B.</p>	<p><b>From I:</b> <b>For Grade D:</b> Grade Pay of Rs. 6600 with 3 years' experience in the scale, or Grade Pay of Rs.7,600.</p> <p><b>For Grade C:</b> Grade Pay of Rs.6,600.</p> <p><b>From II:</b> Officers with not less than - Grade D -11; Grade C -8;</p>	Chairperson, two Whole Time Members and an external expert, constituted by the Chairperson.

				years of experience in officer cadre.	
<b>Grade B (Manager)</b>	Promotion: 75%; Deputation: 25%.	Not Applicable	3 years of service in the Grade A.	<b>From I:</b> Grade Pay of Rs. 5,400 with 3 years of experience in the scale. <b>From II:</b> Officers with not less than 4 years of experience in officer cadre.	Chairperson, two Whole Time Members and an external expert, constituted by the Chairperson.
<b>Grade A (Assistant Manager)</b>	Direct Recruitment: 75%; Deputation: 25%.	Age: ≤ 28 years.  Essential: General Discipline: CA / CS / CMA / LL. B. / MBA with Finance / Masters in Economics / Masters in Commerce IT Discipline: B. Tech in Computer Science / Computer Engineering / MCA.  <b>Preference:</b> (a) Pass in National / Limited Insolvency Examination;		<b>From I:</b> Grade Pay of 4600 with 2 years of experience in the scale or Grade Pay of Rs. 5,400.  <b>From II:</b> Officers with not less than 2 years of experience in officer cadre.	Direct recruitment: Written examination followed by an interview and or group discussion. The interview / group discussion by a committee comprising of two officers of the Board and two external experts, as may be constituted by the Chairperson.  <b>Deputation:</b> Committee comprising of two officers of the Board and an external expert, as may be constituted by the Chairperson.

		(b) Higher Qualification than Essential Qualification; (c) Two or more of the essential qualifications; These must be from a Recognised University / Institution.			
<b>Personal/General Assistant Grade-III, II and I</b>	Promotion for Grade-III and II, Direct Recruitment for Grade-I,	<b>For Grade, I:</b> ≤ 27 years. Graduate	<b>For Grade-III</b> Not less than 7 years of service in Grade-II. <b>For Grade-II</b> Not less than 7 years of service in Grade-I.		Minimum three members, of which one must be external member, as constituted by Chairperson.

## **1. General/ Relaxation.**

(a) In case of non-availability of suitable candidates in any of the modes of recruitment, the Positions may be filled up through other modes.

(b) In the event of non-availability of adequate number of internal candidates for promotion, the minimum eligible service for promotion to the next higher grade or post may be relaxed by the Board up to a period not exceeding six months.

(c) The crucial date for determining the upper age-limit specified in the Schedule shall be the date indicated in the advertisement.

(d) The Board may, at its discretion, absorb an officer on deputation in a Grade, after he has rendered three years of service in the same Grade, against the vacancy under the category of deputation. The seniority of such official in that grade will be counted from the date of permanent absorption.

## **2. Reservations.**

(a) Reservation, relaxation of age limit and other concessions required to be provided for candidates belonging to the Scheduled Caste, Scheduled Tribes, other backward classes, Ex-Service men and other special categories of persons shall be as applicable in terms of orders/guidelines issued by the Central Government from time to time.

(b) In every selection/promotion committee constituted for the purpose of the recruitment/promotion, an officer of appropriate rank belonging to the Scheduled Caste or Scheduled Tribe may be inducted as a member in case no member of such committee belongs to Scheduled caste or Schedule Tribe.

## **3. Medical fitness and verification of antecedents on initial appointment in the Board.**

(a) A candidate, except in the case of appointments by deputation or by promotion, will be required to undergo medical tests to satisfy the Board of his medical fitness by a Medical Officer authorised by the Board.

(b) The antecedents of a candidate, except in the case of appointments by deputation or by promotion, will be verified by the Board and the said verification shall be completed during the period of probation.

## SCHEDULE II

(See regulation 9)

1. The cases of employees will be reviewed at least 3 months before they attain 55 years of age or complete 30 years of service, whichever is earlier.
2. The exercise to review will be carried out on quarterly basis.

Sl. No.	Quarter in which review is to be made	Cases of employees who will be attaining the age of 55 years or will be completing 30 years of service, whichever is earlier in the quarter indicated below to be reviewed
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

3. A review committee of 3 officers will be constituted as under: -
  - (a) For Officers, under the chairmanship of a Whole Time Member, and two other members who are senior to the employee being reviewed.
  - (b) For Other Employees, under the Chairmanship of Executive Director
4. The criteria to be followed by the committee in making their recommendations would be as follows: -
  - (a) Employees whose integrity is doubtful, will be retired.
  - (b) Employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he/she is holding.
  - (c) While the entire service record of an officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years period, his service in the highest post, has been found satisfactory.
  - (d) Consideration is ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within the period of 5 years, only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however where the employee is to be retired on grounds of doubtful integrity.
5. The recommendations of the committee will be placed before an appropriate authority as decided by the Board, which shall not be below the rank of chairman of the review committee.

(Dr. M. S. Sahoo)  
Chairperson  
Insolvency and Bankruptcy Board of India