

तार : 'फूडकॉर्प'
Gram : 'FOODCORP'
फैक्स नं. : एचएफसीआई एनडी
०६६१११२३४१३२४१
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भारतीय
खाद्य
निगम



FOOD
CORPORATION
OF INDIA

मुख्यालय
नई दिल्ली
Head Quarters
New Delhi

१६-२०, बाराखम्बा लेन, नई दिल्ली-११०००१, दूरभाष-२३४१३८७१-२३४१४८७२-२३४१४८८०
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No.EP. 36(1)/ 2000

Dated:- 11th May, 2010.

CIRCULAR No. EP- 05-2010-11

Subject:- Administrative guidelines for expeditious and transparent disposal of disciplinary/vigilance cases – regarding.

The procedures for conducting inquiries and imposition of penalties on the delinquent officials have been provided in the Chapter 5 of FCI (Staff) Regulations, 1971. The provisions contained in the said Chapter have been borrowed from CCS (CCA) Rules 1964, which are applicable to the Central Govt. employees. The guidance is also taken from aforesaid rules on the matters relating to imposition of penalties on the delinquent officials. In spite of these rules and regulations, wide discrepancies have come to the notice in the matter of processing disciplinary cases particularly on following issues:-

- (i) The disciplinary authority competent for initiation of common/joint proceedings against two or more delinquent officials;
- (ii) imposition of two penalties on delinquent employees for same lapse/offence.
- (iii) imposition of penalties of reduction to a lower stage in the time scale of pay ; and
- (iv) the continuity of orders imposing penalty of reduction to a lower scale of pay/post.

2. In view of the discrepancies observed, it has been felt to issue administrative guidelines on the above issues. Therefore administrative guidelines have been formulated and same are enclosed at Annexure I. These administrative guidelines do not seek to interfere with the competence and jurisdiction of disciplinary authorities in any manner, whatsoever, but these are solely aimed at ensuring that inquiries are properly conducted and orders of penalties are issued by disciplinary authorities without any ambiguity.

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3. In order to ensure that orders of imposition of penalty on delinquent officials are issued without any ambiguity, the disciplinary authorities may follow these guidelines.

Sd/-
(Anoop Kumar)
General Manager (P&IR)

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PROPOSED ADMINISTRATIVE GUIDELINES

1. Common/joint proceedings.

When two or more employees of the Corporation have committed a misconduct, the highest of the Disciplinary Authorities- where Disciplinary Authorities are different for different delinquent employees involved in the same misconduct- the authority competent to impose the penalty of dismissal on such employees is required to make an order for taking disciplinary action in a common proceedings with the consent of the other Disciplinary Authorities. It has, however, been noticed that often common proceedings are started against two or more employees without passing such an order, it is therefore, reiterated that:-

- (i) Initiation of common/joint proceedings should always be preceded by a specific order to this effect;
- (ii) The order should specify –
 - (a) The authority which may function as disciplinary authority for the common departmental proceedings;
 - (b) The penalties in Regulation 54 of the FCI(Staff) Regulations, 1971 which such Disciplinary Authority are competent to impose;
 - (c) Whether the procedure laid down in Regulation 58 and 59 or 60 of FCI (Staff) Regulations, 1971 shall be followed.
- (iii) An order for common proceedings against two or more delinquent employees shall not be made:-
 - (a) Where the delinquent employee have complained against each other in relation to the misconduct alleged to have been committed;
 - (b) If one of the employees is a retired employee of the FCI.
 - (c) When one of the delinquent employees is on deputation to the FCI and a different set of Disciplinary rules are applicable to him.

2. Imposition of two- penalties for a single lapse/offence:

Ordinarily two penalties, as prescribed in the FCI (Staff) Regulations, 1971 should not be imposed on a delinquent employee; but there is no legal bar to impose a penalty and also to recover the financial loss sustained by FCI from the salary and allowances of the delinquent employee. The Disciplinary Authority in such cases should, however, keep in mind the severity of strain vis-à-vis nature of offence committed by the delinquent employee.

3. **Imposition of penalty of reduction to a lower stage in the time scale of pay:**

The authority competent to impose penalty of reduction to a lower stage in the time scale of pay may indicate in its order:-

- (i) The date from which it will take effect and the period- in terms of years and months – for which the penalty shall be operative;
- (ii) The stage in the time-scale in terms of rupees to which the delinquent official is reduced; and
- (iii) The extent in terms of years and months- if any, to which the period referred to at item (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when an employee is reduced to a particular stage, his/her pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

On the expiry of the period of reduction, the pay should be decided as follows:-

- (i) If the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the employee should be allowed the pay which he/she would have drawn in the normal course but for the reduction.
- (ii) If the original order specifies that the period of reduction was to operate to postpone future increments for any specified period the pay of employee shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed, as not counting for increments.

In order to avoid any ambiguity in the working of the penalty, the operative portion of the order of penalty may be as follows:-

“it is, therefore, ordered that the pay of Shri _____ be reduced by _____ stages from Rupees _____ to Rupees _____ in the time-scale of pay of _____ for a period of _____ years/months with effect from _____. It is further directed that Shri _____ will/will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will/will not have the effect of postponing his future increment of pay.”

4. **Imposition of penalty of reduction to a lower grade or post or to a lower time scale:**

The authority competent to impose penalty of reduction to lower service, grade or post or to a lower time scale of pay should indicate in its order of penalty:-

- (i) The period of reduction, in terms of years and months- unless the Competent Authority is of the view that the reduction should be permanent or for an indefinite period; and
- (ii) Whether the official, who has been penalized, is again promoted, will get back his original inter se seniority in the higher service, grade or post with a higher time-scale of pay, which he was holding prior to the imposition of the penalty.
- (iii) In case, the order of reduction to a lower service, grade or post in a lower time scale is intended to be operative for an indefinite period till the official is found fit to be restored to his original service, grade or post, the order of penalty may be framed as follows:-

“Shri _____ is reduced to the lower post, grade or service as specified in the order of penalty till he is found fit by the Competent Authority to be restored to the higher post, grade or service which he was holding before imposition of the order of penalty.”

- (iv) Where, however, it is intended that the fitness of the delinquent employee for promotion in future will be considered only after a specified period, the order of penalty may be as follows:-

“Shri _____ is reduced to the lower post, grade or service of _____ until he is found fit after a period of _____ years from the date of this order, to be restored to the higher post, grade or service of _____.”

5. **Misdemeanour of administrative nature.**

As regards, misdemeanours of an administrative nature, the disciplinary authorities may impose major or minor penalty keeping in view the gravity of the misdemeanour and the need for maintaining official decorum/discipline in the Corporation.

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