

# Health And Industries Department Notification

Sachivalaya, Ahmedabad-15, 17th August 1964

No.GHA-95/1ND/1664/16943-G-II:- In exercise of the powers conferred by Section-54 of the Gujarat Industrial Development Act, 1962 (Guj. xxIII of 1962), the Government of Gujarat, hereby directs the publication of the Gujarat industrial Development Corporation (Staff) Regulations 1963.

## <sup>1</sup>GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION (STAFF)

### REGULATIONS, 1963

PREAMBLE : - Whereas it is necessary to define the terms and conditions of appointment and service of the staff of the Gujarat Industrial Development Corporation and to provide for their duties, conduct and the remuneration payable to them, the Gujarat Industrial Development Corporation in exercise of the powers conferred by section - 12 (3) read with section - 54 (1) of the Gujarat Industrial Development Act, 1962 (Gujarat xxIII of 1962) and all other powers enabling it in this behalf has made the following regulations, namely:

#### CHAPTER - 1

##### PRELIMINARY

1. **Short Title:** These Regulations may be called the Gujarat Industrial Development Corporation (Staff) Regulations, 1963.
2. **(1) Application :** These regulations shall apply to -
  - (a) every whole time employee of the Corporation
  - (b) staff employed temporarily or advisors, officers or other staff recruited on special contracts or on deputation from Government unless the contracts or deputations contain any different provisions.
3. **Definitions:** In these Regulations unless there is anything repugnant .in the subject or context -
  - (a) "the Corporation" means the Gujarat Industrial Development Corporation;

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1. First published by Health & Industries Department of Government of Gujarat vide Notification No.GHA-95/IND/1664/16943-G-II dated 17.08.1964.

- (b) "the Chairman" means a <sup>1</sup>director of the Gujarat Industrial Development Corporation appointed by Government under section - 4(2) of the Gujarat Industrial Development Act, 1962, and includes the Vice Chairman and Directors of the Corporation functioning as such in a meeting of the Corporation in absence of the Chairman or vice-Chairman;
- (c) <sup>1</sup>"Director" of the Corporation means a person nominated to be a Director of the Corporation by state Government under section-4 of the Act;
- (d) <sup>2</sup>"the Managing Director" and the "Chief Accounts officer" means the officer appointed by the State Government under section-12 (1) of the Act;
- (e) "pay" means the amount drawn by an employee as
- (i) the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in cadre;
  - (ii) special pay and personal pay,
  - (iii) any other emoluments which may be specialty classed as pay by the corporation;
- (f) "substantive pay" means the pay other than special pay and Personal pay and other emoluments classed as pay by the corporation under sub-clause (iii) of clause (e) of Regulation 3, to which an employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre;
- (g) "special pay" means an addition in the nature of pay, to the emoluments of a post or of an employee granted in consideration of –
- (i) the specially arduous nature of the duties, or
  - (ii) a specific addition to the work or responsibility,
- (h) "personal pay" means an additional pay granted to an employee
- (i) to save him from a loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise- than as a disciplinary measure; or
  - (ii) in exceptional circumstances on other personal consideration,
- (i) <sup>3</sup>"average pay" in relation to grant of leave salary to an employee of the corporation proceeding on ordinary leave means the last pay drawn by him immediately before proceeding on leave and in relation to the purposes other than those of proceeding on ordinary leave it shall mean the average monthly pay drawn by him while on duty during the last ten calendar months immediately preceding the month in which he proceeds on leave.

1. Substituted vide notification No. EST/AMD/LAW/12(4) dt. 4.5.88 and published in G.G.G. Part-IV-C dt. 19.5.88 at Page 810-813.
2. Substituted *ibid*.
3. Substituted vide notification No. GIDC/EST/LAW/AMD/12(9) dt. 22.5.78 Published in G.G.G. Part IV C dt. 8.6.78 at Page No. 296 and 297.

- (j) "Compensatory allowance" means an allowance granted to meet expenditure necessitated by the special circumstances in which duty is performed,
- (k) "duty" includes
  - (i) service as a probationer.
  - (ii) period spent on casual leave duly authorised
- (l) "family" means an employee's wife or husband, and employee's legitimate children ordinarily residing with and wholly dependent on him or her.

<sup>1</sup>[(m) "Selection Committee" means a Selection Committee constituted under regulation 6A.]

<sup>2</sup>[(n) "Appointing Authority" in relation to an employee means the officer making the appointment of the employee under Regulation 9A.]

**4. Circulation of Amendments:** Any new Regulation or alteration in an existing regulation shall be issued in the form of a circular among the staff provided that no new regulation or an alteration in an existing Regulation shall operate to reduce the scale of pay of an employee on which he is entitled to draw pay in a substantive capacity on the date the new Regulation or alteration comes into force.

**5. Power to interpret and implement Regulations :** The power to interpret the Regulations vests in the <sup>5</sup>[Managing Director] who is also hereby empowered to issue such administrative instructions as may be necessary to give effect to, and carry out the purpose of the provisions of these Regulations provided that if as a result of any decision of the managing Director as regards the construction of any Regulation or Regulations, an employee feels aggrieved he shall have a right to appeal against such decision of the managing Director to the Corporation whose decision shall be final and binding on all concerned.

<sup>3</sup>**6. Delegation of powers:** The <sup>5</sup>[Managing Director] may subject to such restriction and for as long as he may think fit delegate any of the powers conferred on him by this regulation to any officer not below the rank of Class-II Officers <sup>4</sup>[except the powers] referred to in Regulation 8(2).]

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1. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 18.10.77 Published in G.G.G. Part IV C dt. 3.11.77 at Page No. 872 to 901.
  2. Inserted *ibid*.
  3. Inserted *ibid*.
  4. Substituted vide corrigendum No. EST/LAW/AMD/12, (7) dt. 21.11.81 Published in G.G.G. Extra ordinary Part IV C dt. 30.11.81 at page No. 68-6 and 68-7.
  5. Substituted vide notification No. EST/AMD/LAW/12(4) dt. 4.5.88 and published in G.G.G. Part-IV-C dt. 19.5.88 at Page 810-813.

<sup>1</sup>[6A. **Selection Committee** (1) The Corporation may constitute one or more selection committees from amongst its directors or officers of the Corporation with reference to the different classes of the services mentioned in regulation 7. <sup>2</sup>[Provided that the Chairman or the Managing Director may invite any director or officer of the Corporation or outside expert or experts to attend any particular meeting of Selection Committee and participate in its deliberations." ]

<sup>1</sup>[(2) It shall be the duty of Selection Committee to select candidates for recruitment to such post in the service of the Corporation as may be Specified by the Corporation and to advise the Corporation in such matters as may be referred to it by the Corporation.]

## CHAPTER-II

### APPOINTMENTS, PROBATION AND TERMINATION OF SERVICE

#### SECTION : I-APPOINTMENTS

#### 7. Classification, Scales of pay, qualifications etc.

(1) The staff of the Corporation shall consist of the following classes namely.

Class I

Class II

Class III

Class IV

(2) The designation of different posts in different cadres in the aforesaid classes, the scales of pay of respective posts, the mode of recruitment <sup>2</sup>[and the ratio of promotion and direct recruitment] in respect of these posts and the qualifications required for such post <sup>5</sup>[and the ratio of promotion as well as direct recruitment in respect of these posts] shall be as specified in Appendix 'A' <sup>4</sup>[or Appendix 'B'] appended to these Regulations.]

<sup>3</sup>[Provided that officers of Class I & II cadre shall have to pass examination of "CCC+ (Course on Computer Concept Plus)" and employees of Class III cadre shall have to pass the examination of "CCC (Course on Computer Concept)" from an Institute recognised by the Government.

1. Substituted vide Notification No. GIDC/EST.LAW/AMD/12 (4) dt. 21.11.90 and published in GGG in part IV C dt. 29.11.90 in P. No. 3016 to 3030. Earlier this regulation was inserted vide notification No. EST/LAW/AMD/12(7) dt. 18.10.77 published in G.G.G. Part IV C dt. 3.11.77 at Page No. 872 to 901.
2. Inserted vide notification No. EST/LAW/AMD/12 dt. 27.4.84 and published in G.G.G. Part IV C dt. 7.6.84 at Page No. 1013 to 1016.
3. Inserted vide notification No.GIDC/EST/LAW/12(2) dt. 19.3.2009 published in extra ordinary GGG Part IV-C dated 26.3.2009 at page No.82-1 to 82-3.
4. Inserted vide notification No.GIDC/EST/LAW/AMD/12(4) dt. 31.12.1986 published in GGG Part IV-C dt.12.2.1987 at page No.219 to 228.
5. Inserted vide Notification No. GIDC/EST.LAW/AMD/12 (4) dt. 21.11.90 and published in GGG in part IV C dt. 29.11.90 in P. No. 3016 to 3030.

- (3) Subject to the provisions of Appendix 'A' an appointment to a post may be made either by promotion or by direct recruitment or by appointing a person taken on deputation from amongst the employees of a State Government, Central Government, Local Authority, Statutory Corporation like a University or the Gujarat State Financial Corporation or Public Company like the Gujarat Industrial Investment Corporation or by absorption of a deputationist by the Corporation. <sup>1</sup>[Provided that in a cadre in which posts can be filled either by promotion or by direct recruitment the ratio of posts to be filled in by promotion <sup>6</sup>[unless otherwise specified in Appendix 'A'] and direct recruitment shall be as specified in Appendix 'A' <sup>5</sup>[or Appendix 'B'] respectively in respect of the posts required to be filled in and the <sup>2</sup>absorptionist shall be treated against direct recruitment quota. However, where no ratio is specified the same shall be determined by the Corporation from time to time.]
- (4) where post is to be filled by direct recruitment it shall be filled from amongst the candidates selected thereof by the selection Committee.
- (5) where a post is to be filled by promotion it shall be filled after consultation with the Selection Committee, which may hold interview, test etc. to decide the merit of employees who are qualified for the post. <sup>3</sup>[The Selection Committee may relax the conditions of age limit, educational qualification and experience as specified in Appendix A' <sup>5</sup>[or Appendix 'B'] in respect of different posts in case of candidates who are eligible for promotion.]
- (6) The conditions as to age limit, educational qualifications and experience as specified in Appendix 'A' <sup>5</sup>[or Appendix 'B'] in respect of different posts for the purpose of direct recruitment may be relaxed by the Selection Committee in the case of candidates for direct recruitment and also in the case of employees of the Corporation who are qualified candidates in the quota of direct recruitment.

<sup>4</sup>[7A **Reservation of post for scheduled caste etc.**

In the matter of filling up the different posts on establishment of the Corporation, instructions issued by the State Government from time to time about reservation of posts for the candidates belonging to the scheduled castes, scheduled tribes and other backward class communities and all matters relating there to shall be generally followed by the Corporation.]

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1. Substituted vide Notification No. GIDC/EST.LAW/AMD12 (4) dt. 21.11.90, published in GGG Part IV C dt. 29.11.90 in P. No. 3016 to 3030.
  2. Deleted the words "not" and "less than" vide notification No. LAW/EST/ of 18-2-75 Published in G.G.G. Part IV-C dt. 21-8-75 at Page No. 1414 & 1416.
  3. Inserted vide notification No. EST/LAW/AMD/12(7) dt. 18-10-77 Published in G. G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  4. Substituted vide notification No. GIDC/EST/LAW/AMD (12) (7) dt. 13.11.79, Published in G.G.G. Part IV C dt. 24.4.80 at page No. 365 to 366. Earlier this regulation was inserted vide notification No. EST/LAW/AMD/12(7) dt. 18-10-77 Published in G. G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  5. Inserted vide Notification No.GIDC/EST/LAW/AMD/12(4) dt. 31.12.1986 published in GGG Part IV-C dt. 12.2.1987 at page No.219 to 228.
  6. Inserted vide Notification No.GIDC/EST/LAW/12(4) dt. 6.1.90 published in GGG Extraordinary Part IV-C dt. 12.1.1990 at page No.2-1 to 2-4.

<sup>1</sup>[7B. **Preference to Ex. Commissioned Officers etc.**

Notwithstanding anything contained in Appendix 'A' <sup>5</sup>[or Appendix 'B'] where an <sup>4</sup>[ex-commissioned officer] or ex-defence officer applies for an employment in the service of the Corporation, preference shall be given to him, if he fulfils other conditions pertaining to recruitment to the relevant post in such service. ]

<sup>6</sup>[7C. **Preference to Sportsman etc.**

In the matter of filling up the different posts in Class III & IV of the establishment of the Corporation, instructions, issued by the State Government from time to time shall generally be followed by Corporation about preference in employment to candidates who are meritorious and outstanding in sports.]

<sup>2</sup>[8. **Posts in different cadres**

(1) The Corporation may determine the number of <sup>5</sup>(posts in different cadres) specified in Appendix 'A' <sup>5</sup>[or Appendix 'B'] and may create new posts other than those mentioned in Appendix 'A' <sup>5</sup>[or Appendix 'B'] but in a pay scale specified in <sup>5</sup>[those Appendix,]

Provided that the number of posts in a cadre in Class-IV service may be fixed by the Managing Director.

(2) Notwithstanding anything contained in sub-regulation (1) the Managing Director may create on a temporary basis for a period not exceeding 6 months, posts in any cadre in Class-II, Class-III and Class-IV service specified in Appendix 'A' and Appendix 'B'.]

<sup>3</sup>[9. **Advertisement inviting applications :**

To enable a selection committee to select candidates for direct recruitment for different classes of post in the service of the corporation, except post in Class-IV service, the Managing Director, may if in his opinion, it is necessary so to do invite applications for the respective posts by publishing an advertisement there of at least in 2 local newspapers.]

<sup>4</sup>[9A **Power to appoint**

(1) Candidates selected by a selection committee for appointment in the service of the Corporation shall be appointed by Managing Director to the respective posts.

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1. Inserted vide notification No. EST/LAW/AMD/12 (7) dt. 18-10-77 Published in G.G.G. Part IV dt. 3-11-77 at Page No. 872 to 901
  2. Substituted *ibid*.
  3. Substituted *ibid* .
  4. Inserted *ibid*.
  5. Inserted vide Notification No.GIDC/EST/LAW/AMD/12(4) dt. 31.12.1986 published in GGG Part IV-C dt. 12.2.1987 at page No.219 to 228.
  6. Inserted vide notification No.GIDC/EST/LAW/AMD/12(7) dt. 30.1.1993 published in GGG Part IV-C dt. 25.2.1993 at page No.191-192.

- (2) <sup>4</sup>(Where a post is to be filled) in by promotion or by taking a person on deputation, the power to make the appointment shall rest with the <sup>5</sup>[Managing Director].

Provided that in the case of a post in Class-I service, the appointment shall be made by the <sup>5</sup>[Managing Director] and the Corporation be appraised of it at its next meeting.

- (3) Notwithstanding anything contained in sub-regulation (1) or (2) In the case of post in Class - III or Class-IV service, the power to make an appointment thereto may be exercised by such officer as may be authorised by the <sup>5</sup>[Managing Director] by a general or special order.]

**<sup>1</sup>[9B Temporary appointment:**

Notwithstanding anything contained in these regulations, the <sup>5</sup>[Managing Director] may make a temporary appointment to any post either by direct recruitment or by promotion for a period not exceeding 6 months.

Provided that in the case of a vacancy which may be permanent or for a period of six months or until the vacancy is duly <sup>4</sup>(filled in accordance with) the foregoing provisions <sup>4</sup>(of these regulations), whichever event occurs earlier.]

**10. Certificate of Health and Good Character :**

No person shall be appointed to the service of the corporation, unless (a) he has been certified by a qualified medical practitioner approved by the corporation to be of sound constitution and medically fit, and (b) he produces certificate of good character from two respectable persons.

**11.<sup>3</sup> Deleted**

**12. Grant of initial increments on first appointment :**

The Corporation may, in exceptional cases, grant Initial increments to an employee directly recruited or whose services are taken on deputation from Government on his first appointment in the Corporation.

<sup>2</sup>[Provided that the <sup>5</sup>[Managing Director] or any such officer as may be authorised by the <sup>5</sup>[Managing Director] by general or special order to make appointment to the various posts in corporation may grant not exceeding three initial increments on the recommendation made by selection committee at the time of recruitment.]

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1. Inserted vide notification No. EST/LAW/AMD/12(7), dt. 18-10-77. Published in G.G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  2. Inserted *ibid*.
  3. Deleted vide notification No. EST/LAW/AMD/12 dt. 14.3.72 published in G.G.G. Part IV C dt. 5.4.73 at page No. 662-728
  4. Substituted vide corrigendum No. EST/LAW/AMD/12, (7) dt. 21.11.81 Published in G.G.G. Extra ordinary Part IV C dt. 30.11.81 at page No. 68-6 and 68-7.
  5. Substituted vide notification No. EST/AMD/LAW/12(4) dt. 4.5.88 and published in G.G.G. Part-IV-C dt. 19.5.88 at Page 810-813.

<sup>1</sup>[13. No person who has been dismissed, discharged removed from the service of the corporation shall be re-employed in the corporation provided that nothing in this regulation shall apply to re-instatement of an employee as a results of legal obligation.]

14. **Commencement of Service:**

- (1) Except as other wise 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 in an appointment covered by these Regulations at the place and time intimated to him by the <sup>3</sup>[Managing Director] provided that he reports before noon, otherwise his service shall commence from the next following working day.
- (2) **Definition Of Service** : "Service" includes the period during which an employee is on duty as well as on leave duly authorised by the <sup>3</sup>[Managing Director] but does not include any period during which an employee is absent from duty without permission or overstays his leave, unless specially permitted by the <sup>3</sup>[Managing Director.]

<sup>2</sup>[14A **Employee to furnish securities:**

- (1) The employees of the Corporation shall before entering their office furnish securities of the amounts and in the manner as may be determined by the <sup>3</sup>[Corporation] from time to time.
- (2) An existing employee already in service shall furnish the requisite security under sub-regulation (1) on or before such date as may be specified by the <sup>3</sup>[Managing Director.]
- (3) The <sup>3</sup>[Managing Director] may at anytime after security has been given by an employee, if it appears to him that the security taken is unsatisfactory, or if the employee is transferred to an offices for which larger security is required or for other sufficient reasons demand fresh or, as the case may be, additional security and accordingly the employee shall furnish fresh security or, as the case may be, additional security.

Provided that no larger security shall be demanded than the security required of the employee under sub-regulation (1).]

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1. Substituted vide notification No. GIDC/EST/LAW/AMD/1 dt. 13-2-75. Published in G.G.G. Part IVC, dt. 20-2-75 at Page No. 150 to 152.
  2. Inserted vide notification No. EST/LAW/AMD/12(7), dt. 18-10-77. Published in G.G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  3. Substituted for the words, "Chief Executive Officer" vide notification No. EST/LAW/AMD/12 (7) dt. 21-11-81 Published in G.G.G. Part IV-C Extraordinary dt. 30-11-81 at Page No. 68/1 to 68/5.



<sup>1</sup>[14B. **Responsibility of Chief Accounts Officer.**

The Chief Accounts Officer shall be responsible for seeing that the concerned employees furnish the necessary security and that <sup>5</sup>[the security is satisfactory] and sufficient both at the time when it is first furnished and all along there after till it is no longer required.]

<sup>2</sup>[14C. **Register of security furnished.**

There shall be maintained a register of all securities furnished by each employee. The Register shall be in such form as may be specified by the Managing Director.]

## **Section II Probation**

<sup>3</sup> [15. **Period of probation and test :**

Where a post is filled by direct recruitment or by promotion the candidate or employee appointed or promoted to the post shall be on probation for a period of two years from the date of appointment or promotion and shall have to pass the test that may be specified by the Corporation from time to time.]

<sup>4</sup>16. **Discharge during probation :**

During his probationary period an employee may be discharged from his service by the Managing Director after one month's notice in that behalf or by payment of pay for one month in lieu thereof.]

17. **Managing Director's power to extend probationary period :**

The period of probation of an employee may be extended at the discretion of the Managing Director but in no case this period exceed three years, In case of officers, the power to extend the period of probation shall be exercised by the Corporation.

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1. Inserted vide notification No. EST/LAW/AMD/12(7), dt. 18-10-77. Published in G.G.G. Part IV -C dt. 3-11-77 at Page No. 872 to 901.
  2. Inserted *ibid*.
  3. Substituted vide notification No. LAW/EST/AMD/12 (7) dt. 19-12-88 & was Published in G.G.G. Part IV C. dt. 23-2-89 at Page No. 207.
  4. Substituted vide notification No. EST/LAW/AMD/12 dt. 12.9.75 and published in G.G.G. Part IV C dt. 2.10.75 at page No. 1544-1546.
  5. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 21.11.81 published in GGG Extraordinary Part IV-C dt. 30.11.81 at page No.68-6 & 68-7.

### Section III : Termination of Service

#### 18. Termination of Service notice :

(1) During his probationary period an employee shall not leave or discontinue his service in the Corporation without giving prior notice in writing to the Managing Director of his intention to leave or discontinue the service. The period of such notice shall not be less than one month during probationary period.

(2) <sup>2</sup>[An employee after his probation period is completed] shall not leave or discontinue his service in the corporation without giving prior notice in writing to the corporation of his intention to leave or discontinue the service. The period of such notice shall not be less than –

(a) three months in the case of an employee in Class-I and

(b) one month in the case of an employee in any other class.

<sup>4</sup>[(c) The power to accept or reject the notice referred to in sub-regulations (1) or (2), as the case may be or an employee of his intention to leave or discontinue the service of the Corporation shall be exercised by the Managing Director in the interest of the Corporation, within the above referred notice period.]

(3) An employee who contravenes the provision of the forgoing sub-regulation shall be liable to pay to the corporation as compensation a sum equal to his substantive pay for the period of notice required of him. Unless the payment of such compensation is waived by the Managing Director at his discretion.

(4) The corporation may determine the service of an employee after expiry of the period of his probation on giving him –

(a) three months notice, or substantive pay in lieu thereof if he is an employee in Class-I and,

(b) one month's notice or substantive pay in lieu thereof if he is an employee in any other class.

The power to determine the service of an employee shall be exercised by the Managing Director. <sup>3</sup>(xxxxxxx)

(5) Nothing in this regulation shall affect the right of the Corporation.

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1. Substituted vide notification No. EST/LAW/AMD/12(7), dt. 18-10-77. Published in G.G.G. Part IV -C dt. 3-11-77 at Page No. 872 to 901.

2. Substituted *ibid*.

3. Deleted the words “subject, in the case of officers, to the prior approval of the Corporation” vide notification *ibid*.

4. Inserted vide notification No. GIDC/EST/LAW/AMD/12(7) dt.19.12.88 and published in G.G.G Part IV dt. 12.1.89 at page No. 27 to 32.

- (a) to retire or dismiss an employee without notice or pay in lieu thereof in accordance with the provisions of Regulations 19 and 40 and
- (b) to terminate the service of an employee without notice or pay in lieu thereof on his being certified by a qualified medical officer approved by the corporation to be permanently incapacitated for further continuous service in the corporation.

**Explanation 1** - The expression "month" used in this regulation shall be reckoned according to the Gregorian calendar and shall commence from the day following that on which notice is given by the employee or the corporation as the case may be.

**Explanation II**- A notice given by an employee under sub-Regulation (1) or (2) shall be deemed to be proper only if he remains on duty during the period of the notice and employee shall not be entitled to set off any leave earned and availed of by him against the period of such notice.

**Explanation III** - If an employee to whom notice is given by the Corporation in pursuance of this Regulation absents himself from duty without Permission during the period of notice, he shall not be entitled to receive any pay or allowance during the period of absence and shall further be liable to such further penalties as the Managing Director may deem fit to impose.

## 19. Superannuation and Retirement :

An employee <sup>1</sup>[other than a class IV employee] shall retire at 58 years of age or after completing 38 years of service, whichever is earlier provided that the corporation may at its discretion sanction from time to time the extension of his employment for a period not exceeding one year at a time if he is physically and mentally fit. <sup>2</sup>[An employee in class IV service shall retire at the age of 60 years.] Extension in employment beyond the age of 60 years shall in no case be sanctioned. Notwithstanding the increase in age of retirement to 58 years the corporation may require a serving member to retire at any time on or after he attains the age of 55 years on giving him three months notice without assigning any reason. The member also may retire on or after attaining the age of 55 years voluntarily after giving three months previous notice to the corporation.

**Explanation 1** - For the purpose of this Regulation service shall not include any period of service rendered by an employee before attaining the age of twenty one years.

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1. Inserted vide Notification No.EST/LAW/AMD/12(2) dtd. 22.1.86 published in G.G.G. Part – IV-C dtd. 13.2.86 at page No.216 to 218.
  2. Inserted vide Notification ibid.

**Explanation II** - Notwithstanding anything contained in this Regulation where an employee has at the credit of his leave account ordinary leave earned and has, in sufficient time, before the date of retirement either,

- (1) formally applied for leave and been refused it, or
- (2) ascertained in writing from the Managing Director that leave if applied for would not be granted, he may be permitted to avail of the leave so refused and in that case the employee would be deemed to have retired from service on the expiry of the leave.

### **CHAPTER – III**

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

20. **Record of service :** A record of service shall be maintained in respect of each employee in such forms as may be prescribed by the Managing Director .from time to time.

21.<sup>1</sup> **Seniority:**

- (1) A Candidate appointed by the Managing Director on temporary basis shall temporarily rank for seniority in his grade according to the chronological order of the date on which he joined service in that grade.

Provided that where more candidates than one are simultaneously selected for appointment the candidates shall rank for seniority according to their rank in the selection list.

- (2) In the case of candidates selected by the Selection Committee for ap-ointment to the service of the corporation, their seniority interse shall be fixed in accordance with the following provisions namely :
  - (a) A candidate, who immediately before his selection, was already in service of the corporation on temporary basis, shall rank for seniority in his grade according to his rank· in the order of merit arranged by the SelectiOn committee in that grade.
  - (b) A candidate, who was not in service, shall rank for seniority in, his grade according to the Chronological order of the date on which he joined the appointment.

Provided that where more candidates than one are simultaneously selected for posts in the same grade and they are called to join appointment within a specific time.

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1. Substituted vide notification No. G IDC/LAW/AM D/12 dt. 12-9-75 Published in G.G.G. Part IV-C dt. 2-10-75 at Page No. 1544 to 1546.

- (i) the candidates who join the appointment within time so given, shall rank for seniority according to their rank in the order of merit arranged by the Selection Committee.
  - (ii) the candidates, who before the expiry of the time so given has applied in writing to the Appointment Authority for an extension of time for joining the appointment and the extension of time as asked for has been granted, shall rank for seniority according to his rank in order of merit arranged by the Selection Committee.
  - (iii) The candidate, who joins the appointment after the expiry of the time so given and to whom clause (ii) does not apply, shall rank far seniority according to the chronological order of the date on which he joins the appointment.
- (3) An employee not covered under (1) or (2) above appointed to a past in any of the grades specified in Appendix 'A' shall rank for seniority in that grade according to his date of appointment in the grade :

Provided that where more employees than one are appointed in the same grade an the same date, such employees shall rank far seniority according to. their orders of seniority as existed immediately before their appointment.

- <sup>1</sup>[22. **No right <sup>2</sup>[of promotion] merely on ground of seniority:** No employee shall have right to be appointed or promoted to a particular post or grade merely an the ground of seniority.
- 23. Reversion:** An employee appointed to officiate in a higher post or promoted on probation to. a higher past shall be liable to. be reverted without notice at any time within three years of such appointment or promotion.

## CHAPTER-IV

### CONDUCT, DISCIPLINE AND APPEALS

#### Section : I Conduct and Discipline

24. **Scope of an Employee's service :** Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the corporation and he shall serve the corporation in its business in such capacity and at such place as he may from time to time be directed.

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1. Substituted vide notification No. EST/LAW/AMD/12 (7) dt. 18-10-77 Published in G.G.G. Part IV-C dt. 3-11-77 at Page no. 872 to 901.
  2. Inserted vide notification No. EST/LAW/AMD/12 (7) dt. 21-11-81 Published in G.G.G. Part IV-C Extra ordinary dt., 30-11-81 at Page no. 68-1 to. 68-5.

25. **Liability to abide by the Regulations and orders:** Every employee shall conform to and abide by these Regulation and shall observe, comply with and obey all orders and directions which may, from time to time, be given to him by any persons under whose jurisdiction, superintendence or control he may for the time being be placed.
26. **Employee to promote the corporation interest :** Every employee shall serve the corporation honestly and faithfully, and shall use his utmost endeavours to promote the interest of the corporation and shall show 'courtesy and attention in all transactions and inter course with every person with whom he may come into contact in his capacity as an employee of the corporation.
27. **Prohibition against participation in politics and standing for an election:** No employee shall take an active part in politics or in any political demonstrations, or stand for election as or be a member of any Local Authority or Legislative Body.
- 28.<sup>1</sup> **Unauthorised communication of information:** No employee shall, except in the bonafide discharge of his duties, make public or publish any document, paper or information which may come into his possession in. his official capacity.
- 28A.<sup>2</sup> **Connection with press or radio :**
- (i) No employee shall except with the previous sanction of the Managing Director own wholly or in part or conduct, or participate in editing or management of any newspaper or other periodical publication.
  - (ii) No employee shall, except with the previous sanction of the Managing Director or except in bonafide discharge of his duties
    - (a) publish a book himself or through a publisher or contribute an article to a book or a compilation of articles, or
    - (b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical either in his own name or anonymously or pseudonymously or in the name of any other person :

Provided that no such sanction shall be required:

- (i) If such publication is through a publisher and is of a purely literary, artistic or scientific character, or
- (ii) If such contribution broadcast or writing is of a purely literary, artistic or scientific character.

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1. Substituted vide notification No. GIDC/EST/LAW/AMD/12 01. 13-2-75, Published in G.G.G. Part IV-C, dt. 20-2-75 at Page No. 147to 150

2. Inserted *ibid*.

Where an employee writes a book with the aid of knowledge acquired by him during the course of his service and derives income from sale or royalty of such book a certificate to that effect should be issued by the Managing Director and the income may be retained by him if such book is not a mere compilation of the rules, regulations or procedures of the corporation but it reveals the author's scholarly study of the subject.

29. **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 managing director.

<sup>2</sup>[(29A. <sup>3</sup>[**Employee not to go abroad without permission:**]

An employee shall not go abroad without having first obtained permission of the Managing Director or such other officer as may be authorised by the Managing Director in this behalf by a general or special order.]

30. **Part time work for outside bodies:** No employee shall undertake part-time work for a private or public body or a private person, or accept fee therefore without the sanction of the <sup>1</sup>(Appointing Authority) who may grant sanction only in exceptional cases when he is satisfied that the work can be undertaken without detriment to his official duties and responsibilities <sup>1</sup>(Appointing Authority) may in cases in which he thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or in part to the corporation.

31. **Employees not to be absent from duty without permission or to be late in attendance:**

- (1) An employee shall not absent himself from his duties without having first obtained the permission of the <sup>1</sup>(Appointing Authority) nor shall be absent himself in case of sickness or accident without submitting within three days of such absence a sufficient medical certificate; provided that in the case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the <sup>1</sup>(Appointing Authority) be dispensed with.
- (2) An employee who absents himself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowance in respect of the period of such absence or overstayal. Such unauthorised absence would be treated as misconduct and the employee shall be further be liable to such penalties, for misconduct as the <sup>1</sup>(Appointing Authority) may deem fit. The period of such absence or overstayal may, if not followed by termination of services under Regulation 18 or dismissal under Regulation <sup>1</sup>(40) be treated as period spent on ordinary, sick, special or extraordinary leave, as the <sup>1</sup>(Appointing Authority) may determine.

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1. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 18-10-77 Published in G.G.G. Part IV-C, dt. 3-11-77 at Page No. 872 to 901.
2. Inserted vide notification No.GIDC/EST/LAW/AMD/12(4) dt. 14.06.96 published in GGG Part IV-C dtd. 4.7.96 at page No.296-297.
3. Bold letters vide corrigendum No.GIDC/EST/LAW/AMD/12(4) dtd.6.10.2001 published in GGG Part IV-C dtd.18.10.2001 at page No.143.

- (3) An employee who is habitually late in attendance shall be liable to such penalty as the <sup>1</sup>(Appointing Authority or such other officer as may be authorised by the Managing Director in this behalf) may deem fit to impose or shall, at the discretion of the <sup>1</sup>(Appointing Authority) as the case may be, the officer so authorised have one day of his casual forfeited for every two days he is late in a month. 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 as the <sup>1</sup>(Appointing Authority) or as the case may be, the officer so authorised may determine.

**32. Absence From station :**

An employee in Class I if so required by the Chairman and an employee in any other class if so required by the Managing Director, shall not absent himself from his station overnight without obtaining the previous sanction of the chairman or Managing Director, as the case may be.

**33. Acceptance of gifts:**

- (1) save as otherwise provided in this Regulation, an employee shall not except with the previous sanction of the corporation accept directly or in-directly on his own behalf or any person or permit any member of his family so to accept any gift, gratuity or reward or any offer of a gift, gratuity or reward from a person not a member of his family.
- (2) subject to any general or special order of the corporation, any employee may accept a Complimentary present of fruit or flowers or similar articles of trifling value, but all employees shall use their best endeavours to discourage the tender of such gifts.
- (3) Any employee may accept or permit any member of his family to accept, a gift from a personal friend, provided he is not in a position to confer any benefit upon the donor in the discharge of his official duties and has no reason to suppose that the gift is offered with any ulterior motive.
- (4) If an employee cannot without giving undue offence refuse a gift of substantial value, he may accept it but shall report the fact of acceptance immediately to the managing Director and shall thereafter act as he may direct.

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1. Substituted vide notification No. EST/LAW/AM D/12 (7) dt. 18-10-77 Published in G.G.G. Part IV C; dt. 3-11-77 at Page no. 872 to 901.



**34. Acceptance of testimonials etc.:**

(1) An employee shall not, except with the previous sanction of the Managing Director.

- (a) receive any complimentary or valedictory address accept any testimonials presented to him, or attend any public meeting or entertainment held in his honour or
- (b) take part in presentation of a complimentary or valedictory address or of a testimonial to any other employee of the corporation, or to any person who has recently quitted service of the Corporation or attend a public meeting or entertainment held in honour of such employee or person.

(2) Notwithstanding anything contained in sub-regulation (1) –

- (a) an employee may at the request of any public body sit for a portrait, bust or statue not intended for presentation to him;
- (b) an employee may take part in the raising of a fund to be expended in recognition of service of any other employee of the Corporation or of a person who has recently quitted services of the Corporation on the foundation of a scholarship, or any other public or charitable object or on the execution of portrait, bust or statue, not intended for presentation to such other employee of the corporation or person Provided that no employee shall solicit any subscription in aid of such fund;
- (c) Subject to the provisions of any general or special order of the Managing Director an employee may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself or to some other employee of the Corporation or to a person who has recently quitted the services of the Corporation, on the occasion of the retirement from the service or departure from a district or station or himself or such other employee or person.

**35. Private trading or business:**

No employee shall engage in any commercial business or pursuit either on his own account or as agent for other, nor act as an agent for the Life Insurance Corporation of India or any insurance company or other insurer nor shall be connected with the formation or management of a joint stock company or a firm.

**36. Speculation in stock, share etc. :**

An employee shall not speculate in stocks, shares, securities or commodities of any description; provided that nothing in this Regulation shall be deemed to prohibit an employee from making a bonafide investment of his own funds in such manner as he may consider necessary.

**37. Restriction on borrowing and investments: -**

- (1) An employee shall not borrow money from or in any way place himself under a pecuniary obligation to a broker or an employee of the corporation subordinate to him or any firm or person having dealings with the Corporation.
- (2) No employee shall make nor permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

**Explanation :** For the purpose of this sub regulation the word "family" includes any relative ordinarily residing with or dependent on an employee.

**38. Employees in debt:**

- (1) When an employee of the Corporation is adjudged or declared an insolvent or 'when a moiety of the salary of such employee has been attached frequently or has been continuously under attachment for a period exceeding two years, or is attached for a sum which in ordinary circumstances having regard to his personal resources and unavoidable current expenses can not be repaid within a period of two years, he shall be liable of dismissal.
- (2) In such cases the Managing Director shall report the matter to the Corporation.
- (3) Where a moiety of an employee's salary is attached, the report shall show what is the proportion of his debts to the salary, how far they detract from the debtor's efficiency as an employee of the Corporation whether the debtor's position is irretrievable, whether in the circumstances of the case it is desirable to retain him in the post occupied by him at the time when the matter is brought to notice or in any other post in the Corporation.
- (4) In every case under this Regulation the burden of providing that the in-solvency or indebtedness is the result of circumstances which with the exercise, of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon' the debtor.
- (5) Notwithstanding anything contained in the proceeding sub-Regulation of this Regulation, the Managing Director, may at any time call for a statement of his debts from any employee, and after considering the facts and explanations, he may, with the previous approval of the Corporation after giving sufficient notice in that behalf, terminate the services of such employee.

**<sup>1</sup>[39. SUSPENSION**

- (1) The Managing Director, an appointing authority or any other authority empowered in that behalf by Corporation 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, inquiry or trial.
- (2) An employee shall be deemed to have been placed under suspension by an order of the Managing Director or the appointing authority or any other authority empowered under sub-regulation (1).

1. Substituted vide notification No.EST/LAW/AMD/12(7) dt.30.12.1986 published in GGG Part IV-C dt. 8.1.1987 at page No.65 to 71.

- (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, and shall remain under suspension until further orders.
  - (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 forth with dismissed or removed or compulsorily retired consequent upon such conviction.
  - (c) in any other case from the time of service of the order of suspension.
- (3) Where a penalty of dismissal or removal Of compulsory retirement from service imposed upon an employee under suspension is set aside in an appeal under these regulations and the case is remitted for further inquiry or action or with any other direction, the order of his suspension shall be deemed to have continued in force with effect on and from the date of the original order of dismissal or removal and shall remain in force or dismissal or removal and shall remain in force until further orders.
- (4) Where a penalty or dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside or declared or rendered void in consequence of, or by a decision of a court of Law, and the Managing Director on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Managing Director from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.
- (5) (a) An order of suspension made or deemed to have been made under these regulations shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- (b) where an employee is suspended or is deemed to have suspended in connection with any disciplinary proceeding or otherwise and any other disciplinary action or proceeding is commenced against him during con-tinuance of such suspension, the Managing Director or the Competent authority to place him under suspension may, for reasons to be recorded by him in writing. direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under these regulations may, at any time be modified or revoked by the authority which made it.]

<sup>1</sup>[39A. **Declaration of Immovable Property by employee :**

- (1) every employee shall on appointment to the service of the Corporation make to the authority having power to appoint him a declaration of all immovable property which is held by him or his wife or any member of his family and shall annually on the First April, make to the said authority a declaration specifying the change, if any, that has occurred in the first declaration.

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1. Deleted vide notification No. EST/LAW/AMD/12(7) dt. 21-11-81 Published in GGG Part IV-C Extraordinary dt.30-11-81 at Page No.68-1 to 68-7. Earlier this was substituted by Notification No. EST/LAW/AMD/12(7) dt.18.10.77 published in GGG Part IV-C dt. 3.11.77.

- (2) No employee shall except with the previous knowledge of appointing authority of the Corporation –
- (a) acquire any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.
  - (b) Dispose of by lease, mortgage, sale, gift or otherwise any immovable property owned by him or held by him either in his name or in the name of any member of his family.
- Provided that the previous approval of the appointing authority shall be obtained by the employee if any such transaction is with a person having official dealings with the Corporation.]

**<sup>3</sup>[39B. Declaration of movable property by employee :**

Every employee shall report to appointing authority every transaction entered into by him either in his own name or in the name of member of his family in respect of movable property if the value of such property transaction exceeds Rs.10,000/- in case of Class I and II Officer, Rs.7500/- in case of Class III employee and Rs.5000/- in case of Class IV employee.

Provided that the previous sanction of the appointing authority shall be obtained if any such transaction is with a person having official dealing with the Corporation.

Explanation : For the purpose of this regulation, the expression ‘Movable Property’ includes –

- (a) Jewellery, insurance policies the annual premia of which exceeds Rs.1000/- or one sixth of the total emoluments received from the Corporation, whichever is less, shares, securities and debentures.
- (b) Loan advanced by or to such employee of the Corporation whether received or not.
- (c) Motor cars, motor cycles, horses or any other means of conveyance and
- (d) Refrigerators, radios, radiograms and television sets etc.]

<sup>1</sup>[40. **Penalties (a) The following penalties may be for good and sufficient reasons be imposed on an employee, namely :**<sup>4</sup>[Minor penalties] (1) Censure (2) Fine <sup>2</sup>(3) (xxxx) (4) withholding of increment or promotion (5) Recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence, or breach of orders,<sup>5</sup>[Major penalties] (6) Reduction

1. Deleted vide notification No. EST/LAW/AMD/12(7) dt. 30-12-86 published in G.G.G. Part IV-C dt. 8.1.87 at Page No. 65 to 71. Earlier it was substituted by notification No. EST/LAW/AMD/ 12(7) DT.18.10.77 published in GGG Part IV-C dt.3.11.77 at page No.872 to 891.
2. Deleted *ibid*.
3. Substituted vide notification No.GIDC/EST/LAW/AMD/12(4) dt. 1.10.92 published in GGG Part IV-C dt.22.10.92 at page No.647 to 649.
4. Inserted vide notification No.GIDC/EST/LAW/AMD/12(4) dt. 14.6.96 published in GGG Part IV-C dt. 4.7.96 at page No.296 to 299.
5. Inserted vide notification *ibid*.

in rank including reduction to a lower post or time scale or to a lower stage in a time scale, (7) Compulsory retirement, (8) Removal from service not disqualifying for future employment, (9) Dismissal from service which shall ordinarily be a disqualification for future employment.

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

- (i) withholding of increment of an employee for failure to pass departmental examination in accordance with the conditions of service applicable to him.
- (ii) stoppage of the employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
- (iii) non promotion of an employee, after considering his case to a post or grade to which he is eligible on administrative ground unconnected with his conduct.
- (iv) Reversion of an employee, who is officiating in a higher service grade or post to a lower service grade or post on the grounds that after trials he is considered to be unsuitable for such higher service, grade or post on administrative ground not connected with his conduct.
- <sup>3</sup>(v) (a) 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 governing such probation.  
  
(b) <sup>2</sup>[Subject to the provisions of these regulations the <sup>3</sup>[Managing Director] may impose any of the penalties specified in <sup>4</sup>[sub-regulation (a)] on any employee.]

#### <sup>1</sup>[40.A 1 Procedure for Imposing penalties.

- (1) No order imposing any of the penalties except those specified in item (1) to (5) of sub-regulation (a) of regulation 40 shall be passed unless (a) the person charged is informed in writing of the proposal to take action against him and of the allegation on which such action is proposed to be taken and he is given an opportunity to make, any representation which he may wish to make and (b) the representation, if any made by the employee is taken into consideration by the disciplinary authority.
- (2) A copy of the order as may be passed shall be communicated to the employees.

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- 1. Substituted vide notification No. EST/LAW/AMD/12, (7) dt. 18-1 0-77, Published in G.G.G. Part IV-C, dt. 3-11-77 at Page NO. 872 to 901.
  - 2. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 18-11-81 Published in GGG Extraordinary Part IV-C dt.30-11-81 at Page No.68-1 to 68-5.
  - 3. Substituted for the words “Chief Executive Officer” vide notification ibid.
  - 4. Substituted vide corrigendum No. EST/LAW/AMD.12(7) 21-11-81 Published in GGG Extraordinary Part IV-C dt.30-11-81 at Page No.68-6 to 68-7.

<sup>1</sup>[40.B **Joint Inquiry.** Where two or more employees are concerned in any matter relating to disciplinary action, the disciplinary authority shall first decide whether the action against all of them should be taken in common proceedings or whether separate action should be taken against each of such employee. In both cases, the procedure laid 'down in regulation 40A shall be followed. ]

<sup>2</sup>[40.C **Special procedure in certain cases.** Notwithstanding anything contained in regulation 40-A where penalty is to be imposed on an employee on the ground of conduct which has led to his conviction on criminal charge and it is considered by the disciplinary authority not expedient to follow the procedure laid down in the said regulation, the disciplinary authority may consider the circumstances of the case and pass such order as it, may deem fit.]

<sup>3</sup>[40.D **Subsistence allowance during suspension.**

- (1) An employee is placed under sus-pension shall be entitled to draw subsistence allowance equal to fifty percent of his basic pay provided the disciplinary authority is satisfied that employee is not engaged in any other employment or business or profession or vo-cation. In addition he shall be entitled to dearness allowance admissible on such subsistence allowance.
- (2) Where the period of suspension exceeds <sup>4</sup>(six months) the Managing Director shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the <sup>5</sup>(first six months) as follows :
  - (i) The amount of subsistence allowance may be increased to seventy five percent of basic pay and dearness allowance thereon if, in the opinion of the Managing Director, the period of suspension has been prolonged due to reasons not directly attributable to the employee under suspension.
  - (ii) The amount of subsistence allowance may be reduced to twenty five percent of basic pay and the dearness allowance thereon if, in the opinion of the Managing director, the period of suspension has been prolonged due to the reasons directly attributable to the employee under suspension.
  - (iii) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance shall be payable. On grant of bail, if the Managing Director decides to continue the suspension the employees shall be entitled to subsistence allowance from the date he is granted bail.

1. Substituted vide notification No. EST/LAW/AMD/12 (7) dt. 21-11-81 Published in G.G.G. Extraordinary Part IV-C, dt. 30-11-81 at Page No. 68-6 to 68-7. Prior to this it was inserted vide notification No. EST/ LAW/AMD'12 (7) dt. 18-10-77 Published in G.G.G. Part IV C dt. 3-11-77 at Page No. 872 to 901.
2. Inserted vide notification No. EST/LAW/AMD'12 (7) dt. 18-10-77 Published in G.G.G. Part IV C dt. 3-11-77 at Page No. 872 to 901.
3. Inserted vide notification dt. 21.11.81 ibid. Thereafter substituted vide notification No. EST/ LAW/ AMD/12(7) dt. 30.12.86 published in GGG Part IV-C dt. 8.1.1987 at page No.65 to 71.
4. Substituted for the words, "one year" vide notification No. GIDC/LAW/AMD/12(7) dt.14.11.92 published in GGG Part IV-C dt. 26.11.92 at page No.786 – 787.
5. Substituted for the words, "First year" vide notification ibid.

(3) when the employee under suspension is reinstated, the Managing Director may grant him the following pay and allowances for the period of suspension.

(a) if the employee is exonerated and not awarded any of the penalties mentioned in regulation 40, the full pay and allowance which he would have been entitled if he had not been suspended less the subsistence allowance already paid to him or

(b) if otherwise, such proportion of pay and allowance as the competent authority may prescribe;

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

<sup>4</sup>[4) An employee under suspension may be granted any other compensatory allowances admissible from time to time on the basis of pay of which an employee was in receipt on the date of suspension to such extent and subject to such conditions as the Managing Director may direct.

Provided that <sup>5</sup>[the employee shall not be entitled to the] compensatory allowance unless the Managing Director is satisfied that the employee continues to meet the expenditure for which they are granted.

## Section II-Appeals

41.<sup>1</sup>[(1) [An employee, aggrieved by an order of imposing any penalty on him made by the disciplinary authority, may prefer an appeal against such order to the next superior authority to the disciplinary authority. Where such disciplinary authority is the Managing Director, the appeal shall lie to the Corporation. Such appeal shall be preferred within a period of thirty days from the date on which the order imposing Penalty was Communicated to the employee.]

(2) <sup>2</sup>(Deleted)

(3) The Appellate Authority may entertain an appeal after the expiry of the period specified in sub-regulation (1) <sup>3</sup>(xxxxxx) if he is satisfied that the appellant has had sufficient cause for not submitting the appeal in time.

1. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 19-12-88 Published in G.G.G. Part IV C dt. 23-2-89 on Page No. 207 and 208. Earlier substituted vide notification No. EST/LAW/AMD/12 (7) dt. 21-11-81 Published in G.G.G. Part IV C, Extraordinary dt. 30-11-81 at Page No. 68-1 to 68-5.
2. Deleted vide notification No. EST/LAW/AMD/12 (7) dt. 21-11-81 Published in G.G.G. Part IV C, Extraordinary dt. 30-11-81 at Page No. 68-1 to 68-5.
3. The words and figure, “or, as the case may be, sub-regulation (2)” are deleted vide notification *ibid*.
4. Inserted vide notification No. GIDC/EST/LAW/AMD/12(4) dt. 14.11.92 published in GGG Part IV-C dt. 26.11.92 at page No. 786-787.
5. Inserted vide Corrigendum No. GIDC/EST/LAW/AMD/12(4) dt. 25.1.93 published in GGG Part IV-C dt. 4.2.93 at page No. 144.

**Explanation** - In these regulation, "Appellate Authority" means the authority to which an appeal lies under these regulation.

**42.<sup>1</sup> Condition for presenting appeal:**

- (1) Every appeal shall comply with the following requirements, namely :
  - (a) It shall be addressed to the authority competent to hear the appeal.
  - (b) It shall be signed in manuscript.
  - (c) It shall not contain any disrespectful or improper language.
  - (d) It shall contain all material statements and arguments relied upon and shall be complete in itself.
  - (e) It shall state the relief desired.
  - (f) It shall be submitted through the proper channel.
  - (g) A copy of the order appealed against shall invariably be enclosed with the appeal.
- (2) Every appeal shall be submitted through the officer to whom the employee aggrieved is subordinate, Such officer shall in turn forward it to the authority which passed the order appealed against.

**43.<sup>2</sup> Withholding of appeal:**

- (1) The authority, which made the order appealed against, may withhold the appeal if (a) it does not comply with the requirements of regulation 42. (b) it is not submitted within the period specified in regulation 41 and no cause is shown for the delay. (c) It is repetition of an appeal already decided and does not, in the opinion of the authority, disclose any new facts, points or circumstances which afford grounds for a reconsideration.

Provided that an appeal when it is withheld on he only ground that it does not comply with the requirements of regulation 42, shall be returned to the appellant and if it is resubmitted within thirty days from the date of the return, after compliance with the requirements of regulation 42, it shall not be withheld.

- (2) Where an appeal is withheld the appellant shall be informed in writing of the fact and the reasons thereof and a copy thereof shall be forwarded to. the Appellate Authority.

**44.<sup>3</sup> Transmission of appeals:**

- (1) The Authority which passed the order appealed against shall, on receipt of the appeal transmit the same without any delay to the Appellate Authority together with its comments thereon and the relevant records unless the appeal is withheld by it under regulation 43.

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1. Substituted vide notification No. EST/LAW/ AMD/12(7) dt. 18-10-77 Published in G.G.G. Part IV C dt. 3-11-77 at Page No. 872-901.
  2. Substituted vide notification No. EST/LAW/AMD/12(7) dt. 18-10-77 Published in G.G.G. Part IV C dt. 3-11-77 at Page No. 872 to 901.
  2. Substituted *ibid*.



- (2) The Appellate Authority may direct the transmission to it of any appeal which has been withheld under regulation 43 and there upon such appeal shall be transmitted to that authority together with the relevant records <sup>4</sup>[and the appellant shall be informed of it.]

45. <sup>3</sup>[**Consideration and disposal of appeals :**

- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Regulation 39 and having regard to the circumstances of the case, the order of suspension is justified or not and shall confirm or revoke or modify the order accordingly.
- (2) In case of an appeal against an order imposing any of the penalties specified under Regulation 40, the appellate authority shall consider -
- (a) whether the procedure prescribed in these regulations have been followed and complied with.
  - (b) whether such non-compliance, if any, has resulted in any material irregularity or illegality so as to result in miscarriage of justice.
  - (c) Whether the findings are justified, and
  - (d) Whether the penalty imposed is excessive, adequate or inadequate and pass such orders as it may deem fit, including,
    - (i) Setting aside, reducing, confirming, or enhancing the penalty, or
    - (ii) remitting the case to the authority which had imposed the penalty or to any other authority for further inquiry or with such directions as it may deem fit in the circumstances of the case,

Provided that appellate authority shall not pass an order enhancing the penalty unless the appellate is given an opportunity making a representation against the proposed enhanced penalty.]

<sup>1</sup>[46. **Implementation of orders in appeal :** The authority which made the order appealed against, shall give effect to the orders passed by Appellate Authority.

<sup>2</sup>[47. (xxxxxxxxxxxxxx)]

48. **Appeals not to be addressed to Ministers or the State Government.**

Appeals shall not be addressed to the Ministers or officers of State Government, or to the Chairman or the members of the Corporation personally, and any such action shall be deemed to be a breach of discipline.

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1. Substituted vide notification No. EST/LAW/AM D 12(7) dt. 18-10-77 published in G.G.G. Part IV C, dt. 3-11-77 at Page No. 872 to 901.
  2. Deleted *ibid*.
  3. Substituted vide notification No. EST/LAW/AMD/12 (7) dt. 19-12-88 published in G.G.G. Part IV C dt. 12-1-89 at Page No. 27 to 32.
  4. Inserted vide notification No. EST/LAW/AMD/12(7)

**49. Joint petitions:** The provisions of Regulation 43 to 48 shall also apply to the extent they are relevant to petitions which concern more than one employee and are preferred jointly by class or group of employees or by an association or union of employees recognised by the Corporation. A joint petition shall not be entertained if,

- (a) It related to a subject which the Managing Director is authorised to pass orders, and no application for redress has been made to him.
- (b) It relates to a matter regarding the redress of which a specific procedure has been prescribed under any rule or instruction issued by the Corporation : or.
- (c) It relates to an individual and is not submitted by him.

<sup>1</sup>[49.A **Power to review:** Notwithstanding anything contained in these regulations the Corporation may on its own motion or otherwise, after calling for the records of the case, review any order passed by any authority which is made or is appellable or which is deemed to have been or to be appellable under these regulations may

- (a) confirm, modify or set aside the order,
- (b) impose any penalty or set aside, reduce confirm or enhance the penalty by order:
- (c) remit the case to the authority which had made the order to any other au-thority directing such further action or inquiry as it may consider proper in the circumstances of the case or.
- (d) pass such other order as it deems fit

Provided that an order imposing or enhancing the penalty shall not be passed unless the person concerned has been given an opportunity of making a representation against such proposed enhanced penalty."

## **CHAPTER-V**

### **PAY, ALLOWANCES AND OTHER CONCESSIONS**

#### **Section : 1 Pay and Allowances**

50. **When accrue and payable:** Subject to the provisions of these Regulations pay and allowance shall accrue from the commencement of the service of an employee, and shall become payable on the 1st working day of the month following the month during which the services are performed.

51. **When not payable for a part of a month :** Pay and allowances shall not be payable for a part of a month to an employee who leaves or discontinue his services without due notice during a month, unless such notice has been waived by the Managing Director.

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1. Inserted vide Notification No. GIDC/EST/LAW/AMD/12(7) dt. 19-12-88 Published in G.G.G. Part IV C dt. 12-1-89 at Page No. 27 to 32.

52. **When ceases :**

Pay and allowances shall cease to accrue as soon as an employee ceases to be in service. In the case of an employee dismissed from the Corporation's service, they shall cease from the date of his dismissal. In the case of an employee who dies while in service, they shall cease from the day following that on which the death occurs.

**53. All employees to be graded :**

Every employee <sup>1</sup>[who has completed satisfactorily his probationary period] shall have post in one of grades referred to in Appendix 'A' [or Appendix 'B'] which will be considered as his substantive grade, and to which he shall revert when he ceases to be;

(a) under suspension or

(b) on leave or deputation, or

(c) holding a temporary post or officiating in another grade.

**54. Adjustment of pay and allowances on change of charge, when takes effect :**

An employee shall commence to earn the pay allowances of a post to which he is appointed as from the date on which he assumes the duties of the post if the charge is transferred before noon of that date and from the following working day if the charge is taken over in the afternoon of that date.

**55. Two persons not be appointed to a post at the same time :**

Except as otherwise provided in these Regulations, no two persons may be appointed to or draw the pay and allowances of a post at the same time.

**56. Employee on transfer:**

Where an employee is transferred from one post to another, he shall, during any interval of duty between the date of his handing over charge of the old post and the date of his taking over charge of the new post, draw the pay and allowances of the old or the new post whichever is less,

**57. Admissibility of allowance:**

Allowances shall only be payable to employ-ees who are actually at the time fulfilling the condition subject to which they are admissible.

**58. Increments:**

(1) In an incremental scale, the increment shall accrue on the completion of each specified period of service on each stage of that scale whether such service be probationary,

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1. Substituted vide notification No. EST/LAW/AMD/12 (7) dt. 19-10-77 Published in G.G.G. Part IV-C dt. 3-11-77 on Page No. 872 to 901.
  2. Inserted vide notification No.GIDC/EST/LAW/AMD/12(4) dt. 31.12.1986 published in GGG Part IV-C dt.12.2.1987 at page No.219 to 237.

officiating or substantive. Acting service in a higher grade will count for increments in an employee's substantive grade as well as in the higher grade in which he is acting and if there is an intermediate grade between the two in which he would have officiated had he not been appointed to officiate in the higher grade, also in the intermediate grade, but the period during which an employee is on leave without pay will not count for increment unless so authorised by the <sup>1</sup>[Appointing Authority] for reasons to be recorded in writing. Sanction to draw increments will be given by the <sup>1</sup>[Appointing Authority.]

- (2) No increment may be withheld except as a disciplinary measure under Regulation 40 and each order withholding an increment shall state the period for which it is withheld and whether the withholding shall have the effect of postponing further increments.

**59. Premature increment :**

The Corporation may grant premature increments to an employee provided that such increments shall be given only in special cases as recognition of outstanding ability of an employee and provided further that such increment shall not affect seniority of any other employee of the Corporation.

**60. Refixation of pay on promotion:**

[On promotion from one grade to another]<sup>2</sup> and where an employee is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, in the normal course of promotion or on transfer, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued, provided that

- (a) where an employee immediately before his promotion or appointment to the higher post was drawing pay at the maximum of the time scale of the higher post shall be fixed at the stage in that time scale next above such maximum of the lower post;
- (b) This clause shall not apply in case where an employee holding a post in any capacity is appointed to another post by nomination or through a competitive selection test;

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1. Substituted for the words, "Chief Executive Officer" vide notification No. EST/IAW/AMD/12(7) dt. 18-10-77 Published in G.G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
2. Substituted vide notification No. GIOC/LAW/ AMD/12 dt. 9-2-74, Published in G.G.G. Part IV-C dt. 19-12-74.

**61. Officiating pay :**

An employee who is appointed to officiate in a higher. grade shall, so long as he shall officiate on such a grade, draw an officiating pay equal to the difference between the substantive pay in the old scale and the stage in scale of pay of the post to which he is appointed, which is next above his substantive pay in the old scale.

**62. Refixation of pay on transfer from one scale of pay to another:**

When an employee is transferred from one scale of pay to another on the revision of the scale or otherwise, and such transfer does not involve the assumption of duties or responsibilities of greater importance, his initial pay on the new scale shall be fixed.

- (a) in case his substantive pay on the old scale is lower than the minimum of the scale to which he is transferred at the minimum of the new scale.
- (b) in other cases, at a stage which is equal to his substantive pay in the old scale, or if there is no such stage the stage below that pay plus personal pay equal to the difference, such personal pay to be drawn until such time as it is absorbed by subsequent increments in the new scale.

<sup>2</sup>[62.A Where an employee of the Corporation who is appointed to a higher post by direct recruitment drawn pay more than the minimum starting pay of the higher post, his pay shall be protected, with benefits of continuous service, on such appointment but he shall not get the benefit of seniority.]

**63. Pay and allowances:**

The scales of pay attached to the various posts under the Corporation shall be those laid down in Appendixes (A) & (8) to these Regulations and the same shall not be varied without first amending the relevant Regulation.

**64. Special pay :**

The grant of special pay to. an employee shall require the sanction of the Corporation.

<sup>1</sup>[Provided that where an employee holds charge of another post, which is equivalent to or higher in rank than the post held by him, the special, pay may be granted to him by the Appointing Authority at the rate of 1/10 of presumptive pay of such other post for the period in excess of one month for which additional Charge is held by him.]

provided further that the employee shall not receive any compensatory allowance attached to such other post unless it is a permanent travelling allowance or conveyance allowance.

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- 1. Inserted vide notification No. EST/LAW/AMD/12(7), dt. 18-10-77. Published in G.G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  - 2. Inserted vide notification No. EST/LAW/AMD : 12 (7) dated 20-12-83 and published in G.G.G. dt. 12-01-84, at Page No.20-21.

**65. Personal pay :**

The grant of personal pay in the circumstances referred to in Regulation 3 and also in any other cases shall be subject to prior sanction of the Corporation.

**CHAPTER-VI**

**LEAVE AND JOINING TIME**

**Section-1**

**66. Kind of leave:**

Subject to the provisions of these Regulations, the following kinds of leave may be granted to an employee :

- (a) Casual Leave,
- (b) Ordinary Leave;
- (c) Sick Leave;
- (d) Special Leave;
- (e) Extraordinary Leave;
- (f) Maternity Leave.

**67. Authorities empowered to grant leave:**

The power to grant leave shall vest in the Managing Director. All applications for leave shall be addressed to the Managing Director.

<sup>1</sup>[Provided that the Managing Director may by an order in writing authorise such officers subordinate to him to grant such kind of leave to such class of employees as may be specified in the order.]

**68. Power to refuse leave or recall an employee on leave :**

Leave cannot be claimed as of right. When the exigencies of the service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it, and an employee already on leave may be recalled by that authority when it considers this necessary in the interests of the Corporation.

**69. Lapse of leave on cessation of service :**

Leave earned by an employee lapses on the date on which he ceases to be in service.

<sup>2</sup>[Provided that the provisions for benefit of encashment in lieu of unutilised earned leave as laid down in Government of Gujarat, Finance Department Resolution No.LVE/ 1078/72/P dated 10th January, 1978 as may be modified from time to time, shall mutatis mutandis apply to an employee of the Corporation on his/ her retirement on superannuation.]

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1. Inserted vide notification No. EST/LAW/AM D/12 (7) dt. 18-10-77, Published in G.G.G. Part IV C dt. 3-11-77 at Page No. 872 to 901.
  2. Inserted vide notification No. GI DC/EST/LAW/ AM D/12 (7) dt. 29-9-79 Published in G.G.G Part IV-C dt. 26-10-79 at Page No. 648 to 649.

<sup>1</sup>["Such benefit shall be available to an employee of the Corporation in case of premature /voluntary retirements, or termination of service by notice, etc .. or at the time of resignation/quitting service as per the provisions of the Government Resolution Finance Department No. MVN/1082/GOI/47/P, dated 21st December, 1982 and No. PCR-1086-2083-(4) dated 1st January, 1987 as may be amended from time to time by Government for it's employees."

"Provided further that in case of the death of an employee while in service, the cash equivalent of the leave salary that the deceased employee would have got, had he gone on earned leave, but for death due and admissible on the date immediately following the date of his/her death subject to a maximum leave salary for 180 days shall be paid to his/her family as laid down in the Government Resolution No. LVE/1080/3696/P dated 6th December, 1980 as may be amended from time to time by Government for their employees." ]

**70. Earlier return from leave:**

Unless he is permitted to do so by the authority which granted his leave, an employee on leave may not return to duty before the expiry of period of leave granted to him.

**71. Commencement and termination of leave :**

- (1) The first day of an employee's leave is the working day succeeding that upon which he made over charge.
- (2) The last day of an employee's leave is the working day proceeding that upon which he reports his return to duty.
- (3) A substitute appointed in a leave vacancy shall he considered to be on duty on that post during the period of leave as defined in Sub-Regulation (1) and (2) of this Regulation.

**72. Obligation to furnish leave address:**

An employee shall, before proceeding on leave, intimate to the authority granting leave his address while on leave and shall keep the said authority informed of any change in the address previously furnished.

**73. Station to which an employee should report on return :**

An employee on leave, shall unless otherwise instructed to contrary, return for duty to the place at which he was last stationed.

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1. Inserted vide notification No. GIDC/EST/LAW/AMD/12 (14) dated 15-3-88. Published in G.G.G. Part IV-C dated 31-3-88 at page No. 488 to 490.

74. **When medical certificate of fitness may be demanded:**

The Managing Director may require an employee who has availed himself of leave for reasons of health to produce a medical certificate of fitness before he resume duty even though such leave was not actually granted, on a medical certificate .

75. **Leave not admissible to an employee under suspension:** Leave may not be granted to an employee under suspension or against whom proceedings are pending under Chapter IV of these Regulations.

**Section: II**

**Ordinary Leave**

76. **When application should be submitted:**

- (1) Application for ordinary leave required shall ordinarily be submitted atleast one month before the date from which leave is required.
- (2) Application which do not satisfy the requirements of this Regulation may be refused without reason being given.

<sup>1</sup>[77. **Accumulation of ordinary Leave :**

- (1) The ordinary leave admissible to an employee of the Corporation shall be one eleventh of the period spent on duty.

Provided that the employee will ceases to earn such leave when the ordinary leave due amounts to 180 days.

- (2) In calculating the amount of ordinary leave due, the fraction should not be rounded off If after ordinary leave is granted, the balance of ordinary leave which remains at credit contains a fraction of a day, such fraction shall be carried over for the calculation of ordinary leave due when the employee again applies for ordinary leave.

78. **Ordinary leave due:**

The ordinary leave due to an employee is the period in which he has earned diminished by the period of leave actually taken.

79. **How extra leave earned :**

Notwithstanding anything contained in the' proviso to Regulation 77(1) an employee shall continue to earn ordinary leave during the next twelve months at the rate specified in Regulation 77(1) if he is refused leave of three months or more.

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1. Substituted vide notification No. EST/LAW/AMO/12, (7) dt. 18-10-77, published in G.G.G. Part IV-C, dt. 3-11-77 at Page No. 872 to 901.



Provided that such employee shall avail of such refused leave if given during the said period of twelve months and after getting such leave he shall cease to earn the extra leave earned under this Regulation.

80. **Pay during ordinary leave** : An employee on ordinary leave shall draw a leave pay equal to his average pay.

<sup>1</sup>[80.A **Encashment of ordinary leave:**

- (1) An employee who takes ordinary leave for a period of not less than fifteen days, may at his option surrender the balance or any portion of ordinary leave to his credit on the date of the commencement of the leave so taken.

Provided that the period of ordinary leave to be so surrendered shall not exceed thirty days. Provided further that the total period including the period of the leave taken and that of the leave surrendered shall not exceed 120 days.

- (2) Where an employee surrender ordinary leave under sub-regulation (1) he shall be granted leave pay and dearness allowance for the leave so surrendered.

Provided that such leave pay and dearness allowance shall be equivalent to the leave pay and dearness allowance for the first thirty days of the leave enjoyed.

- (3) The concession of encashment of ordinary leave under sub-regulations (1) and (2) shall be available once during a period of two consecutive calendar years. The first block of two years shall count from the year 1971.

- (4) Save as expressly provided in this regulation the provisions of the Government of Gujarat, Finance Department Resolution No. RRR-1071-425-J dated the 26th March, 1971 as amended from time to time, shall mutatis mutandis apply to the surrender and encashment of ordinary leave by an employee.]

### **Section –III**

#### **Casual, sick, special, extraordinary, and Maternity leave**

81. **Casual leave:**

- (1) Casual leave may be granted to an employee to a maximum of 12 days in each calendar year. provided that not more than 8 days casual leave may be allowed at anyone time, that the state of work permits and that no appointment is required to replace the employee on

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1. Inserted vide notification No. EST/LAW/AMD/12 (7) dt. 18-10-77, published in G.G.G. Part IV C dt. 3.11.77 at page No. 872 to 901.

casual leave. The above condition may be relaxed in individual cases, if the sanctioning authority considers that there are exceptional circumstances justifying such relaxation. Sundays, weekly offs or public holidays may be allowed to be enjoyed in conjunction with any spell of casual leave whether by prefixing or suffixing or by both, subject to the condition that if absence of the employee from headquarters as a result of such days being joined with or falling within a period of casual leave is likely to cause inconvenience to the Corporation, the sanctioning authority may see that such cases of absence from headquarters are restricted to a reasonable period and, if necessary, some of the holidays or even a part of casual leave may be required to be spent at headquarters only. Sunday, weekly offs or public holidays falling within a period of casual leave may not be counted as part of casual leave.

In respect of an employee joining service in the middle of a calendar year, the sanctioning authority will have discretion to grant casual leave for either the full period of 12 days or only a portion thereof after taking into account the merits of the case.

- (2) If the absence of an employee is extended beyond the limits laid down in this Regulation, or if any of the other conditions laid down in this Regulation is not fully filled the employee shall be treated as on ordinary leave for the entire period of his absence.
- (3) Notwithstanding anything contained in this Regulation the Managing Director may when the absence is necessitated by reason of an employee being a member of auxiliary forces, having to attend an annual camp or be on training, grant casual leave which may not be debited to leave account of such an employee.

**82. Sick and special leave, limit upto which may be granted :**

- (1) During the full period of his service an employee may be granted special leave, on private affairs and <sup>1</sup>[sick leave on medical certificate for sickness of himself or the member of his family actually dependent upon him] for a period Calculated at the rate of twenty days for each completed year of service.

Special leave may not be availed if ordinary leave is admissible.

- (2) In case an employee is absent from duty on account of quarantines the Corporation may, at the request of the employee concerned, treat such absence, upto a maximum period of three months, as ordinary, sick or special leave if such leave is otherwise permissible. Special leave under this sub-Regulation may be availed of even if ordinary leave is admissible.

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1. Substituted for the words, "sick leave on medical certificate" vide notification No. EST/LAW/AMD/12 dated 27-4-84, published in G.G.G. Part IV-C dated 7-6-84 on Page No. 1013 to 1016.

- 83. Pay during sick and special leave:** Sick and special leave shall be on' half average pay, subject to the maximum of Rs. 500/- per month and such pay shall be reduced (unless the

Managing Director sanctions otherwise) to one-quarter of average pay after twelve months in the case of sick leave and six months in the case of special leave; provided that where an employee has served the Corporation for atleast a period of five years he may, if he so request, be permitted to avail himself of <sup>2</sup>[sick leave on average pay for sickness of himself or the members of his family actually dependent upon him] upto a maximum period of six months during the full period of his service such leave on average pay being mattered as twice the amount of leave in his sick leave account.

<sup>3</sup>**[Explanation :**

For the purpose of Regulation No. 82 and 83, the expression, "Member of his family actually dependent upon him" means an employee's wife or husband and employees parents and legitimate children ordinarily residing with him/her and wholly dependent upon him/her.]

84. **Extraordinary leave:**

<sup>1</sup>[(1) Extraordinary leave may be granted to an employee in special circumstances -

- (a) When no ordinary leave is due to him or having regard to the length of service of the employee sick leave or special leave is not considered justified, or
- (b) When other kind of leave is admissible, the employee applied in writing for the grant of extraordinary leave.

(2) Except in exceptional circumstances, the duration of extraordinary leave shall not exceed three months on any occasion :

Provided that in the case of an employee who has been in continuous service for a period exceeding one year, if such employee is undergoing treatment for tuberculosis in a recognised sanatorium or under a qualified tuberculosis specialist or a civil surgeon, the duration of extraordinary leave may, subject to such conditions as may be determined by the <sup>5</sup>[Corporation] extend to twelve months.

(3) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

**85. Maternity leave :** <sup>4</sup>(1) The Corporation may grant to a female employee who has put in atleast one year of continuous service, maternity leave for a period of ninety days from

1. Substituted vide notification No. EST/LAW.AMD.12 (7) dt. 18-10-77 Published in G.G.G. Part IV C; dt. 3-11-77 at Page No. 872 to 901.
2. Substituted for the words, "sick leave on average pay", by notification NO.EST/LAW/AMD/12 dated 27-4-84 published in G.G.G. Part IV-C dt. 7-6-84 on Page No. 1013 to 1016
3. Inserted vide notification ibid.
4. Substituted vide notification No. EST/LAW/AMD/12 (14) dated 23.02.85 published in G.G.G. Part IV C dated 21-3-85 on Page No. 1343 to 1345.
5. Substituted for the words "Chief Executive Officer" vide notification No. EST/LAW/AMD/12(7) dt. 21.11.81 published in GGG Extraordinary Part IV-C dt.30-11-81 at Page No.68-1 to 68-5.

the date of its commencement. Such leave shall not be debited to the leave account of the employee and shall not be granted to the employees who has three or more living children.

- (2) The leave salary admissible: during the period of maternity, leave shall be regulated as follows : (i) In the case of an employee who has put in two years continuous service or more, the leave salary shall be granted of the amount specified below :
  - (a) the substantive pay on the day before the leave commences or
  - (b) (i) in respect of the first sixty days of the maternity leave the average monthly pay earned during twelve complete months preceding the month in which the leave commences; and (ii) thereafter the average monthly pay earned during the 36 complete months or actual number of complete months whichever is less, preceding the month in which the leave commences. (iii) In the case of an employee who has put in continuous service for a period exceeding one year but less than two years, the leave salary admissible will be equal to half the average pay.
- (3) A female employee may be granted leave of any other kind admissible to her in combination with, or in continuation of maternity leave, if the request for its grant is supported by sufficient medical certificate.

<sup>1</sup>[86. **Joining time :**

- (1) Joining time may be granted to an employee -
  - (a) to join a new post either at the same station or new station <sup>2</sup>(Deleted) on relinquishing charge of his old post,
  - (b) <sup>3</sup>[to join a new post at a new station on return from leave of not more than six months duration, which may include ordinary leave, sick leave or any combination thereof.
- (2) Joining time of an employee in cases involving a transfer from one station to another shall be eight days including holidays, whether prefixing, suffixing or intervening :

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1. Substituted vide notification No. EST/LAW/AMD/12 (7) dt. 18-10-77 Published in G.G.G. Part IV-C, dt. 3-11-77 at Page No. 872 to 901.
  2. The words, “without availing himself of any leave” are deleted vide notification No. EST/LAW/AMD/12, (7) dt. 21-11-81 Published in G.G.G. Part IV-C Extraordinary dt. 30-11-81 at page no 68-1 to 68-5.
  3. Substituted *ibid*.

Provided that in a deserving case the Appointing Authority may for reasons to be recorded in writing allow more joining time subject to a maximum of thirty days.

- (3) in case where the appointment to a post in another office does not necessarily involve a change of residence from one station to another or where the actual change of office is in the same station joining time of not more than one clay shall be allowed :

Provided that a holiday shall count as one day for the purposes of the sub-regulation :

Provided further that no joining time shall be admissible where the change of appointment involves a change of post in the same office.

- (4) Where an employee is authorised to <sup>1</sup>[take over] charge of post elsewhere than <sup>1</sup>[at its head quarter] his joining time shall be calculated <sup>1</sup>[from the date] at which he takes over charge.
- (5) An employee on joining time shall be regarded as on duty and shall be entitled to be paid the pay which he would have drawn, if he had continued in the old post or the pay which he will draw on taking charge of the new post whichever is less. For journey undertaken by him for joining the new post, he shall be entitled to allowances admissible under regulation 90.]

#### <sup>2</sup>[86.A **Applicability of Government orders or directions with regard to leave and Joining time**

Unless the Corporation otherwise determines, the orders or directions issued by the Government in respect of all leave entitlements of its employees shall also be applicable to employee of the Corporation in regard to regulations dealing with leave and Joining time in this Chapter.

### **CHAPTER : VII Compensatory Allowance**

#### **87. Kind of compensatory allowances:**

- (1) The following kinds of compensatory allowances shall be granted in accordance with the provisions of this section

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1. The word “make” is substituted by Corrigendum No. EST/LAW/AOM/12 (7) dt. 21-11-81 Published in G.G.G. Extraordinary Part IV-C, dt. 30-11-81 at Page No. 68-6 to 68-7.
  2. Inserted vide notification No.GIDC/EST/LAW/AMD/12 (14) dated 10-5-89 Published in G.G.G. Part - IV-C dt. 1-6-89 on Page No. 1303 to 1304

- (a) Dearness allowance, House Rent Allowance and Compensatory Local Allowance;
  - (b) Travelling Allowance; and
  - (c) Halting Allowance.
- (2) The grant of a compensatory allowance not mentioned in sub-Regulation (1) shall require the specific sanction of the Corporation in each case.

88. **Compensatory allowance not be source of Profit:** The grant of compensatory allowance shall be so regulated that the allowance shall not on the whole, be a source of profit to the recipient.

## **Section : II**

### **Dearness Allowance**

89. **At what rate to be paid :** (1) Until the Corporation otherwise determines, the dearness allowance shall be paid to the employees of the Corporation at the rates sanctioned by Government and subject to such other increase in the rate as may be sanctioned by Government from time to time in this behalf.
- (2) **Dearness Allowance during leave :** A dearness allowance may be drawn during leave, not being extraordinary leave, provided that the duration of the leave does not exceed four months, if leave taken exceeds four months the allowance shall cease after leave for four months has been availed of.
- (3) Until the Corporation otherwise determines, house rent allowance and compensatory local allowance shall be paid to the employees of the Corporation at the rate sanctioned by Government and subject to such other increase in the rates as may be sanctioned by Government from time to time.

## <sup>1</sup>[Section II-A

### **Medical Allowance**

89.A **Medical Allowance:** Unless the Corporation otherwise determines, the employee shall be paid medical allowance at the same rates and subject to such conditions on which such allowance is paid to the employees of the State Government.

Provided that where an employee opts for medical reimbursement under the GIDC Employees (Medical Reimbursement) Regulations, 1972, shall not be entitled for payment of these allowances.]

## **Section : III**

### **Travelling Allowance**

90. **Unless the Corporation otherwise determines the:** Travelling Allowances on various journeys performed by the employees of the Corporation shall be paid at the same rates and subject to the same conditions on which allowances are paid to the employees of Gujarat State.

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1. Inserted vide notification No.GIDC/EST/LAW/AMD/12(4) DT. 16.5.1973 published in G.G.G. Part IV-C dt. 3.6.93 at page No.411-412.

## <sup>1</sup>[Section: IV

## Miscellaneous

<sup>2</sup>[90.A (1)] **Advances to employee:** Subject to the availability of funds and to extent and such other conditions as may be determined by the Corporation, the Appointing Authority may grant to an employee.

- (a) Pay in advance.
- (b) Advance for travelling on duty.
- (c) Festival Advance.
- (d) Advance for purchase of motorcycle or bicycle.
- (e) Advance for purchase of a fan.
- [(ee)House building Advance.]
- (f) Advance for other purposes approved by Corporation.

<sup>2</sup>(2) Utilisation of the advance or the part thereof for a purpose other than that for which it is sanctioned shall render the employee liable to suitable disciplinary action, in addition to the liability to refund to the Corporation forthwith the entire amount of advance together with interest or penal interest accrued thereon.

90.B **Travel Concession:** (1) Until the Corporation otherwise determines, a whole time employee of the Corporation shall be eligible to travel concession subject to such conditions on which this benefit is available to State Government Employees from time to time in accordance with the orders issued by the State Government in this behalf :

Provided that the travel concession shall not be admissible to an employee who has not completed one year of continuous service on the date of Journey performed by him/her for visiting his/her home town.

- (2) The Travel concession available to an employee under sub-regulation (1) shall be available to the members of his family also.
- (3) Unless otherwise determined by the Corporation, the conditions laid down in Government of Gujarat, Finance Department Resolution No. MSB-2166 4298-J, dated the 15th October, 1966 as modified from time to time and in force on the 1st October, 1970 in respect of travel concessions to Government servants shall mutatis mutandis apply to the grant of travel concession to an employee under this regulation.]

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1. Inserted vide notification No. EST/LAW/AMD 12(7) dt. 18-10-77 Published in G.G.G. Part IV-C dt. 3-11-77 at Page No. 872 to 901.
  2. Renumbered Regulation 90-A as 90-A(1) and inserted vide notification No. EST/LAW/AMD/12 (7) and Published in G.G.G. Part IV C dt. 21-9-89. at Page No. 2130

90.C <sup>1</sup>**Group Insurance Scheme:** The Corporation may maintain and administer Employees Group Insurance scheme for the officers and servants of the Corporation and may prescribe terms and conditions in this behalf to extend the benefit of Group Insurance to its employees.

91.3 Deleted

92. **The Corporation shall maintain and administer a Contributory Provident Fund:** All officers and servants of the Corporation who are not on deputation from Government or any public body shall subscribe to the contributory Provident Fund. The fund shall be administered in accordance with the Gujarat Industrial Development Corporation Employees' Provident Fund Regulations.

93. In respect of permanent servants of the Government or any public body transferred or loaned to the Corporation leave and pension contribution shall be paid by the Corporation as per B.C.S. Rules or rules of such bodies as the case may be. These officers and servants will be governed by their own Provident Fund Rules.

94. Notwithstanding anything contained in these Regulations, the pay scales and conditions of service of Government Servants deputed to the Corporation shall be regulated according to the conditions of deputation agreed between the Government and the Corporation in each case.

<sup>2</sup>[95. In case of employees attached to the special scheme mentioned in Appendix 'B' the provisions relating to leave as contained in Chapter VI of these regulations shall not apply and in lieu of those provision such employees shall be eligible to such kind of leave and to such extend as the Corporation may determine having regard to the nature of work required to be done under such special scheme.]

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1. Inserted vide notification No. GIDC/EST/LAW/AMD/12 (7) dt. 7-1-77 Published in G.G.G. Part IV-C dt. 20-1-77 at Page No. 35 to 36.
  2. Inserted vide notification No. EST/LAW/AMD/12 (4) dt. 31.12.86 published in GGG Part IV-C dt. 12-2-87 at page No.219 to 237.
  3. Deleted vide notification NO.GHU:3:IND 1665/41650-0 dated 15-4-66 with effect from 1-6-65.

Gt/-