



**T. N. E. B. EMPLOYEES'
DISCIPLINE & APPEAL
REGULATIONS**

1983

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PART—I

TAMIL NADU ELECTRICITY BOARD EMPLOYEES' DISCIPLINE AND APPEAL REGULATIONS

In exercise of the powers conferred by Section 79 (C) of the Electricity (Supply) Act, 1948, the Tamil Nadu Electricity Board hereby makes the following regulations :-

REGULATIONS :

1. Short title and Commencement

(a) These regulations may be called the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulations.

(b) They shall come into force on and from the 10th June, 1967.

2. Applicability

Subject to such exceptions and deviations as the Board may, from time to time, deem necessary to make from the generality of these regulations in specific cases or in the case of any class or classes of employees, these regulations shall apply to all the employees of the Board including the employees of the Government of Tamil Nadu who have opted for service under the Board:

Provided that nothing in these regulations shall operate to deprive any employee of any right or privilege to which he is entitled to by or under any law for the time being in force:

Provided further that in the case of employees appointed on contract, they shall except in so far as they are not governed by the terms of the contract, be regulated by the provisions of these regulations.

These regulations will not be applicable to those categories of employees for whom Standing Orders have been framed under the Industrial Employment (Standing Orders) Act, 1946.

3. Removal of doubts

If any doubt arises—

(a) as to whether these regulations apply to any employee; and

(b) in regard to the applicability or otherwise of any of the provisions in these regulations, the matter shall be referred to the Board, whose decision shall be final.

4. Definitions

The terms used in these regulations shall be deemed to have the same meaning attached to them as those in the Tamil Nadu Electricity Board Service Regulations.

5. Penalties

The following penalties may, for good and sufficient reasons or for any misconduct specified in regulation 5-A and as hereinafter provided, be imposed upon the employees of the Board, namely—

- (i) Censure.
- (ii) Fine (in the case of employees in Class IV Service).

Note:—The penalty shall be subject to the provisions of the Payment of Wages Act in respect of those to whom that Act applies.

- (iii) Withholding of increments or promotion.
- (iv) Reduction to a lower rank in the seniority list or to a lower post or time-scale, whether in the same class of service or in another class of service, or to a lower stage in a time-scale.
- (v) (a) Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders, or
- (b) recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld, where such an order cannot be given effect to.
- (c) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time-scale ordered, where such an order cannot be given effect to.

Explanation:—In cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered.

- (vi) Compulsory retirement otherwise than the retirement of an employee—
 - (a) on attaining the age of superannuation;
 - (b) owing to reduction of establishment;
 - (c) owing to his permanent incapacity for service on account of bodily or mental infirmity; and
 - (d) whose efficiency has been impaired after completion of 25 years of continuous service.
- (vii) Removal from service;
- (viii) Dismissal from service;
- (ix) Suspension, where a person has already been suspended under regulation 9, to the extent considered necessary by the authority imposing the penalty.

The penalties specified in items (i); (ii); (iii); (v) and (ix) shall be deemed to be minor penalties and the penalties specified in items (iv); (vi); (vii) and (viii) shall be deemed to be major penalties.

Explanation :—

I. The discharge—

- (a) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation ; or
- (b) of a person engaged under contract, in accordance with the terms of his contract ; or
- (c) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment does not amount to removal or dismissal within the meaning of this regulation.

(d) The following penalties shall not be deemed to be penalties for purposes of this Regulation, namely :—

- (i) withholding of increment for failure to pass any departmental examination in accordance with the Regulations or orders governing the conditions of service of an employee ;
- (ii) stoppage in the time scale of pay of a Board employee at the efficiency bar on the ground of his unfitness to cross the bar.
- (iii) non-promotion of a Board employee whether in a substantive or officiating capacity, after consideration of his case for promotion to a service, grade or post to which he is eligible.
- (iv) reversion of a Board employee officiating in a higher service, grade or post to a lower service, grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post or any administrative ground unconnected with his conduct.
- (v) reversion of a Board employee appointed on probation to any other service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or regulations and orders governing such probation.
- (vi) replacement of the services of an employee, whose services had been borrowed from a State Government or Central Government or an authority under the control of the State Government or the Central Government at the disposal of the State or Central Government or the authority from whom the services of such employee had been borrowed ; and
- (vii) compulsory retirement of a Board employee in accordance with the provisions relating to his superannuation or retirement.

II. The removal of an employee from the service of the Board shall not disqualify him for future employment but the dismissal of an employee from the service of the Board shall ordinarily disqualify him for future employment under the Board.

III. The seniority on re-promotion of an employee reduced to a lower post on time-scale shall be determined by the date of such re-promotion. He shall not be restored to his original position unless this is specifically laid down at the time the order of punishment is passed or revised on appeal.

IV. An employee on whom the penalty referred to in item (iii) above was imposed will, on re-promotion, count his previous service in the higher grade under regulation 33 (d) of the Tamil Nadu Electricity Board Service Regulations, unless the order of punishment or the order passed on appeal directs otherwise.

5-A. Acts and Omissions constituting misconduct

The following acts and omissions shall be treated as misconduct :—

- (i) Wilful insubordination or disobedience, whether alone, or in combination with another or others, of any lawful and reasonable order of a superior.
- (ii) Striking work or deliberate slowing down of work either singly or along with another or others in contravention of any lawful and reasonable order of a superior.

Striking work or deliberate slowing down of work or inciting other workmen to strike work or slow down work in contravention of orders, of any statute, law, enactment or rule for the time being in force or as applied from time to time.

- (iii) Concerted or organised refusal on the part of employees to receive their pay.
- (iv) Theft, fraud or dishonesty in connection with the Board's property or business.
- (v) Taking or giving bribes or any illegal gratification whatsoever.
- (vi) Collection or canvassing for collection without the written permission of the management of any money within the premises of the establishment.
- (vii) Habitual late attendance or habitual absence without leave or without sufficient causes.
- (viii) Carrying on money-lending or any other private business without the permission of the management within the premises of the establishment.
- (ix) Drunkenness, fighting, riotous or disorderly or indecent behaviour in the premises of the establishment or any act subversive of discipline.
- (x) Habitual negligence or neglect of work.
- (xi) Habitual indiscipline.
- (xii) Smoking within the premises of the establishment in places where it is prohibited.
- (xiii) Causing wilful damage to work in progress or to any property in the establishment.
- (xiv) Distribution, exhibition, display or use within the boundaries of work spot or premises, of any newspapers, hand bills, pamphlets or posters, flags or loud speakers without previous sanction of management.
- (xv) Refusal on the part of an employee to work on a job or a machine other than the job or machine on which he is usually engaged without adversely affecting his service conditions.

- (xvi) Holding meetings within the establishment or in any of the premises including the precincts thereof owned by the Tamil Nadu Electricity Board without the previous sanction of the management.
- (xvii) Gambling within the premises of the establishment.
- (xviii) Sleeping while on duty.
- (xix) Malingering or slowing down of work.
- (xx) Unauthorised use of Board's quarters or land.
- (xxi) Acceptance of gifts from subordinates.
- (xxii) Lending or borrowing money to or from subordinates.
- (xxiii) Insolvency.
- (xxiv) Writing of anonymous or pseudonymous letters criticising the Board or any person employed by the Board.
- (xxv) Spreading false rumours, or giving false information, which tends to bring into disrepute the Board or those employed by the Board or spreading panic among them.
- (xxvi) Conviction in any Court of Law for any criminal offence involving moral turpitude.
- (xxvii) Theft of employee's property inside the premises of the establishment.
- (xxviii) Continuous absence without permission and without satisfactory cause for more than five days.
- (xxix) Giving false information regarding name, father's name, qualification, age or previous service or any other information connected with employment, at the time of employment or any other time during service.
- (xxx) Any breach of any rules.
- (xxxi) Abetment of or attempt to commit any of the above acts of misconduct.
- (xxxii) Habitual breach of any rules or instructions for the maintenance and cleanliness of work places.
- (xxxiii) Wilful disobedience of any order expressly given or any rule expressly framed for the purpose of securing safety or wilful removal or disregard of or interference with any safety guard or other device provided for securing safety.
- (xxxiv) Accepting service in any other establishment other than that belonging to Board or Private remunerative employment from any person.
- (xxxv) Leaving one's post or duty without prior permission from higher authorities.
- (xxxvi) Conducting or promoting any raffle or lottery and participating in any unauthorised lottery or raffle within the premises of the establishment.
- (xxxvii) Enrolling as member in any political party.

- (xxxviii) Engaging in unlawful or illegal demonstrations to coerce or force the management to concede any demand or demands.
- (xxxix) Indulging in subversive or other activities which are prejudicial to national security.

6. (a) Competent and appellate disciplinary

Authorities

The authorities which may impose penalties specified in regulation 5 and the appropriate authorities to whom appeal lies are specified in the table below :—

Class and category of Employees. (1)	Nature of penalty (2)	Competent authority to impose the penalty in Col. 2, (3)	Appellate authority. (4)
1. Class I			
(A) Chief Engineers and General Superintendent	(a) Censure	Chairman	Board
	(b) Withholding of increments.		
	(c) Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders; or		
	(d) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld, or equivalent to the amount of reduction to a lower stage in a time scale and where such an order cannot be given effect to.		
	(e) Suspension where a person has already been suspended, to the extent considered necessary.	Board	**—
	(f) Withholding of promotion.		
	(g) Reduction to a lower rank in the seniority list or to a lower post or time-scale whether in the same or in another class of service, or to a lower stage in a time scale.		
	(h) Compulsory retirement otherwise than on attaining the age of superannuation.		
	(i) Removal from service.		
	(j) Dismissal from service.		

	(1)	(2)	(3)	(4)
(B)	Officers of Class-I other than Chief Engineers and General Superintendent.	(i) Penalties in items (a) to (e) in Col. 2 against Class-I employees under 1 (A) above. (ii) Penalties in items (f) to (j) in Col. 2 against Class-I employees under 1 (A) above.	Chairman. Board.	Board. **—
2. Class II.				
(A)	Under Secretaries in Board Office Secretariat Branch and Internal Audit Officers in Board Office Audit Branch.	(i) Penalties in items (a) to (e) in Col.2 against Class I employees under 1 (A) above. (ii) Penalties in items (f) to (j) in Col. 2 against Class I employees under 1 (A) above.	Chairman. Board.	Board. **—
(B)	Section Officers in Board Office Secretariat Branch and Assistant Audit Officers in Board Office Audit Branch.	(i) Censure (ii) Penalties in items (b) to (j) in Col. 2 against Class I employees under 1 (A) above.	Secretary. Chairman.	Chairman. Board.
(C)	Assistant Divisional Engineers (E); (C) or (M); Chemist, Stores Superintendent, Chief Head Draftsman, Personnel Officer, Personnel Assistants, Accounts Officer and Assistant Accounts Officers.	(i) Penalties in items (a) to (e) in Col. 2 against Class I employees under 1 (A) above. (ii) Penalties in items (f) and (g) in Col. 2 against Class I employees under 1 (A) above. (iii) Penalties in items (h); (i) and (j) in Col. 2 against Class I employees under 1 (A) above.	C.E. Chairman. Board.	Chairman. Board. **—
* (D)	Assistant Engineers; Junior Engineers I Grade, Senior Superintendents and Special Grade Accountants.	(i) Penalties in items (a) to (e) in Col. 2 against Class I employees under 1 (A) above. (ii) Penalties in items (f) to (j) in Col. 2 against Class I employees under 1 (A) above.	Immediate superior officer in Class I or Class II service or any higher authority. Appointing authority or any higher authority.	Next higher authority. —do—
*3	Class III and Class IV Employees	(a) Penalties in items (a) to (e) in Col. 2 against Class I employees under 1 (A) above and fine in respect of Class IV employees. (b) Penalties in items (f) to (j) in Col. 2 against Class I employees under 1 (A) above.	Immediate superior officer in Class I or Class II service or any higher authority. Appointing authority or any higher authority.	—do— —do—

* Entries against items 2 (D) and 3 in the above table are those as in the existing table.

** See Regulation (14) (a) (1)

Note:—The expression "Immediate Superior Officer in Class-I or Class-II Service" occurring in Column (3) against item 3 (a) above means the immediate Superior Officer in Class-I or Class II Service under whom the delinquent was working at the time when the lapses were committed and includes his successor in office.

(b) Competency of authorities superior to disciplinary authority

Wherein any case a higher authority has imposed or declined to impose a penalty under this regulation, a lower authority shall have no jurisdiction to proceed under this regulation in respect of the same case.

(c) The fact that a lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this regulation in respect of the same case.

(d) The order of a higher authority imposing or declining to impose in any case a penalty under this regulation shall supersede any order passed by a lower authority in respect of the same case.

(e) The fact that a lower authority has dropped a charge against person as not proved shall not debar a higher authority from reviving it for reasons to be recorded in writing and taking suitable action on the charge so revived.

7. Disciplinary authority in certain cases

(a) Where on promotion or transfer, a member of a class of service in a division, category or grade is holding an appointment in another division, category or grade thereof or in another class of service, no penalty shall be imposed upon him in respect of his work and conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the class of service in the latter division, category or grade or class of service, as the case may be.

(b) Where a person has been reverted or reduced from one class or service to another or from one division, category or grade of a class of service to another division, category or grade thereof, no penalty shall be imposed upon him in respect of his work and conduct while he was a member of the class of service, division, category or grade, as the case may be, from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such class of service, division, category or grade as the case may be.

8. Procedure for imposing of penalties

(a) In every case where it is proposed to impose on an employee any of the penalties in items (i), (ii), (iii), (v) and (ix) in regulation 5, he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed:

Provided that the requirements of this sub-regulation shall not apply where it is proposed to impose on an employee any of the penalties aforesaid on the basis of facts which have led to his conviction by a courtmartial or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him.

(b) In every case where it is proposed to impose on an employee any of the penalties in items (vi) to (viii) in regulation 5, he shall be given a charge sheet setting forth the grounds on which it is proposed to take action and any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall

be required to answer the charge or charges in a written statement within a reasonable time not exceeding one month and also to state whether he desires an oral enquiry or to be heard in person or both. An oral inquiry shall be held if the employee desires such inquiry, or if so directed by the authority concerned. At that inquiry oral evidence shall be heard as to such of those allegations as are not admitted. The employee shall be permitted to produce witness in his defence and cross examine any witness on whose evidence the charge rests. The officer conducting the inquiry may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The enquiring officer shall ask, in writing, the delinquent employee immediately after the enquiry is over, whether he had a reasonable opportunity of presenting his case or if he has any complaint in this regard. If there is any complaint in this regard, the enquiring officer will examine the complaint and set right the matter. If it is considered that the alleged denial of reasonable opportunity is made with a view to delay the disciplinary proceedings, the enquiring officer will be competent to ignore the complaint and the reasons for not complying with the request should be recorded. After the inquiry has been completed, the person charged shall be entitled to put in, if he so desires, a further written statement of his defence. Whether or not the person charged desired or had an oral enquiry, he shall be heard in person at any stage if he so desires before passing of final orders. A report of the enquiry or personal hearing (as the case may be) shall be prepared by the authority holding the enquiry or personal hearing whether or not such authority is competent to impose the penalty. Such report shall contain a sufficient record of the evidence, if any, and a statement of the findings and the grounds thereof.

After the enquiry or personal hearing referred to in clause (b) has been completed and after the authority competent to impose the penalty mentioned in that clause has arrived at provisional conclusions in regard to the penalty to be imposed on the basis of the evidence adduced during the enquiry, he shall make an order imposing such penalty and it shall not be necessary to give the person charged any opportunity of making representation on the penalty proposed to be imposed.

(c) (i) The requirements of clause (b) shall not apply—

(a) Where it is proposed to impose on an employee any such penalty as is referred to therein on the basis of facts which have led to his conviction in a criminal court (whether or not he has been sentenced at once by such court to any punishment), but he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed;

(b) Where it is proposed to impose on an employee any such penalty as is referred to therein on the basis of facts which have led to his conviction by a court martial or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him.

(ii) The provisions of clause (b) shall not apply if the Board is satisfied that in the interest of security it is not expedient to follow the procedure prescribed in that clause.

(iii) The requirements of clause (a) or/and (b) shall not apply—

(a) When the person is a temporary employee or daily wage earner or casual worker.

(b) When the person charged admits the charge or charges.

(c) Where the employee is caught red-handed having committed or while committing an act of misconduct.

(d) (i) All or any of the provisions in clauses (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of the clauses and those requirements can be waived without injustice to the person charged.

(ii) If any question arises whether it is reasonably practicable to follow the procedure in clause (b), the decision thereon of the authority empowered to dismiss or remove such employee, as the case may be, shall be final.

(e) (i) The competent authority or the enquiry officer, as the case may be, may in his discretion give an opportunity to the accused employee to inspect any document connected with the enquiry but excluding any confidential papers which in his opinion shall not be disseminated but such request for inspection may, for good and sufficient reasons (which need not be recorded nor communicated) be refused partially or wholly. The employee will not be entitled to copies of documents.

(ii) No pleader or outsider representative shall be allowed to appear on behalf of the accused employee during the enquiry or during appeal hearing.

(f) The competent authority may authorise any officer in Class I or Class II service superior in rank to the employee to initiate departmental proceedings and to hold enquiry against the employee. On the findings of that officer, the competent authority may award punishment or otherwise give a decision.

9. Suspension

(a) A member of a class of service may be placed under suspension from service, where—

(i) an enquiry into grave charges against him is contemplated, or is pending, or

(ii) a complaint against him of any criminal offence is under investigation or trial and if such suspension is necessary in the public interest.

(b) An employee who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended under this regulation.

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

(d) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee of the Board is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal/removal or compulsory retirement was originally

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

- (dd) Where a Board employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and if any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Board employee shall continue to be under suspension until the termination of all or any such proceedings.
- (e) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

10. Disciplinary action in respect of employees of State / Central Government or outside bodies

(a) If any employee to be proceeded against is an employee of the State or Central Government or of any other outside body and is on deputation to the Board, no punishment shall be imposed on him without the concurrence of the authority who lent his services to the Board. If it is considered that the penalty of compulsory retirement, reduction in rank, removal or dismissal is to be imposed, the competent authority shall complete the enquiry and revert the employee concerned to the State or Central Government or other employer, as the case may be and also forward the records of enquiry for such action as is considered necessary.

(b) If a Board's employee is on foreign service, the foreign employer shall not impose any punishment on him without the concurrence of the Board. If any of the major punishments of reduction, compulsory retirement, removal or dismissal is to be imposed, the foreign employer shall conduct the necessary enquiry, send the complete papers to the Board and also revert the employee concerned to the Board's Service for such action as is considered necessary by the Board against him.

(c) In case an employee referred to in clause (a) or (b), has to be suspended pending enquiry, the foreign employer shall place him under suspension but shall report forthwith to the lending authority the circumstances leading to the suspension.

10-A. Disciplinary action against Board's employee at the disposal of Government, etc.

Where a Board's employee, whose service are placed at the disposal of the State Government, any Company, Corporation, Organisation of Local Authority, has at any time before his services were so placed, committed any act or omission which renders him liable to any penalty specified in Regulation 5, the authority competent under Regulation 8 to impose any such penalty on such member or person shall alone be competent to institute disciplinary proceedings against him and to impose on him such penalty specified in Regulation 5, as he thinks fit and the borrowing authority under whom he is serving at the time of the institution of such proceedings shall be bound to render all reasonable facilities to such competent authority in instituting and conducting such proceedings.

10-B. Disciplinary action against an employee lent to the Board

1. Where an order of suspension is made or a disciplinary proceedings is conducted against a person whose services have been borrowed from any Company, Corporation, Organisation, Autonomous Board or other authority, the authority lending his service (hereinafter in this regulation referred as the 'lending authority,') shall forth-with be informed of the circumstances leading to the suspension of such employee or the commencement of the disciplinary proceedings, as the case may;

2. In the light of the findings in the disciplinary proceedings conducted against such employee, if the disciplinary authority is of the opinion that any of the penalties specified in Clauses [i] to [iii] and [v] of Regulation 5 should be imposed on him, it may after consultation with the lending authority pass such orders on the case as it may deem necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of such employee shall be replaced at the disposal of the lending authority.

3. If the borrowing authority is of the opinion that any of the penalties specified in items [iv] and [vi] to [viii] of Regulation 5, should be imposed on such employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it all the proceedings of the enquiry for such action as it may deem necessary.

10-C. Service of notice

Every order, notice and other process made or issued under these Regulations shall be served in person on the Board employee concerned or sent to him by registered post acknowledgement due, or if such person is not found, by leaving it at his last known place of residence or by giving or tendering it to an adult member of his family or if none of the means aforesaid is available by affixing it in some conspicuous part of his last known place of residence."

11. Record of enquiry

The authority imposing any penalty under these regulations shall maintain a record showing:

- [i] the allegations upon which action was taken against the person punished;
 - [ii] the charges framed, if any;
 - [iii] the person's representation, if any, and the evidence taken, if any; and
 - [iv] the finding and the grounds thereof, if any.
- [b] All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

12. Suspension pending enquiry

The authority which may impose suspension pending investigation or enquiry into grave charges under regulation 9 shall be as follows:—

<i>Category of Employees.</i>	<i>Authority which may impose suspension.</i>
(a) Members of Class I and II Service.	The authority competent to award 'censure' on the particular category of employees.
(b) Members of Class III and IV Service.	* Immediate superior officer in Class II or Class I Service.

* [As existing].

13. Appeal

Every employee of the Board shall be entitled to appeal to the appellate authority prescribed in regulation 6 as hereinafter provided from an order passed by an authority:

- (a) imposing upon him any of the penalties in regulation 5; and
- (b) reducing or withholding the maximum pension, including an additional pension, admissible to him.

14. [a] [i] : An employee of the Board, in whose case the Board has passed original orders, shall be entitled to submit within a period of two months from the date on which the order was communicated to him, a petition to the Board for review of the order passed by it on any of the grounds specified below:—

- [a] that the order was not passed by the competent authority;
 - [b] that a reasonable opportunity of defending himself was not given;
 - [c] that the punishment is excessive or unjust;
 - [d] discovery of new matter or evidence which the appellant alleges and proves to the satisfaction of the Board, was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed;
 - [e] evident error or omission such as failure to apply the Law of Limitation or an error of procedure apparent on the face of the record.
- (2) The petition for review which does not satisfy any of the above grounds shall be summarily rejected.

[b] Every employee belonging to Class I and II service shall be entitled to appeal to the Board against any order passed by the C.E. or a subordinate authority which interprets to his disadvantage the provisions of any Service Regulations or contract of service whereby his conditions of service, pay, allowance or pension are regulated.

[c] Every employee belonging to Class III and IV service shall be entitled to appeal as indicated below against any order of the kind mentioned in clause (b) above:—

Authorities passing orders. (1)	Appellate authority. (2)
1. Orders passed by any officer of the rank of a D.E.E. or any other subordinate authority.	Superintending Engineer concerned.
2. Orders passed by an officer of the rank of Chief Operation Engineer and S.E.	Chief Engineer.
3. Orders passed by the C.E.	Tamil Nadu Electricity Board.
4. Orders passed by the Secretary/Under Secretary to the Board.	Chairman, Tamil Nadu Electricity Board.
5. Orders passed by the Chairman/Tamil Nadu Electricity Board.	Tamil Nadu Electricity Board.

[d] The appellate authority shall after considering the appeal pass such orders as appears to it just and equitable, having regard to all the circumstances of the case.

15. Consideration of appeals

(1) In the case of an appeal against an order imposing any penalty specified in Regulation 5, the appellate authority shall consider:

- (a) whether the facts on which the order was based have been established;
- (b) whether the facts established afford sufficient ground for taking action;
- (c) whether the penalty is excessive, adequate or inadequate and pass orders.
 - (i) Confirming, enhancing, reducing or setting aside the penalty; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case; provided that:—
 - (i) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv), (v) (c), (vi), (vii) and (viii) of Regulation 5 and an enquiry under sub-Regulation (b) of Regulation 8 has not already been held in the case, the appellate authority shall subject to the provisions of the sub-Regulation (c) of Regulation 8, itself hold such enquiry or direct that enquiry be held in accordance with the provisions of sub-Regulation (b) of Regulation 8 and thereafter, on a consideration of the proceedings of such enquiry and after giving the appellant a reasonable opportunity of making representation against the penalty proposed on the basis of the evidence adduced during such enquiry make such orders as it may deem fit;
 - (ii) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties in items (iv), (v) (c), (vi), (vii) and (viii) of Regulation 5 and an enquiry under sub-Regulation (b) of Regulation 8 has already been held in the case, the appellate authority after giving the appellant reasonable opportunity of making representation against the penalty proposed on the basis of the evidence adduced during enquiry, make such orders as it may deem fit; and
 - (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of sub-regulation (b) of Regulation 8 of making representation against such enhanced penalty".

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers, for reasons to be recorded in writing, that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

(3) The appellate authority or any higher authority than the competent authority prescribed in regulation 6 may *suo motu* call for the enquiry papers even in the absence of any appeal from the accused person and review the decision of the competent authority taking into account all recorded facts and also other facts subsequently disclosed. Such authority may amend the orders if in its opinion the punishment given is inadequate or excessive, provided that in case the punishment awarded is considered inadequate, the accused person may be given an opportunity to be heard before the punishment is enhanced.

16. Submission of appeal

Every person preferring an appeal shall do so separately and in his own name.

17. Contents of appeal

Every appeal preferred under these regulations shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the head of the office in which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

18. Withholding of appeals

An appeal may be withheld by the authority not lower than the authority from whose order it is preferred, if:—

- (i) it is an appeal in a case in which under these regulations no appeal lies, or
- (ii) it does not comply with the provisions of Regulation 17, or
- (iii) it is not preferred within one month after the date on which the appellant was informed or was in receipt of the order appealed against, and no reasonable cause is shown for the delay, or
- (iv) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case, or
- (v) it is addressed to an authority to which no appeal lies under these regulations:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it:

Provided further that an appeal withheld on account only of failure to comply with the provisions of Regulation 17 may be resubmitted at any time within 15 days of the date on which the appellant has been informed of the withholding of the appeal, and if resubmitted in a form which complies with those provisions, shall not be withheld.

19. No appeal shall lie against the withholding of an appeal by a competent authority.

20. Forwarding of appeals and submission of list of appeals withheld

- (a) Every appeal which is not withheld under these regulations shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.
- (b) A list of appeals withheld under Regulation 18 with the reasons for withholding them shall be forwarded half-yearly by the withholding authority to the appellate authority.

21. Powers of an appellate authority

As appellate authority or the Board may call for any appeal admissible under these regulations which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

22. Review of orders in disciplinary cases

Any order issued by an authority imposing any of the penalties specified in regulation 5 cannot be reviewed, revised or altered by that authority for any reason whatsoever, but only by the appellate authority, or any higher authority.

23. Nothing in these regulations shall operate to deprive any person of any right of appeal, which he would have had if these regulations had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these regulations came into force shall be deemed to be an appeal under these regulations, and regulation 15 shall apply as if the appeal were against an order appealable under these regulations.

24. Memorial

(a) Any employee (includes also an employee who was in the service of the Board) whose appeal under these regulations has been rejected by the appellate authority, may address a memorial to the Board in respect of that matter. The memorial shall be submitted to the head of the office to which the employee belongs or belonged within six months from the date on which the final order passed on appeal was communicated to the employee. No such memorial shall be withheld by any authority.

(b) A memorial will be liable to summary rejection if—

- (i) the memorialist has not availed himself of the remedies provided by the regulations or orders applicable to the case;
- (ii) the memorial was not submitted within the time limit mentioned in clause (a) above;
- (iii) the memorial relates to a matter which has already been disposed of by the Board.

The authority forwarding a memorial shall state on it whether the memorialist has complied with the above requirements.

Note:—A memorial under this regulation is also permissible in respect of matters disposed of by the Board as competent authority and in respect of which there is no appellate authority.