

Procedure for imposing major penalties:

- (1) No order imposing any of the major penalties specified in clauses (f), (g), (h), (i) and (j) of regulation 4 shall be made except after an inquiry is held in accordance with this regulation.
- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an officer employee, it may itself enquire into, or appoint any other public servant (hereinafter referred to as the inquiring authority) to inquire into the truth thereof.

Explanation: When the Disciplinary Authority itself holds the inquiry any reference in sub-regulation (8) to sub-regulation (21) to the inquiring authority shall be construed as a reference to Disciplinary Authority.

- (3) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the officer employee and the articles of charge, together with a statement of the allegations, list of documents relied on along with a copy of such documents and list of witnesses, if any, on which they are based, shall be communicated in writing to the officer employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence.

Provided that wherever it is not possible to furnish the copies of documents, disciplinary authority shall allow the officer employee inspection of such documents within a time specified in this behalf.

- (4) On receipt of the written statement of the officer employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or if it considers it necessary so to do appoint under sub-regulation (2) an Inquiring Authority for the purpose :
Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the officer employee in his written statement but shall be necessary to record its findings on each such charge.
- (5) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority:
 - (i) a copy of the articles of charges and statements of imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of defence, if any, submitted by the officer employee;
 - (iii) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;
 - (iv) a copy of statements of the witnesses, if any;
 - (v) evidence proving the delivery of articles of charge under sub-regulation (3);

- (vi) a copy of the order appointing the 'Presenting Officer' in terms of sub-regulation (6).
- (6) Where the Disciplinary Authority itself enquires or appoints an inquiring authority for holding an inquiry, it may, by an order, appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (7) The Officer-employee may take the assistance of any other officer employee but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority, having regard to the circumstances of the case, so permits.
- (8) (a) The inquiring authority shall by notice in writing specify the day on which the officer employee shall appear in person before the inquiring authority.
- (b) On the date fixed by the inquiring authority, the officer employee shall appear before the inquiring authority at the time, place and date specified in the notice.
- (c) The inquiring authority shall ask the officer employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the officer employee concerned thereon.
- (d) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the officer employee concerned pleads guilty.
- (9) If the officer employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding 30 days or within such extended time as may be granted by the inquiring authority.
- (10) The inquiring authority while adjourning the case as in sub regulation (9), shall also record by an order that the officer employee may for the purpose of preparing his defence—
- (i) complete inspection of the documents as in the list furnish to him immediately and in any case not exceeding five days from the date of such order, if he had not done it earlier, as provided for in the proviso to sub regulation (3) of the order or within such further time not exceeding 5 days as the inquiring authority may allow, the documents listed;
- (ii) submit a list of documents and witnesses that he wants for the inquiry;
- (iii) give notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of the documents referred to in item (ii).

NOTE : The relevancy of the documents and the examination of the witnesses referred to in item (ii) shall be given by the officer employee concerned.

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

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

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

(13) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority shall be examined by the Presenting Officer. The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the officer employee. The Presenting Officer shall be entitled to re-examine his witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks, fit,

(14) Before the close of the case, in support of the charges, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witness. In such case the officer employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The inquiring authority may also allow the officer employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

(15) When the case in support of the charges is closed the officer employee may be required to state his defence, orally or in writing, as he may prefer; if the defence is made orally, it shall be recorded and the officer employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(16) The evidence on behalf of the officer employees shall then be produced. The officer employee may examine himself in his own behalf, if he so prefers. The

witnesses produced by the officer employee shall then be examined by the officer employee and may be cross-examined by the Presenting Officer. The officer employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the **leave** of the inquiring authority.

- (17) The inquiring authority may, after the officer employee closes his evidence, and shall, if the officer employee has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer employee to explain any circumstances appearing in the evidence against him.
- (18) After the completion of the production of the evidence, the officer employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence,
- (19) If the officer employee does not submit the written statement of defence referred to in sub-regulation (3) on or before the date specified for the purpose, or does not appear in person, or through the assisting officer, or otherwise fails or refuses to comply with any of the provisions of these regulations, the inquiring authority may hold the inquiry **ex parte**.
- (20) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry. ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor or and partly recorded by itself:

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

- (21) (i) On the conclusion of the inquiry the inquiring authority shall prepare a report which shall contain the following :
- (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (b) a gist of the defence of the officer employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each articles of charge and the reasons therefore.

Explanation : if, in the opinion of the inquiring authority, the proceedings of the inquiry establish any article of charge different from the original article of charge, it may record its findings on such article of charge ;

Provided that the findings on such article of charge shall not be recorded unless the officer employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The inquiring authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include :—
- (a) the report of the inquiry prepared by it under clause d):
 - (b) the written statement of defence, if any, submitted by the officer employee referred to in sub-regulation(15).
 - (c) the oral and documentary evidence produced in the course of the inquiry;
 - (d) written briefs referred to in sub-regulation (18), if any,
and
 - (e) the orders, if any, made by the Disciplinary Authority and the inquiring authority in regard to the inquiry.