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ONGC

# ONGC Conduct, Discipline and Appeal Rules, 1994 (Amended-2011)



# **ONGC CONDUCT, DISCIPLINE AND APPEAL RULES, 1994 (Amended 2011)**

**March 14, 2011**

**OIL AND NATURAL GAS CORPORATION LIMITED  
CORPORATE EMPLOYEE RELATIONS GROUP  
TEL BHAVAN, DEHRADUN**

# ONGC CONDUCT, DISCIPLINE AND APPEAL RULES, 1994 (Amended 2011)

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## **Extracts of Minutes of 217<sup>th</sup> Board Meeting held on 14.3.2011 on 'Amendment in ONGC CDA Rules, 1994'**

CMD apprised the Board that Shri Sundar Lal, ED-Chief ER and Shri Baij Nath, GM(HR)-ER shall be making a presentation on the item (No. 217.07).

Shri Sundar Lal and Shri Baij Nath accordingly made a presentation on the proposal. It was explained that the Conduct, Discipline and Appeal Rules, 1994 (ONGC CDA Rules, 1994) were last revised in July 2003 and since then, in view of guidelines issued by various agencies of Government of India and emerging Organizational issues in matters of Conduct and Discipline, a need was felt to amend existing ONGC CDA Rules, 1994.

Shri Baij Nath mentioned that a detailed presentation on the amendments proposed in ONGC CDA Rules, 1994 was made to the 67<sup>th</sup> HRM Committee held on 12th March 2011 which had recommended the same for approval by the Board subject to carrying out certain modifications in Rules 3(f), 25 and 39. The same have been incorporated.

The Board after due consideration of the Agenda item, the presentation and the recommendation of the HRM in its 67<sup>th</sup> meeting held on 12<sup>th</sup> March 2011, approved the proposal and passed the following resolution:

**" RESOLVED THAT the proposed changes in ONGC CDA Rules, 1994 as brought out in Para 4 alongwith proposals at Para 6 and 7 of the Agenda item be and are hereby approved for incorporating the same in ONGC CDA Rules, 1994.**

**FURTHER RESOLVED THAT the Rules shall consequently be referred to as 'ONGC CDA Rules, 1994 (amended 2011)'.**

# ONGC Conduct, Discipline and Appeal Rules, 1994 (AMENDED 2011)

## 1. SHORT TITLE AND COMMENCEMENT:

These Rules may be called **Oil and Natural Gas Corporation Ltd. Conduct, Discipline and Appeal Rules, 1994 (Amended 2011)** (hereinafter referred to as the Rules). They shall come into force from 14.03.2011

## 2. APPLICABILITY

- (1) These Rules shall apply to all the Employees of the Company, including Deputationists except All India Services Officers and workmen as defined in the ONGC Standing Orders for contingent employees. These Rules shall also apply to the employees of Company's wholly owned subsidiaries in India who do not have their own Conduct Rules;
- (2) Nothing in these Rules shall operate to deprive any Employee of any right or privilege to which he is entitled;
  - (a) by or under any law for the time being in force; or
  - (b) by the terms or conditions of service, or any agreement, subsisting between such person and the Government; or
  - (c) by the terms of any agreement subsisting between him and the Company at the commencement of these Rules.
- (3) Where it is considered necessary to make provisions in respect of an Employee, inconsistent with any of these Rules, the Authority making the appointment with the prior approval of the Company may by agreement with such Employee, make such provision and thereupon these Rules shall not apply to such Employee to the extent to which the provisions so made are inconsistent therewith.

### 3. DEFINITIONS:

In these Rules, unless the context otherwise requires:-

- (a) **“Company”** means the Oil & Natural Gas Corporation Ltd. incorporated under the Companies Act, 1956 and also includes its wholly owned subsidiaries in India.
- (b) **“Appointing Authority”**, in relation to an Employee, means:-
  - (i) the Authority empowered to make appointments to the service of which the Employee is for the time being a member or to the grade of the service in which the Employee is for the time being included; or
  - (ii) the Authority empowered to make appointments to the post which the Employee for the time being holds; or
  - (iii) the Authority which appointed the Employee to such service, grade or post as the case may be; or
  - (iv) where the Employee having been a member of any other service or having held any other post has been in continuous employment of the Company, the Authority which appointed him to that service, or to any grade in the service or to that post.
- (c) **“Board”** means the Board of Directors of the Company and includes in relation to the exercise of powers, any Committee of the Board or any officer of the Company, to whom the Board delegates any of its powers.
- (d) **“Competent Authority”** in relation to the exercise of powers under these Rules, means the Company and includes any officer or authority to whom or to which the power is delegated under the Articles of Association of the Company.
- (e) **“Disciplinary Authority”** means the authority competent under these Rules to impose on an Employee any of the penalties specified in these Rules.



- (f) **“Employee”** means a person who holds a post under the Company and includes any such person whose services are placed at the disposal of subsidiaries and Joint Venture Enterprises and also includes any such person whose services are temporarily placed at the disposal of Central Govt. or a State Govt. or an Industrial Undertaking of the Central Govt. or a State Govt.
- (g) **“Government”** means the Central Government.
- (h) **“Government Servant”** means a person who is a member of Govt. service or who holds a civil post under the Union or State Govt. and includes any such person on Foreign Service.
- (i) **“Members of the family”** in relation to an Employee, includes;
- (i) the spouse of the Employee whether residing with him/her or not but does not include a spouse separated from the Employee, by a decree or order of competent court;
  - (ii) sons or daughters or step-sons or step-daughters of the Employee, wholly dependent on him/her but does not include a child or step child, who is no longer in any way dependent on the Employee or of whose custody the Employee has been deprived by or under any law;
  - (iii) any other person related, whether by blood or marriage, to the Employee or to such Employee's spouse and wholly dependent on such Employee;
- (j) **“Misconduct”** without prejudice to the generality of the term 'Misconduct' and the specific provisions made in these Rules, includes acts and omissions specified in the Schedule II annexed to these Rules.
- (k) **“Public Servant”** shall have the same meaning as in clause (iii) of Section 2(c) of the Prevention of Corruption Act, 1988 and includes a person as mentioned in Section 21 of the Indian Penal Code as amended from time to time.
- (l) **“Service”** means service under the Company.

- (m) “**Workman**” means a person as defined under the Industrial Employment (Standing Orders) Act, 1946.
- (n) “**Designated employee**” in relation to Code of internal procedures and conduct for prevention of insider trading in dealing with the securities of the Oil & Natural Gas Corporation in accordance with SEBI (Prohibition of Insider Trading) Regulations, 1992 would mean and shall include:
- a) All executives of the Company of the level of Executive Directors, Advisers and Group General Managers;
  - b) All Key Executives, not covered in (a) above, as designated under CRC Structure of the Corporation from time to time
  - c) All E4 and above employees of the Offices of Chairman & Managing Director and all the functional Directors of the Company.
  - d) All E4 and above employees of the following departments:-
    - i) Corporate Finance, Corporate Treasury, Corporate Communications, Corporate Planning, Business Development, Joint Venture & Marketing, Central Accounts at Head Quarters. Corporate Affairs and Company Secretariat,
    - ii) Excom Group
    - iii) Pricing Cell
  - e) Any other employees of the Company to be notified by the Compliance Officer from time to time with the approval of the Chairman & Managing Director of the Company
  - f) Dependent family members of (a) to (e) above
- In case any of the designated employees separates from the services of the Company due to superannuation/ resignation/ termination etc. he shall continue to be considered as designated employee for further period of six months subsequent to the date of separation from the Company as envisaged under SEBI (Prohibition of Insider Trading) regulation, 1992.
- (o) “**Appellate Authority**” means the authority specified under the Schedule-I to these rules.

- (p) **“Reviewing Authority”** means the Authority as specified under Rule 54 of these rules or the Company.
- (q) **“Inquiring Authority”** means the authority appointed under Rule 36(2) of these rules to enquire into the charges framed against the employee of the Company.
- (r) **“Resignation”** means the act of resignation by an employee.
- (s) **“Retirement”** means separation on attaining the age of superannuation.
- (t) **“Termination”** would mean separation of an employee by way of a penalty of Dismissal, Removal or Compulsory retirement imposed under Rule 34 of these Rules.
- (u) **“Chairman & Managing Director”** means the Chairman & Managing Director of the Company.
- (v) **“Director”** means the whole time Director of the Company and does not include Chairman & Managing Director of the Company.
- (w) In these Rules, Masculine shall refer to Feminine also.

#### 4. GENERAL:

- (1) Every Employee shall at all times:
  - (a) maintain absolute integrity;
  - (b) maintain devotion to duty; and
  - (c) do nothing which is unbecoming of a Public Servant.

- (2) (a) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control.
- (b) No employee shall in the performance of his official duties or in the exercise of powers conferred, act otherwise than in his best judgement, except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the directions in writing wherever practicable and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon as thereafter as possible.

**Explanation:**

Nothing in clause (b) of sub-Rule 4(2) shall be construed as empowering an Employee to evade his responsibilities by seeking instructions from or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

- (c) Every Employee shall at all times conduct himself soberly and temperately, while on official premises and show proper respect and civility to all concerned and shall use his utmost endeavour to promote the interest of the Company and to promote and maintain good reputation thereof

- (3) Prohibition of Sexual Harassment of Women at work place
1. No employee shall indulge in any act of sexual harassment of any women at her work place.
  2. Every employee who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any women at such workplace.

**Explanation:**

For the purpose of this rule "Sexual harassment" includes such

unwelcome sexually determined behaviour, whether directly or otherwise, as: -

- (a) physical contact and advances;
  - (b) a demand or request for sexual favours;
  - (c) sexually coloured remarks;
  - (d) showing pornography;
  - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
3. Any violation of this rule will be considered as misconduct.

## **5. ABSENCE FROM STATION:**

- (1) Unless otherwise expressly provided, the whole time of an Employee shall be at the disposal of the Company and he shall serve the Company in its business in such capacity and at such places as he may from time to time be directed by his superior.
- (2) An Employee shall not absent himself from duty without having obtained the permission of the Competent Authority.
- (3) No Employee shall leave the station, where he is posted, without prior permission of the Competent Authority.

## **6. BAR AGAINST EMPLOYMENT AFTER RETIREMENT/ RESIGNATION :**

No employee, who has retired on superannuation or for any other reasons or resigned from the Company, after such retirement/resignation shall accept any appointment or post whether advisory, consultancy or otherwise, in any firm or Company whether in India or outside, with which the Company has or had business relations, within one years from the date of his retirement/resignation without the prior approval of the Competent Authority. The Competent Authority for this purpose will be the Chairman & Managing Director in case of all

employees in E-5 & above levels, Director (HR) and the respective functional Director in case of employees in E-1 to E-4 levels. For E-0 level and unionised category of employees, the Competent Authority shall be HR-I level authority.

- (a) No functional Director of the Company including the Chief Executive, who has retired /resigned from the service of the Company, after such retirement/resignation, shall accept any appointment or post, whether advisory or administrative, in any firm or Company, whether Indian or foreign, with which the Company has or had business relations, within one year from the date of retirement/resignation without prior approval of the Government. The term retirement includes resignation; but not the cases of those whose term of appointment was not extended by Government for reasons other than proven misconduct. The term 'business relations' includes 'official dealings' as well. A bond shall be secured from the concerned person at the time of his/her employment/ retirement/ resignation as functional Director/Chief Executive in the Company for an amount **equivalent to basic pay drawn by the Functional Director/Chief Executive during last six months to be payable by him/her as damages for any violation of this rule.**
- (b) No employee who has deserted his services from the Company for reasons such as resignation not following the rules or unauthorized absence from his duties or otherwise, after such an event, shall accept any appointment or post whether advisory, consultancy or otherwise, in any firm or Company whether in India or outside, till a final decision is taken by ONGC.

## **7. EMPLOYMENT OF FAMILY MEMBERS OF EMPLOYEES IN ANY OTHER COMPANY OR FIRM ENJOYING COMPANY'S PATRONAGE :**

- (1) No Employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any other company or firm.
- (2) No Employee shall, except with the previous sanction of the Competent Authority permit any member of his family to accept employment with

any other Company or firm with which he has official dealings or with another Company or firm having official dealings with the Company. Intimation in this regard shall be reported to the Competent Authority forthwith in Annexure CDA-3.

Provided that where the acceptance of the employment cannot wait the prior sanction of the Competent Authority, the employment may be accepted provisionally subject to the ultimate sanction of the Competent Authority to which the matter shall be reported forthwith.

- (3) No Employee shall, in the discharge of his official duties, deal in any matter with or give or sanction any contract to any other company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract and the Employee shall refer every such matter or the contract to the Competent Authority and the matter or the contract shall thereafter be disposed of according to the instructions of the said authority.

***NOTE :- For the purpose of this rule, members of the family would mean and include every member as defined in Rule 3(i) sub rule (i), (ii) and (iii) hereinabove irrespective of whether such member is wholly dependant on the employee or not.***

## **8. TAKING PART IN POLITICS AND ELECTIONS:**

- (1) No Employee shall take part or subscribe in aid of, or assist in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Govt. as by law established and it shall be the duty of every Employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any such movement or activity and where an Employee is unable to prevent a member of his family from taking part in any such movement or activity, he shall make a report to that effect to the Company.

- (2) If any question arises whether any movement or activity falls within the scope of sub-rule 8 (1), the question shall be referred to the Government for decision.
- (3) No Employee shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or Local Authority;

**Provided that:**

- (a) an Employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (b) an Employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

**Explanation:**

- (I) Offering himself as a candidate for election to Local Authority on being permitted by the Company shall not amount to the contravention of sub-rule 8(3).
- (II) The display by an Employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule 8(3).

**9. JOINING OF ASSOCIATIONS BY EMPLOYEES:**

No Employee shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, public order or morality.



## 10. DEMONSTRATION AND STRIKES:

No Employee shall:

- (a) engage himself or participate in any demonstration which involves incitement to an offence.
- (b) resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Employee of the Company.

### Explanation:

In this Rule "Strike" shall have the same meaning as in clause (q) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947)

## 11. CONNECTION WITH PRESS, RADIO OR TELEVISION:

- (1) No Employee shall, except with the previous sanction of the Company, own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication.
- (2) No Employee shall, except with the previous sanction of the Company or any other Authority empowered by it in this behalf, or in the bonafide discharge of his duties, publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or participate in a radio or TV broadcast or contribute any 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 in or outside the Company :

### Provided that no such sanction shall be required:

- (a) If such publication is through a publisher and is of a purely literary, artistic or scientific character and does not include any scientific, technical or economic data pertaining to the work, plans or operations of the Company for the development of petroleum resources and the production and sale of petroleum and

petroleum products produced by it and for matters connected therewith or pertaining to the oil or gas bearing areas of the Company;

- (b) If such broadcast, contribution or writing is of a purely literary, artistic or scientific character and does not include any scientific, technical or economic data pertaining to the work, plans or operations of the Company for the development of petroleum resources and the production and sale of petroleum and petroleum products produced by it and for matters connected therewith or pertaining to the oil or gas bearing areas of the Company.

**Note:** If such publications or journals also include advertisements or allied matters, which are inserted with a view to raising funds or sales promotions, no Employee can contribute articles thereto without the previous sanction in writing of the Competent Authority in accordance with the Rule 11 of the ONGC Conduct, Discipline & Appeal Rules, 1994, nor can an Employee be a member of the Editorial/Managing Committee/Board of any such publication or provide, recommend or canvass support of any kind directly or indirectly without prior sanction in writing of the Competent Authority in accordance with the same CDA Rules as above.

## **12. CRITICISM OF GOVERNMENT OR COMPANY OR ANY OF ITS EMPLOYEES OR ITS BOARD OF DIRECTORS:**

No Employee shall in any radio broadcast/TV telecast, in any electronic media, or in any document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:

- (a) which has the effect of an adverse criticism of any policy or action of the Central Govt. or a State Government or of the Company, or any of its employees or Board of Directors; or
- (b) which is capable of embarrassing the relations between the Company and public;

Provided that nothing contained in this Rule shall apply to:

- (i) statements or views which are of purely factual nature and are not considered to be of a confidential nature and are made or expressed by an Employee in his official capacity or in due performance of the duties assigned to him;
- (ii) bonafide expression of views by an Employee as an office bearer of a recognised union/association for the purpose of safeguarding the conditions of service of the Employees or for securing improvement thereof.

### **13. EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY:**

- (1) Save as provided in sub-rule (3), no Employee shall, except with the previous sanction of the Company give evidence in connection with any inquiry conducted by any person, committee or Authority.
- (2) Where any sanction has been accorded under sub-rule (1), no Employee giving such evidence shall criticise the policy or any action of the Central Government or a State Government or the Company.
- (3) Nothing in this Rule shall apply to:-
  - (a) evidence given at an inquiry before an Authority appointed by the Central Government, a State Govt., the Company, Parliament or a State Legislature; or
  - (b) evidence given in any judicial inquiry; or
  - (c) evidence given at any departmental inquiry ordered by authorities subordinate to the Company; or
  - (d) evidence given in any inquiry ordered by the Competent Authority under any statute of Central or State Government.

## 14. UNAUTHORISED COMMUNICATION OF INFORMATION:

- (1) No Employee, whether during the period of his service or after leaving the service of the Company shall, except with the previous sanction of the Competent Authority, by writing to any person (including any other employee) or by communicating to newspapers, journals or books, or by speech or discussion or in any other manner disclose or cause to be disclosed any information or documents relating to the activities of the Company or its subsidiaries.
- (2) No Employee shall, except in the ordinary course of his duties, give or cause to be given to any person any advice on matters relating to the activities of the Company or its subsidiaries.
- (3) No Employee shall, except in the ordinary course of his duties, disclose or cause to be disclosed to any person any secret process, know-how, cost of production of any or all of the products of the Company or its subsidiaries or any information regarding purchases made by or contracts entered into by the Company or any information regarding settlement of claims by the Company in or out of courts or any other information, knowledge or matters of trade or business secrets of the Company or its subsidiaries.
- (4) No Employee shall except with the previous sanction of the Competent Authority carry with him or cause to be carried outside the office/factory/mine premises any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of the Company or its subsidiaries, notes or copy thereof.

Provided that this provision shall not apply to Employees who are specially authorised by the Competent Authority to take out of the office/factory/mine premises any papers, books, documents, etc. for study or other purposes approved by the Competent Authority in writing.

- 5 (a) Any manuscript, books, or other literary work, drawings, sketches, paintings, photographs or similar papers containing notes or information relating to the business of the Company shall be the property of the Company, whether prepared by the Employee or otherwise. No royalty shall however, be payable to the Employee. Every Employee when called upon by the Competent Authority, shall sign such documents, applications, deeds or other instruments which in the opinion of the said Authority are necessary to vest the property including copy-right thereof in the Company solely and exclusively for its use.
- 5 (b) Any invention made by an employee during the course and in connection with his employment in ONGC shall be reported forthwith by the employee to ONGC and the said invention shall automatically become the exclusive property of ONGC and ONGC shall be at complete liberty to apply and obtain a patent for the same. The employee concerned shall, without any demur, do all that is necessary and is required of him to facilitate ONGC applying and obtaining the said patent.

**Note :** The provisions of this Rule shall also apply to the ex-Employees.

- 6 (a) No employee shall except in the ordinary course of his duties, in any manner, access, divulge, release, reveal, furnish, disclose or cause to be disclosed or otherwise make known to any unconnected / unauthorised person / employee or outside agency whomsoever and shall not destroy, alter, delete any information of a computer resource or diminish its value, utility by any means of any data generated, stored / available in any form electronically or otherwise.
- 6 (b) No employee shall except with the previous sanction of the Competent Authority / authorized personnel, carry with him / transmit or cause to be carried / transmitted by any means whatsoever outside the premises in use of the Corporation, any such data in any form such as Floppy, Compact Disc, Electronic transmission or written documents.

## 15. SUBSCRIPTION:

No Employee shall, except with the previous sanction of the Company or of an Authority specified in this behalf, ask for or accept contribution to or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

## 16 (a). GIFTS:

- (1) (a) Save as otherwise provided in these Rules, no Employee shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift.

**Note :** In this Rule "gift" shall include free transport, board, lodging or other service or any other pecuniary advantage provided by any person other than a near relative or a personal friend having no official dealings with the Employee.

- (b) An Employee shall avoid acceptance of lavish hospitality or frequent hospitality from any individual or firm or Company having official dealing with him.
- (2) An Employee may accept gifts from his near relatives on occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, but he shall make a report to the Competent Authority if the value of the gift exceeds **Rs. 5000/-**
- (3) An Employee may, on such occasion as are specified in sub-rule (2) accept gifts from his personal friends having no official dealings with him but he shall make a report to the Competent Authority, if the value of any such gift exceeds **Rs. 2500/-**.
- (4) In any other case not falling under sub-rule (2) or sub-rule (3), an Employee shall not accept, or permit any member of his family or any

other person acting on his behalf to accept, any gift without the sanction of the Competent Authority if the value thereof exceeds **Rs. 2500/-**

Provided that when more than one gift has been received from the same person or firm or company within a period of 12 months, the matter shall be reported to the Competent Authority if the aggregate value of the gifts so received exceeds **Rs. 2500/-**

## **16 (b). DOWRY :**

### **No Employee shall:**

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

**Note:** For the purposes of this Rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

## **17. PUBLIC RECEPTION IN HONOUR OF EMPLOYEES:**

No Employee shall, except with the previous sanction of the Company, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Employee.

### **Provided that nothing in this Rule shall apply to:**

- (a) a farewell entertainment of a substantially private and informal character held in honour of an Employee or any other Employee on the occasion of his retirement or transfer or any person who has recently quit the Service; or
- (b) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

**18. PRIVATE TRADE OR EMPLOYMENT:**

- (1) No Employee shall, except with the previous sanction of the Competent Authority, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that an Employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition, that his official duties do not thereby suffer.

- (2) Every Employee shall report to the Competent Authority immediately at the time of his first appointment and thereafter as soon as any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency, in Annexure CDA-4.

**Note:** Whenever any dependent of an Employee's family gets employment anywhere, he must report the fact immediately to the concerned Competent Authority with details of employment, etc.

- (3) No Employee shall, without the previous sanction of the Competent Authority and except in the discharge of his official duties, take part in the registration, promotion or management of:

- (a) any bank;
- (b) any Company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force;
- (c) any co-operative society for commercial purposes;

Provided that an Employee may take part in the registration, promotion or management of a Consumer Co-operative Society or House Building Co-operative Society, constituted substantially for the benefit of Employees, and registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration



Act 1860 (21 of 1860) or any corresponding law in force.

- (4) No Employee shall accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the Competent Authority.

## **19. INVESTMENT, LENDING AND BORROWING:**

- (1) No Employee shall, save in the ordinary course of business with a bank, the LIC or a firm, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligations in his name for his benefit or for the benefit of any member of his family.
- (2) No employee shall make or permit any member of his family or any person acting on his behalf or family members to make, any investment which is likely to embarrass or influence him in discharge of his official duties.
- (3) No employee shall speculate in any stock, shares, debentures or other modes of investment.

### **EXPLANATION :**

Frequent purchase or sale or both of shares, securities, stock or debentures or other investments shall be deemed to be speculation within the meaning of this sub-rule.

- (4) In case of investments in shares, securities, debentures or mutual funds scheme, etc. intimation should be sent in the proforma as prescribed in Annexure ONGC: CDA-5 to the Competent Authority as per the following:

<b>Category</b>	<b>Nature of transaction</b>
Executive at E-0 and above level	In case the total transactions in shares, securities, debentures or mutual fund schemes, etc. exceed <b>Rs. 25,000/-</b> in a calendar year.
Unionised Categories	In case the total transactions in shares, securities, debentures or mutual fund schemes, etc. exceed <b>Rs. 25,000/-</b> in a calendar year.

(5) An Employee of the Company should neither himself purchase nor permit any member of his family to purchase shares from out of the quota reserved for friends and associates of the Directors of any Company, whether private or public registered under Companies Act, 1956.

(6) No Employee shall lend money to another Employee on interest.

(7) **'Dealing in the shares of CPSEs':**

A full time Director or any executive / employee involved in the decision making process of fixation of price of an IPO/FPO of shares of a CPSE shall not apply either himself / herself or through any member of his/her family or through any other person acting on his / her behalf for allotment of shares(which includes all types of equity related instruments) in an IPO / FPO of such CPSE, even out of the category of preferential quota reserved for employees / Directors of the CPSE.

- 8). All executives / employees including full time Directors of CPSEs who are in possession of unpublished price sensitive information would be prohibited from dealing/transacting either in their in own name or through any member of their family in the shares of their own company.
- 9). Full time Director or executive / employee of a CPSE or any member of his / her family or any person acting on his / her behalf shall not apply for shares cut of any preferential quota reserved for employees/ Directors of other companies.
- 10). All employees of CPSEs would be required to disclose to the company all transactions of purchase/sale in shares worth Rs. 20,000/- or more in value or existing holding/interest in the shares worth Rs. 20,000/- or more in his /her own company either in his/her own name or in the name of any family member to report to the company indicating quantity, price, date of transaction and nature of interest within 4 working days.

## **20. INSOLVENCY AND HABITUAL INDEBTEDNESS:**

- (1) An Employee shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance.
- (2) An Employee who applies to be, or is adjudged or declared insolvent or against whom any legal proceedings for recovery of debt are instituted shall forthwith report the fact to the Competent Authority.

## **21. FEES AND HONORARIA**

- (1) No Employee shall undertake part time work for a private or public body or a private person or persons or accept fee there for without the sanction of the Competent Authority, which shall grant sanction only in

cases, when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities.

- (2) The Competent Authority may in cases in which it thinks fit to grant such sanction, stipulate the amount of fees received by the Employee for undertaking the work to be paid to the Company.

## 22. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

- (1) No Employee of the Company shall, except with the previous knowledge of the Competent Authority acquire or dispose of 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.
- (2) No Employee of the Company shall, except with the previous sanction of the Competent Authority enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the Employee or his subordinate.
- (3) Every Employee of the Company shall report to the Competent Authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds **Rs 20000/- in case of Board level, below Board level executives, and Rs 15000/- in case of unionized category employees**, within one months of every transaction.

**Note 1:**(i) For the purpose of this sub-rule, the expression, "every transaction concerning movable property owned or held by him" includes all transactions of sales or purchase of such property;

(ii) "movable property" shall, inter-alia, include :

- (a) jewellery, insurance policies, the annual premia of which exceeds **Rs. 15,000/-** or one-sixth of the total annual emoluments received from the Company whichever is less, shares, securities and debentures;

- (b) loans advanced/taken by such Employee whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerator, radio, radiogram and television set, VCP/VCR, domestic satellite receivers, Video Camera, Micro-oven, Disc-players, Electronic accessories, etc.

**Note 2:** The capitation fee paid by the Employee while admitting their wards in Educational/Technical/Professional Institutions, etc. for securing admissions of their ward, shall also be treated a financial transaction and should be informed to the concerned authority like any other financial transaction.

**Note 3:** Transactions entered into by the spouse or any other member of the family of an Employee of the Company out of his own funds (including stridhan, gifts, inheritance, etc.) as distinct from the funds of the Employee of the Company himself, in his own name and in his own rights, would not attract the provision of this sub-rule.

- (4) Every Employee shall, on first appointment in the Company, submit a return of assets and liabilities in Annexure CDA-1 giving the particulars regarding: -
- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
  - (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
  - (c) other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds **Rs. 15,000/-**;
  - (d) debts and other liabilities incurred by him directly or indirectly;

- (5) Every Employee shall submit a return of immovable property inherited/owned/acquired through gift or otherwise by him as on 1<sup>st</sup> January of each calendar year or within such period as may be stipulated under executive instructions in that behalf.

**Note:** All Employees shall submit by 30th April every year, full and complete statement of movable and immovable property held or acquired by them or on their behalf by any member of their family in the proforma given in Annexure CDA-2.

- (6) The Competent Authority may, at any time by general or special order require an Employee to submit within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Competent Authority, include details of the means by which or the source from which such property was acquired.

**Note:** Executive instructions vide **Schedule III** may also be referred to.

## **23. VINDICATION OF ACTS AND CONDUCT OF EMPLOYEES:**

- (1) No Employee shall, except with the previous sanction of the Company, have recourse to any court or the press for the vindication of any official act, which has been the subject matter of adverse criticism or an attack of a defamatory character.
- (2) Nothing in this Rule shall be deemed to prohibit an Employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in his private capacity is taken, the Employee shall submit a report to the Competent Authority regarding such action.

**24. CONVICTION OR ARREST OF AN EMPLOYEE:**

An Employee convicted by a court of law or arrested shall report promptly the fact of his conviction or arrest to his departmental superiors; and failure to do so shall render him liable to disciplinary action on this ground.

**25. PRESSING OF CLAIM OR SEEKING REDRESS OF A GRIEVANCE IN SERVICE MATTERS:**

- (1) An Employee shall address his immediate superior or such other Authority at the lowest level as may be competent to deal with service matters.
- (2) An appeal or representation to higher authorities shall not be made unless the appropriate lower Authority has already rejected the claim or refused relief or unduly delayed the disposal of the case.
- (3) A representation to the Director or the Chairman & Managing Director of the Company shall not be made unless all means of seeking redress from lower authorities have been completely exhausted.
- (4) No representation, appeal, petition or memorial shall be addressed by an Employee to the Director or the Chairman & Managing Director of the Company personally or to any outside Authority or an Authority not specified under these Rules.

Provided that an Employee belonging to the Scheduled Castes or Scheduled Tribes may write direct to the National Commission for Scheduled Castes or Scheduled Tribes, as the case may be, on matters relating to appointments against the reserved quota.

- (5) No Employee shall send a representation or advance copies thereof to higher authorities except through proper channel or send copies of a representation to outside authorities.

**Note 1:** An advance copy of representation may be sent direct to the addressee when the stage mentioned in sub-rule (2) is reached.

**Note 2:** An Employee can send advance copy of representation directly to the Director (HR) or Chief, Employee Relations at Corporate Headquarters.

**Note 3:** No employee shall quote or reproduce (in his representation/appeal) from any letter, or from note from any file, or from any document, manuscript and file, any micro film, microfiche and facsimile copy of a document, any reproduction of image(s) embodied in such micro film and any other material produced by a computer or by any other device to which he is not authorized to have an access or to which he is not authorized to keep in his personal custody or for personal purposes.

## **26. CANVASSING OF NON-OFFICIAL OR OTHER INFLUENCE:**

No Employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service.

## **27. MARRIAGE:**

- (1) (a) No Employee shall enter into or contract, a marriage with a person having a spouse living.
- (b) No Employee, having a spouse living shall enter into, or contract, a marriage with any person;

Provided that the Company may permit an Employee to enter into, or contract, any such marriage as is referred to in clause (a) or clause (b) if it is satisfied that:

- (i) Such marriage is permissible under the personal law applicable to such Employee and the other party to the marriage, and
- (ii) There are other grounds for doing so.



- (2) An Employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Company.

## **28. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS:**

An Employee of the Company shall: -

- (a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) Not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) Not appear in a public place in a state of intoxication;
- (d) Not use any intoxicating drink or drug in excess.

**Note:** For the purpose of this Rule 'Public Place' means any place or premises (including clubs, even exclusively meant for members, where it is permissible for the members to invite non-members as guest, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

## **29. APPROACHING FOREIGN GOVERNMENTS FOR FINANCIAL ASSISTANCE:**

No Employee shall, without the prior permission of the Company, approach directly or indirectly any foreign Government or foreign organisation for financial assistance for visiting a foreign country or attending a course abroad.

## **30. FORWARDING OF APPLICATIONS:**

- (1) No employee shall forward any application for employment elsewhere, except as provided for under the ONGC Service Rules.
- (2) An Employee shall not forward an application for an award of a fellowship or scholarship directly to the authority concerned, unless he

is permitted to take up such fellowship or scholarship.

- (3) No Employee shall forward any application for admission to a foreign university or other institution for attending a course of studies without the prior permission of the Competent Authority.

### **31. ASSOCIATION OF EMPLOYEES WITH ACTIVITIES NOT CONNECTED WITH OFFICIAL DUTIES:**

- (1) An Employee may, with the previous sanction in writing of the Competent Authority, join an educational institution or a course of study outside normal office hours provided that such pursuit does not detract him from efficient discharge of his official duties.
- (2) Subject to the observance of the conditions laid down in sub-rule (1) and other conditions, if any, which may be mentioned in the letter granting such sanction, an Employee may join :
  - (a) Home Guards, National Voluntary Corps, Prantiya Raksha Dal or any other officially sponsored police organization;
  - (b) Shramdan;
  - (c) St. John Ambulance Brigade;
  - (d) Territorial Army;
  - (e) Auxiliary Air Force.
- (3) Without prejudice to the provisions of sub-rule (2), an Employee may join Bharat Sewak Samaj, provided such participation on his part does not detract him from efficient discharge of his official duties.

### **32. RETURN OF COMPANY'S PROPERTY, EQUIPMENT, TOOLS, ETC.:**

- (1) Every Employee shall, before leaving the service, return all property or

equipment or tools belonging to the Company issued or lent to him in connection with his employment in the Company;

- (2) The cost of such property, equipment or tools not so returned shall be liable to be deducted from his pay or the amount, if any, due to him.

### **33. SUSPENSION:**

- (1) The Appointing Authority, or any other Authority, to which it is subordinate, or the Disciplinary Authority or any other Authority empowered by the Company by general or special order to impose a penalty as specified in Rule 34 may place an Employee under suspension:
- (a) Where a disciplinary proceeding against him is contemplated or is pending; or
  - (b) Where, in the opinion of the Authority aforesaid, he has engaged himself in activities prejudicial to the interest or the security of the State; or
  - (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
- (2) (a) Where an Employee is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours, he shall be deemed to have been suspended with effect from the date of detention by an order of the Appointing Authority and shall remain under suspension until further orders.
- (b) An Employee shall also be deemed to have been placed under suspension 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 hrs. and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

**Note:** The period of 48 hours referred to in clause 2(b) of this sub-rule shall be computed from the commencement of the imprisonment after the

conviction and for this purpose, intermittent period of imprisonment, if any, shall be taken into account.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an Employee under suspension is set aside in appeal or on review under these Rules 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 original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an Employee is set aside or declared or rendered void in consequence 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.
- (5)
  - (a) An order of suspension made or deemed to have been made under this Rule may at any time, be modified or revoked by the Authority which made or is deemed to have made the order or by any Authority, to which that Authority is subordinate.
  - (b) Where an Employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding 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 it 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 this Rule shall continue to remain in force until it is modified or revoked by the Authority competent to do so.
  - (d) Headquarter of the suspended employee shall be the station of posting immediately before the order of suspension is issued.
  - (e) The Competent Authority may change the headquarters of an employee during suspension, if it is in the public/ administrative interest.
  - (f) When an employee under suspension requests for a change of headquarters, the Competent Authority may consider the request and upon being satisfied that such a course will not put the Company to any extra expenditure like grant of travelling allowances etc, or other complications like creating difficulty in investigation or departmental proceedings etc., may take appropriate decision.
- (6) During the period of suspension, an Employee shall draw subsistence allowance at such rates as may be specified by the Company from time to time.
- (7) Leave shall not be granted to an Employee under suspension.
- (8) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail if the Competent Authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

#### **34. NATURE OF PENALTIES:**

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an Employee, who is found guilty of misconduct or a breach of any Rules or orders made by the Company or by any other Authority

empowered in that behalf by the Company, namely;

**Minor penalties:**

- (i) Censure.
- (ii) Forfeiture of Performance Related Pay, partial or full.
- (iii) Withholding of increments of pay with or without cumulative effect for a specified period.
- (iv) Withholding of promotion for a specified period.
- (v) Recovery from pay or such other amount as may be due to him, of the whole or part or any pecuniary loss caused to the Company by his negligence or breach of orders.
- (vi) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his terminal benefits.

**Major penalties:**

- (vii) Save as provided in clause (vi), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing future increments of his pay.
- (viii) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Employee to the time scale of pay, grade, post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the Employee was reduced and his seniority and pay on such restoration to that grade or post.
- (ix) Compulsory retirement.
- (x) Removal from service which shall not be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Govt.
- (xi) Dismissal from service which shall ordinarily be a disqualification for

future employment under the Govt. or Corporation/Company owned or controlled by the Govt.

Provided that in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (x) or (xi) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

**Note 1:** The following shall not amount to a penalty within the meaning of this Rule, namely: -

- (i) Non-promotion, reversion to previous service, post or grade and with holding of increments of pay of an Employee for his failure to pass any departmental examination in accordance with the Rules or orders governing the service to which he belongs or post which he holds under the terms of his appointment.
- (ii) Non-promotion of an Employee after consideration of his case, to a service, grade or post for promotion to which he is eligible.
- (iii) Reversion to a lower service, grade or post of an Employee officiating in a higher service, grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post on any administrative grounds unconnected with his conduct.
- (iv) Reversion to this previous service, in the lower grade or post of an 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.
- (v) Repatriation of the services of an Employee, whose services have been borrowed from the Central Government or a State Government or an Authority under the control of the Central Govt. or a State Govt. or an Undertaking, at the disposal of the Authority which had lent his services.
- (vi) Compulsory Retirement of an Employee in accordance with the provisions relating to his superannuation or retirement.

- (vii) Termination of the services:
- (a) Of an Employee appointed on probation, during or at the end the period of probation, in accordance with the terms of his appointment;
  - (b) Of an Employee in accordance with the terms of his appointment;
  - (c) Of an Employee employed under an agreement, in accordance with the terms of such agreement.

**Note 2: Schedule-III Executive Instructions / Clarifications may be referred while imposing these penalties.**

### **35. DISCIPLINARY AUTHORITY:**

- (1) The Disciplinary Authority as specified in Schedule I or any authority higher than it, may impose any of the penalties specified in Rule 34 on any Employee.
- (2) Without prejudice to the provisions of sub-rule (1), any of the penalties specified in Rule 34 may be imposed on any Employee by the Appointing Authority or by any other Authority empowered in this behalf by a general or special order of the Company.

Provided that when an Employee is on deputation with the Company, no penalty shall be imposed on him without consultation with the disciplinary Authority with reference to the post held by him in his parent department.

### **36. PROCEDURE FOR IMPOSING MAJOR PENALTIES:**

- (1) An order imposing any of the major penalties specified in sub-Rule (vii) to (xi) of Rule 34 shall be made after an inquiry, held as far as may be in the manner hereinafter provided or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850) where such inquiry is held under that Act.



- (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 Employee, it may itself inquire into or appoint under this Rule an Authority or Board to inquire into the truth thereof.

**Provided that where there is a complaint of sexual harassment within the meaning of Rule 4(3), the Complaints Committee established in each Asset/Basin/Plant/ Institute/Work centre or office, as the case may be, for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the Competent Disciplinary Authority for the purpose of these rules and the complaint committee shall hold, if separate procedure has not been prescribed for the complaint committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.**

**Note:** Where the Disciplinary Authority itself holds the inquiry, any reference to the Inquiring Authority in sub-rule (8), sub-rules (9) to (15) and sub-rules (17) to (21) shall be construed as a reference to the Disciplinary Authority.

- (3) Where it is proposed to hold an inquiry against an Employee under this Rule and Rule 37, the Disciplinary Authority shall draw up or cause to be drawn up:
- (a) the substance of imputation of misconduct or misbehaviour into definite and distinct articles of charges.
  - (b) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain :
    - a statement of all relevant facts including any admission or confession made by the Employee;
    - a list of documents by which, and a list of witnesses together with their respective statements, if any by whom, the articles of charge are proposed to be sustained.

- (4) The Disciplinary Authority shall deliver or cause to be delivered to the employee, a copy of the articles of charge, the statement of imputation of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence.

**Note:** If the Employee concerned demands the inspection of listed documents he may be allowed to inspect the documents to submit a written statement of his defence.

- 5) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted or, if it considers it necessary so to do, appoint under sub-rule (2), an Inquiring Authority for the purpose and where all the articles of charges have been admitted by the Employee in his written statement of defence, the disciplinary Authority shall record its findings on each article of charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 37
- (b) If no written statement of defence is submitted by the Employee, the Disciplinary Authority may itself inquire into the articles of charge or may if it considers it necessary so to do, appoint under sub-rule (2), an Inquiring Authority for the purpose.
- (c) Where the Disciplinary Authority itself inquires into any articles of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by order, appoint an Employee or legal practitioner or any other public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority: -
- (a) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour;

- (b) a copy of the written statement of defence, if any, submitted by the Employee;
  - (c) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
  - (d) evidence proving the delivery of the documents referred to in sub-rule (3) to the Employee; and
  - (e) a copy of the order appointing the "Presenting Officer".
- (7) The charged Employee shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputation of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing specify in this behalf or within such further time, not exceeding ten days, as the Inquiring Authority may allow.
- (8) The charged Employee may take the assistance of any other Employee, other than an Employee who is under suspension or against whom disciplinary proceedings are pending, to present the case on his behalf, but may not engage a Legal Practitioner for the purposes 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.

**Note:** When on behalf of Disciplinary Authority, the case is presented by a Prosecuting Officer of C.B.I. or Legal Advisor or ONGC's Law Officer (such as Legal Advisor/Deputy Legal Advisor or Asstt. Legal Advisor, etc.) the Disciplinary Authority may for good and sufficient reasons, permit the charged Employee to be assisted by a Law Officer of the Company as referred to herein above or by a legal practitioner. In case a legal practitioner is permitted, it will be at the cost of the charged employee.

Provided further that the employee who undertakes to render such assistance shall have to obtain approval in writing from his Controlling Officer for his absence from duty for the purpose of rendering the

assistance to such an employee.

The Controlling Officer may not permit the employee to render assistance in the pending disciplinary proceedings:

- (i) If the Employee is already conducting/assisting in one or more pending disciplinary proceedings, or
  - (ii) If Office work will suffer in the absence of the Employee, or,
  - (iii) He is of the opinion that the Employee has made it an independent field of practice to render such an assistance, or,
  - (iv) For any other administrative reason to be recorded.
- (9) If the charged Employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence appears before the Inquiring Authority, such Authority shall ask him whether he is 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 the Employee shall sign such record.
- (10) The Inquiring Authority shall return a finding of guilty in respect of those articles of charges to which the Employee pleads guilty.
- (11) The Inquiring Authority shall, if the Employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding 30 days, after recording an order that the Employee may, for the purpose of preparing his defence:
- (a) inspect, within 5 days of the order or within such further time not exceeding 5 days as the Inquiring Authority may allow, the documents specified in the list referred to in sub rule (3).

**Note:** If the Employee applies orally or in writing for the supply of copies

of the statements of witnesses mentioned in the list referred to in sub-rule (3) the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than 3 days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.

- (b) submit a list of additional documents required for his defence and a list of witnesses to be examined on his behalf,
- (c) and give a notice within 10 days of the order or within such further time not exceeding 10 days as the Inquiring Authority may allow, for the discovery or production of any documents which are in the possession of the Company but not mentioned in the list referred to in sub-rule (3).

**Note:** The Employee shall indicate the relevance of the documents required by him to be discovered or produced by the Company.

- (12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents or copies thereof, forward the same to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion not relevant to the case.

- (13) On receipt, of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State or against the interest of the Company it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall on being so informed communicate the

information to the charged Employee and withdraw the requisition made by it for production or discovery of such documents.

- (14) (a) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charges are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority.
- (b) The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Employee.
- (c) The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter, without the leave of the Inquiring Authority.
- (d) The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
- (15) (a) If it appears necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the charged Employee or may itself call for new evidence or recall and re-examine any witness and in such case the Employee shall be entitled to have if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned.
- (b) The Inquiring Authority shall give the Employee an opportunity of inspecting such documents before they are taken on the record.
- (c) The Inquiring Authority may also allow the Employee to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interest of justice.

**Note:** New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence and such

evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) (a) When the case for the Disciplinary Authority is closed, the Employee shall 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 Employee shall be required to sign the record.
- (b) In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.
- (17) (a) The evidence on behalf of the Employee shall then be produced and the Employee may examine himself in his own behalf if he so prefers.
- (b) The witnesses produced by the Employee shall then be examined and liable to examination, cross-examination, re-examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.
- (18) The Inquiring Authority may, after the Employee closes his case, and shall if the Employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Employee to explain any circumstances appearing against him.
- (19) The Inquiring Authority may, after the completion of the production of the evidence, hear the Presenting Officer, if any, appointed and the Employee or permit them to file written briefs of their respective cases if they so desire within such reasonable period as may be fixed by the Inquiring Authority.
- (20) If the Employee to whom a copy of the articles of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before

the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this Rule, the Inquiring Authority may hold the inquiry ex-parte.

- (21) 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 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 herein before provided.

- (22) (a) The evidence of persons deposing at the Inquiry shall be got signed by the persons deposing and the Employee against whom the inquiry proceedings are being taken.
- (b) If any one of them refuses to sign the deposition, the fact shall be recorded by the authority recording the evidence

- (23) (a) After the conclusion of the inquiry, a report shall be prepared which shall contain :-
- (i) the articles of charge and the statement of imputations of misconduct or misbehaviour;
  - (ii) the defence submitted by the Employee in respect of each article of charge;
  - (iii) an assessment of the evidence in respect of each article of charge;
  - (iv) the findings on each article of charge and the reasons therefore.

**Note:** If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any articles of charge different from the original



articles of charge, it may record its findings on such articles of charge;

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

- (b) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the records of inquiry which shall include.
  - (i) the report prepared by it under clause (a).
  - (ii) the written statement of defence, if any, submitted by the Employee.
  - (iii) the oral and documentary evidence produced in the course of the inquiry.
  - (iv) written briefs, if any, filed by the Presenting Officer or the Employee or both during the course of the inquiry, and
  - (v) the orders if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

### **37. ACTION ON INQUIRY REPORT:**

- (1) The Disciplinary Authority, if it is not itself the Inquiring Authority, may, for reasons to be recorded by it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 36, as far as, may be.
- (2) On receipt of the report of the Inquiring Authority, a copy thereof shall be made available to the charged employee requiring him to submit his representation if any within a specified period as may be decided by the Disciplinary Authority.

- (3) On receipt of the representation of the charged Employee or otherwise in the event the charged Employee has not responded the disciplinary authority shall if it disagrees with the Inquiring Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose.

Provided, where the findings of the Inquiry Officer are that the charges are not established and the Disciplinary Authority disagreeing with the findings of the Inquiry Officer records its reasons for such disagreement which results into establishing the charges, such reasons shall be communicated to the charged Employee, whose representation thereon shall be called.

- (4) On receipt of the representation referred to in sub-rule (2) & (3) above, if the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 34 should be imposed on the Employee, it shall make an order imposing such penalty notwithstanding anything contained in Rule 38 and it shall not be necessary to give the Employee any further opportunity of making representation on the penalty proposed to be imposed.

### **38. PROCEDURE FOR IMPOSING MINOR PENALTIES:**

- (1) Subject to the provisions of sub-rule (3) of Rule 37, no order imposing on an Employee any of the penalties specified in clause (i) to (vi) of Rule 34 shall be made except after:
- (a) Informing the Employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal:
  - (b) holding an inquiry in the manner laid down in sub-rule (3) to (21) of Rule 36, in every case in which the Disciplinary Authority is of

the opinion that such inquiry is necessary :

- (c) taking the representation, if any, submitted by the Employee under clause (a) and the record of inquiry, if any, held under clause (b), into consideration, and
  - (d) recording a finding on each imputation of misconduct or misbehaviour.
- (2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering the representation, if any, made by the Employee under clause (a) of that sub-rule, to withhold promotion/increments of pay and such withholding of promotion/increments is likely to affect adversely the amount of pension/benefits calculated and payable under Self-contributory Post - Retirement Benefit Scheme (PRBS) to the Employee or to withhold promotion/increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rule (3) to (21) of Rule 36 before making any order imposing on the Employee any such penalty.
- (3) **The record of the proceedings in such cases shall include:**
- (a) a copy of the intimation to the Employee of the proposal to take action against him,
  - (b) a copy of the statement of imputation of misconduct or misbehaviour delivered to him.
  - (c) his representation, if any,
  - (d) the evidence produced during the inquiry :
  - (e) the findings on each imputation of misconduct or misbehaviour, and
  - (f) the orders on the case together with the reasons therefor.

### 39. COMMUNICATION OF ORDERS:

Orders made by the Disciplinary Authority, Appellate Authority, Reviewing Authority or the Board, as the case may be, containing its findings shall be communicated to the Employee concerned in writing by Chief, Employee Relations or an executive under him not below the rank of General Manager.

### 40. COMMON PROCEEDINGS:

(1) Where two or more Employees are concerned in any case, the Company or any other authority competent to impose penalty of dismissal from service on all such Employees may make an order directing that disciplinary action against all of them may be taken in common proceedings.

**Note:** If the authorities competent to impose the penalty of dismissal on such Employees are different, an order for taking disciplinary action in common proceedings may be made by the highest of such authorities with the consent of the others.

- (2) Any such order shall specify:
- (a) the authority which may function as the Disciplinary Authority for purpose of such common proceedings.
  - (b) the penalties specified in Rule 34 which such Disciplinary Authority shall be competent to impose, and
  - (c) whether the procedure prescribed in Rule 36 and Rule 37 or Rule 38 shall be followed in the proceedings

### 41. SPECIAL PROCEDURE IN CERTAIN CASES:

- (a) Notwithstanding anything contained in Rules 36 to 40,
- (i) where the employee has been convicted on a criminal charge, the Disciplinary authority may on the basis of the said conviction or on the strength of facts or conclusions arrived at by a judicial trial, pass such orders thereon as it deems fit, or

- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules, the Disciplinary Authority may consider the circumstances of the case and pass such order as it deems fit, or
  - (iii) Where the Board is satisfied for reasons to be recorded in writing that in the interest of the security of the Company, it is not expedient to hold an inquiry in the manner provided in these Rules it may pass such orders as it may deem fit.
- (b)
- (i) Disciplinary Proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
  - (ii) During the pendency of the disciplinary proceedings under Rule 36 the Disciplinary Authority may withhold payment of gratuity, for enabling the Competent Authority to order the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972, or to have caused pecuniary loss to the Company by misconduct or negligence during his service including service rendered on deputation or on re-employment after retirement. However, the provision of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employees is fully exonerated.
  - (iii) During the pendency of the disciplinary proceedings under (i) above, no terminal dues may be released except the CPF. If on conclusion of the disciplinary proceedings under (i) above, a penalty is imposed it will have the same effect as if the retired employee is in service.

**(c) Premature Retirement:**

- (1) Without prejudice to, and independent of the rights of the Corporation to

dispense with the services of an employee, either under the contract of employment or under these rules or on grounds of medical unfitness, an employee who has attained the age of 50 years and is considered to be inefficient or of doubtful integrity or medically unfit may be prematurely retired by the appointing authority by giving him notice of not less than 3 months in writing or three months salary in lieu of notice.

The criteria for judging inefficiency, doubtful integrity or medical unfitness shall be as follows: -

- (a) **Inefficiency:** Inefficiency will be evaluated on the basis of the Performance Appraisal Report (PAR) of the employees. An employee may be considered for pre-mature retirement where in the summary appraisal of his Par in the preceding three or more consecutive years, he has been rated "Poor/Unsatisfactory/Inadequate/Fair (for unionised category/E-0/E-1 to E-6/E-7 & above respectively)", provided that during this period, his reports have been written by at least two different superiors. If not, an opportunity will be afforded to the individual employee to be assessed by another superior for a least one year. The basic consideration in identifying such an employee is the fitness/competence of the employee to continue in his present post which he is holding. If he is not fit to continue in his present post, his fitness/competence to continue in the lower post, from where he had been previously promoted may be considered.
- (b) **Doubtful Integrity:** An employee may be considered for premature retirement when he gets an adverse comment on his integrity in his Par in the preceding three or more consecutive years and there is a proven instance of misconduct relating to his integrity in the said period, provided that during period, his reports have been written by at least two different superiors. If not, an opportunity will be afforded to the individual employee to be assessed another superior for at least one year.
- (c) **Medical Unfitness:** Head of a Unit may, on medical grounds, refer an employee to a Medical Board (comprising not less than two Medical Officers of the Corporation, apart from a specialist and a Government Medical Advisor of a status not less than that of a Civil Surgeon) in any of the following circumstances for a medical check-up and report on the nature and prognosis of disease, if any, that he is suffering from: -

**Note:** The term “Medical Officer” of the Corporation would include a Medical Practitioner as may have been retained by the Corporation.

- (i) when an employee owing to apparent physical or mental infirmity or deterioration in general health, is unable to discharge his duties;
- (ii) when an employee is reported to be suffering from incurable and infectious/contagious disease;
- (iii) when an employee is suffering from a curable disease but is not likely to be fit to resume his normal duties within a period of 12 months;
- (iv) when an employee, though attending duties, is found to be mentally deranged, or suffering from lunacy or mental infirmity;
- (v) when an employee has been on leave for reasons of sickness for total period of 120 days including Sundays, holidays and other closed days or more, during a continuous period of 6 months; or
- (vi) when an employee not on maternity leave has been continuously on leave on medical grounds for 12 weeks including Sundays, holidays and other closed days.

Based upon the report of the Medical Board, the Appointing Authority may consider premature retirement of an employee on medical grounds provided:

- (i) the employee is not fit to resume his duties within a period of 12 months, or
  - (ii) the employee is suffering from lunacy or mental derangement and his services cannot be effectively utilised by the Corporation, or
  - (iii) the employee is suffering from incurable and infectious/contagious disease and his attendance is likely to pose health hazards to others.
- (2) Before any action is taken against an employee under this rule, the employee concerned will be asked through a notice in writing to show cause as to why the contemplated action under the sub-clauses should not be taken against him, and his explanation, if any, taken into account.
- (3) The following benefits will be admissible to those retiring prematurely under this Rule:

- (a) On grounds of medical unfitness. In accordance with the Corporation's Premature Retirement Scheme.
- (b) On grounds of inefficiency or of doubtful integrity: The admissibility of various benefits will be governed as under :-
  - (i) Provident Fund, Gratuity, Encashment of Earned Leave/Good Health Reward Scheme, Self Contributory Post Retirement & Death in Service Benefit Scheme (PRBS), Composite Social Security Scheme (CSSS), Post Retirement Medical Benefit in accordance with the rules governing each of these benefits.
  - (ii) Notice pay: - 3 months' salary, where notice in writing is not given.
  - (iii) TTA for self and family to settle at place of choice in accordance with Travelling Allowance Regulations.

**(4) Provision for review:**

An employee may request for review within 30 days of the receipt of the order of premature retirement. The request shall be submitted to the authority next higher to the authority which issued the order. The request shall contain all material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language and shall be complete in itself.

**42. EMPLOYEES FROM CENTRAL GOVERNMENT, STATE GOVERNMENT OR OTHER ORGANISATIONS ON DEPUTATION TO ONGC:**

- (1) Where an order of suspension is made or disciplinary proceeding is taken against an Employee on deputation with the Company, the authority lending his services shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against such Employee:



- (a) If the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (vi) of Rule 34 should be imposed on him, it may, subject to the provisions of sub-rule (3) of Rule 37 or of Rule 38, and after consultation with the Lending Authority, pass such orders, as it deems fit :

Provided that in the event of difference of opinion between the Borrowing Authority and the Lending Authority, the services of such Employee shall be placed at the disposal of the Lending Authority;

- (b) If the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (vii) to (xi) of Rule 34 should be imposed on him, it shall place his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary,
- (c) If the Employee submits an appeal against an order imposing a minor penalty on him under clause (a), it shall be disposed of after consultation with the Lending Authority, provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority the services of the Employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

#### **43. PROVISION REGARDING OFFICERS LENT TO CENTRAL GOVERNMENT, STATE GOVERNMENT OR OTHER ORGANISATIONS :**

- (1) Where the services of an Employee are lent to the Central Govt. or State Government or other organization (hereinafter in this Rule referred to as the "Borrowing Authority"), the Borrowing Authority shall have the power of the Appointing Authority for the purpose of placing such Employee under suspension and of the Disciplinary Authority for the purpose of conducting a disciplinary proceeding against him:

Provided that the Borrowing Authority shall forth-with inform the Company (hereinafter in this Rule referred to as the "Lending Authority")

of the circumstances leading to the order of suspension of such Employee or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against the Employee: -

(a) If the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (vi) of Rule 34 should be imposed on the Employee, it may, after consultation with the Lending Authority, make such order on the case, as it deems necessary. Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the services of the Employee shall be placed at the disposal of the Lending Authority;

(b) If the Borrowing Authority is of the opinion that any of the penalties specified in clause (vii) to (xi) of Rule 34 should be imposed on the Employee, it shall place his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry and thereupon the Lending Authority may if it is the Disciplinary Authority, pass such orders thereon as it may deem necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority, which shall pass such orders on the case as it may deem necessary :

Provided that before passing any such order a disciplinary Authority shall comply with the provisions of sub-rule (3) and (4) of Rule 37.

**Note:** The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted to it by the Borrowing Authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with Rule 36.

#### **44. ORDERS AGAINST WHICH NO APPEAL LIES:**

Not with standing anything contained in Rule 45, no appeal shall lie against any order of interlocutory nature passed by an Inquiring Authority, Inquiring Board in the course of an inquiry under these Rules.

**45. ORDERS AGAINST WHICH APPEAL LIES:**

Subject to the provisions of Rule 44, an Employee (including one who has ceased to be such) may prefer an appeal against all or any of the following orders, namely;

- (a) an order of suspension made or deemed to have been made under Rule 33;
- (b) an order imposing any of the penalties specified in Rule 34, made by the Disciplinary Authority;
- (c) an order enhancing or reducing any penalty, imposed under Rule 34;
- (e) an order :
  - (i) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof,
  - (ii) determining his pay and allowances :
    - (A) for the period of suspension, or
    - (B) for the period from the date of the dismissal, removal or compulsory retirement from service or from the date of his reduction to a lower service, grade or post, time scale of pay or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or
  - (iii) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

**46. APPELLATE AUTHORITIES:**

An Employee including a person who has ceased to be in the service of the Company, may prefer an appeal against all or any of the orders specified in

Rule 45 to the Appellate Authority (as specified in the Schedule I of these Rules).

Provided that where an order was made in a common proceeding under Rule 40, appeal against such order shall lie to the authority to which the authority functioning as Disciplinary Authority for the purpose of that proceeding is immediately subordinate and where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the Appellate Authority in respect of such orders, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

#### **47. PERIOD OF LIMITATION FOR APPEALS:**

No appeal under these Rules shall be entertained unless it is submitted within a period of 45 days from the date on which the appellant received a copy of the order appealed against :

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

#### **48. FORM AND CONTENT OF APPEALS:**

- (1) Every person submitting an appeal shall do so separately and in his own name.
- (2)
  - (a) The appeal shall be addressed to the authority to which the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.
  - (b) The appeal shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.
- (3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments, if any, thereon

together with the relevant records to the Appellate Authority without any avoidable delay, and without waiting for any direction from the Appellate Authority.

#### **49. WITHHOLDING OF APPEALS:**

- (1) The authority which made the order appealed against may withhold the appeal if:
  - (a) it is an appeal against an order for which no appeal lies or;
  - (b) it does not comply with any of the provisions of Rule 48 :
  - (c) it is not submitted within the period specified in Rule 47 and no cause is shown for the delay : or
  - (d) it is a repetition of the contentions already considered for decision and no new facts or circumstances are adduced :

Provided that an appeal withheld on the ground only that it does not comply with the provisions of Rule 48 shall be returned to the appellant, and if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

- (2) Where an appeal is withheld, the appellant shall be informed of the facts and reasons therefor.
- (3) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons, for withholding them, shall be furnished by that authority to the Appellate Authority.

#### **50. TRANSMISSION OF APPEALS:**

- (1) The Authority which made the order appealed against shall, without any avoidable delay transmit to the Appellate Authority every appeal, which is not withheld under Rule 49, together with its comments, if any, thereon

and the relevant records.

- (2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under Rule 49 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

**Note:** Executive instructions may also be referred to vide Schedule III.

## 51. CONSIDERATION 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 Rule 33 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in Rule 34 or enhancing or reducing a penalty imposed under the said Rule, the Appellate Authority shall consider :
- (a) whether the procedure herein prescribed in these Rules had been complied with and the principles of natural justice observed.
- (b) whether the findings of Disciplinary Authority are warranted by the evidence on the record; and
- (c) Whether the penalty or the enhanced or reduced penalty imposed is adequate, inadequate or severe; and pass orders :
- (i) setting aside, reducing confirming or enhancing the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced or reduced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

### **Provided that :**

- (a) the Appellate Authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose :

- (b) no order imposing an enhanced penalty shall be passed unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against such enhanced penalty; and
  - (c) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clause (vii) to (xi) of Rule 34 and inquiry under Rule 36 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 41, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceeding of such inquiry and after giving the appellant a reasonable opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.
- (3) In the case of an appeal against any order specified in Rule 45, the Appellate Authority shall consider all the circumstances of the case and pass such orders as it may deem just and equitable.

## **52. IMPLEMENTATION OF ORDERS IN APPEAL:**

The Authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

## **53. SAVING OF RIGHTS UNDER LAW:**

Notwithstanding anything contained in these Rules, where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise the Appellate Authority under Rule 46 in respect of the appeal against such orders, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to that appeal be deemed to be the Appellate Authority for the purpose of Rules 51 and 52.

**Note:** Executive instructions with specific reference to Rules 44 to 53 may please be referred to vide Schedule III.

## 54. REVIEW BY REVIEWING AUTHORITY

- (1) The Authority to which an appeal against an order imposing any of the penalties specified in Rule 34 lies may, of its own motion or otherwise call for the records of the case in the disciplinary proceedings, review any order passed in such a case and pass such orders as it may deem fit, as if the Employee had preferred an appeal against such order:

Provided that no action under this Rule shall be initiated more than six months after the date of the order.

- (2) No proceeding for revision shall be commenced until after the expiry of the period of limitation for an appeal.

### **Explanatory Note:**

No order imposing or enhancing any penalty shall be made by the Reviewing Authority unless the Employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (vii) to (xi) of Rule 34 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses and if any inquiry under Rule 36 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 36 subject to provisions of Rule 41.

**The aforesaid power of review is in the nature of revisionary power and not in the nature of reviewing one's own order. Therefore, notwithstanding anything contained in Rule 54, the Appellate Authority, in his capacity as Reviewing Authority, shall not initiate any review proceedings if the appeal is preferred. Power to review shall be exercised by him only in cases where no appeal is preferred. If the appellate authority has decided the appeal he shall not review any orders made /passed in the appeal.**



## 55. REVIEW BY THE BOARD:

- (1) Not with standing anything contained in these Rules the Board may at any time, of its own motion or otherwise, call for the records of a case and review any order made under these Rules when any new material or evidence which could not be produced or was not available at the time of passing orders or revision by the Appellate Authority, which had effect of changing the nature of the case has come or has been brought to its notice; the Board may pass such orders as it may deem fit having regard to the facts and circumstances of the case.

### **Provided that:**

- (a) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given a reasonable opportunity of making any representation which he may wish to make against such order;
  - (b) If the Board proposes to impose any of the penalties specified in clauses (vii) to (xi) of Rule 34, in a case where an inquiry under Rule 36, has not been held, the Board shall, subject to the provisions of Rule 41, direct that such inquiry shall be held, and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned a reasonable opportunity of making any representation, which he may wish to make against such penalty, pass such orders as it may deem fit.
- (2) **No proceeding for revision shall be commenced until after;**
    - (a) the expiry of the period of limitation for an appeal; or
    - (b) the disposal of the appeal, where any such appeal has been preferred.

## 56. SERVICE OF NOTICES, ORDERS ETC.

- (1) Any order, notice, communication, letter or other document or process made or issued under these Rules to be served on an Employee shall be served on such Employee:

- (a) by delivering it to that Employee; or
  - (b) if it cannot be so delivered or tendered, by affixing a copy on the outer door or some other conspicuous part of the house in which that Employee ordinarily resides and the serving officer shall then return the original to the authority from which it was issued with a report endorsed thereon or annexed thereto stating the he has affixed the copy and name and address of the person (if any) in whose presence the copy was so affixed; or
  - (c) by forwarding it by registered post addressed to the Employee at the place where he ordinarily resides and also at his last known address.
- (2) An endorsement by the serving officer that the Employee refused to accept service or an endorsement by a postal employee that the Employee refused to take delivery or that he could not be found or that he was absent shall be deemed to be prima facie proof of such service.

## **57. INDUSTRIAL WORKERS:**

Nothing contained in these Rules shall operate to take away any right or privilege to which an Employee is entitled in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947) or the Trade Unions Act, 1926 (16 of 1926)

## **58. POWER TO EXTEND TIME LIMIT OR CONDONE DELAY:**

Save as other wise expressly provided in these Rules, the authority competent under these Rules to make any order may, for good and sufficient reasons, or if sufficient cause is shown extend the time specified in these Rules for anything required to be done under these Rules or condone any delay.

## **59. INTERPRETATION**

In case of any doubt regarding any of the provisions of these Rules, the matter

shall be referred to the Chairman and Managing Director through the Corporate Personnel Department for decision.

## **60. POWER TO RELAX**

Power to relax any of the provisions under these Rules shall vest in the Board of Directors of the Company.

## **61. POWER TO AMEND**

The Company may amend, modify or add to these Rules, from time to time and all such amendments, modifications or additions shall take effect from the date stated therein.

## **62. REPEAL AND SAVING**

**62.1** The existing Oil and Natural Gas Corporation Conduct, Discipline and Appeal Rules, 1994 are hereby repealed.

**62.2** Nothing in these Rules or any repeal affected thereby shall affect or be deemed to affect anything done or action taken under the said Rules, before commencement of these Rules.

**SCHEDULE-I**

ANNEXURE-A

**SCHEDULE OF DELEGATION OF POWERS IN RESPECT OF DISCIPLINARY MATTERS UNDER ONGC CONDUCT, DISCIPLINE & APPEAL RULES FOR EMPLOYEES**

		Minor Penalty		Major Penalty	
Level of Employees	Disciplinary Authority	Appellate Authority	Level of employees	Disciplinary Authority	Appellate Authority
Non executives including 'S' Levels & E0	Location Manager/Area Manager/Party Chief/ In Charge Office/Unit but not below E4	Next higher authority	Non executives including 'S' levels	Head Services/Surface Manager/Sub-Surface Manager/Support Manager and others as listed at "B" in Annexure-1, but not below E5**	Next higher authority
E1 to E3	Head Services/Surface Manager/Sub-Surface Manager/Support Manager and others as listed at "B" in Annexure-1, but not below E5	Next higher authority	E0	Asset Manager/Basin Manager/Chief of Services/Head of Institute/Regional Office and others as listed at "A" in Annexure-1, but not below E7**	Director concerned
E4 to E5	Asset Manager/Basin Manager/Chief of Services/Head of Institute/Regional Office and others as listed at "A" in Annexure 1, but not below E7	Director Concerned	E1 to E4	Director (HR)	Chairman and Managing Director
E6 to E8	Director concerned	Chairman and Managing Director	E5 & above	Chairman and Managing Director	Board of Directors
E9	Chairman and Managing Director	Board of Directors			

\*\* Notwithstanding the levels specified therein, the Major Penalties of Compulsory Retirement, Removal from Service, Dismissal from Service as laid down under Rule 34 of ONGC CDA Rules, 1994 (Amended 2011), cannot be imposed by any authority lower than the Appointing Authority.

## NEW POSITIONS IN ACCORDANCE WITH CRC

S.No.	A	B
1.	Asset Managers	Surface Manager
2.	Basin Managers	Sub Surface Manager
3.	Head, Regional Office	Support Manager
4.	Chief-Info-Com	Block Manager
5.	Chief Materials	Head Bid Monitoring Group
6.	Chief Corporate Planning	Head Data Base
7.	Chief Business Development, JV and Marketing	Head Specialist Group
8.	Chief SHE	Head Regional Lab
9.	Chief EM, Tech. Audit & QA	Head SHE
10.	Chief Legal Services	Head Well Services
11.	Chief Medical Services	Head Geophysical Services
12.	Chief Security	Head Quality Assurance & Monitoring, Geophysical Service
13.	Chief Vigilance Officer	Head Cementing
14.	Chief Internal Audit	Head WSS
15.	Chief Corporate Affairs	Head Design
16.	Chief HRD	Head Works
17.	Chief Employee Relations	Head Maintenance
18.	Chief Drilling Services	Head Mud Services
19.	Chief Well Services	Head Crisis Management Team
20.	Chief Geophysical Services	Head Communication
21.	Chief Logging	Head Info Tech
22.	Chief E&D Technology	Head Logging
23.	Chief EXCOM	Head Completion & Testing
24.	Chief Labs.	Head Process System
25.	Chief E&D Directorate	Head Project PROMISE
26.	Chief Offshore JV (PSC)	Head Project ICE: Software
27.	Heads of Institutes	Head Drilling Services
28.	Chief, Engineering Services	Head Well Services
29.	Chief, Performance Management	Head Engineering Services
30.	Chief, Commercial	Head Support Group
31.	Head, Uran Plant	Head IMR
32.	Head, Hazira Plant	
33.	Chief, Corporate Communication	

Note: The other positions will be included as and when the same are decided under CRC.

## **SCHEDULE II**

### **ACTS AND OMISSIONS CONSTITUTING MISCONDUCT**

(See Rule 3(j))

1. Insubordination or disobedience, either alone or in combination with others of any lawful order of a superior.
2. Use of insolent or impertinent or unparliamentary language in any official correspondence or in any representation including appeal.
3. Bribery, illegal gratification, sabotage, damage, theft, fraud or dishonesty in connection with the business or property of the Company.
4. Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment, at the time of employment or during the course of employment.
5. Habitual late attendance or irregular attendance, neglect of duty, sleeping while on duty under any pretext whatsoever, malingering, wilful or habitual absence from duty, absence without leave, overstaying the sanctioned leave without sufficient cause, or absence from the appointed place of work without permission or sufficient cause.
6. Approaching higher authorities for promotion or any other personal favour or gain through other people.
7. Spreading false rumours or giving false information which tends to bring into disrepute the Company or its employees or spreading panic among them.
8. Gambling within the premises of the establishment.
9.
  - I. Sexual harassment of woman at workplace.
  - II. Commission of any act subversive of discipline or of good behaviour.

10. Disclosing to any unauthorised person or persons any information in regard to the working or process of the Company which comes into the possession of the employee during the course of his work.
11. Carrying on money lending, canvassing in support of the business or insurance agency, commission agency etc. owned or managed by his spouse or any other member of his family or engaging in any trade or business without taking permission of the Competent Authority.
12. Habitual indebtedness or insolvency.
13. Writing of anonymous or pseudonymous letters or associating oneself in writing such letters.
14. Striking work alone or in combination with other employees, or inciting them to strike work in contravention of the provisions of any law or rules having the force of law.
15. Shouting of defamatory or disrespectful slogans or issuing or distributing pamphlets and hand bills or levelling malicious or false allegations.
16. Threatening, intimidating, abusing, or assaulting any employee of the Company.
17. Drunkenness, riotous or disorderly or indecent behaviour in the premises of the Company or outside such premises, where such behaviour is related to or connected with the employment.
18. Commission of any act which amounts to criminal offence involving moral turpitude.
19. Causing wilful damage to the work in progress/process or any property or asset of the Company or of property of another person within the premises of the Company either wilfully or through negligence.
20. Refusal to accept, warning/ notice/ charge sheet/memo or any other communication issued by the Management.

21. Breach or violation of any "Terms and Conditions" relating to occupation of residential accommodation provided by the Company or taking possession/refusal to vacate any of its premises owned/hired when required by the Company to do so.
22. I. Interference or tampering with any safety device installed in the premises. II. Any deliberate violation/bypassing of laid down safety practices/equipment.
23. Smoking within the premises of the establishment, or using naked lights, where it is prohibited.
24. Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
25. Misuse of any advance or non-compliance with the provisions or the rules for grant of any advance.
26. Collection without the permission of the competent authority of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or rules of the Company.
27. Publication of any article, journal, paper or book on any subject prejudicial to the Company or connected with any work of the Company without the prior permission of the competent authority.
28. Possession of any lethal weapon in the Company premises or within its precincts without the prior permission of the competent authority.
29. Conviction in any court of law for any criminal offence.
30. Acting in a manner prejudicial to the interest of the Company.
31. Any act or omission punishable under the Law.
32. Breach of any Rules applicable to the Company.
33. Abetment of or attempt at abetment of any act which amounts to misconduct.



34. Any violation of the code of internal procedures and Conduct for prevention of insider trading in dealing with the securities of Oil and Natural Gas Corporation by the designated employees.
35. Misconduct committed by an employee in the previous or earlier employment if such misconduct was of such nature as has a rational nexus with his present employment and renders him unfit and unsuitable for continuance in service.
36. Using official E-Mail, Internet or other Electronic Equipment or facilities provided by the Company including OR.NET etc. in violation of the "Netiquette" guidelines of the Company.
37. Desertion from duty against the Service Rules, unauthorized absence from duty in any manner or not performing duties.
38. Any violation of the code of internal procedures of insider trading provisions and SEBI (Prohibition of Insider Trading) Regulations, 1992 by any designated employee.

**Note 1:** The above are only illustrative and not exhaustive acts/omissions.

**Note 2:** Executive instructions vide Schedule III may also be referred to.

## SCHEDULE III

### EXECUTIVE INSTRUCTIONS/CLARIFICATIONS

1. In a case where an Employee is criminally assaulted by another Employee during office hours within the office premises, the Management has an obligation to file F.I.R. naming the eye witnesses to the incident, if any. It is enjoined upon all Asset Mangers / Basin Managers / Chief of Services / Heads of Institutes / Regional Offices that in such cases First information Report be lodged with the Police by the Management, without any delay. Simultaneously, departmental action, as deemed fit be taken.(Reference Schedule II)
2. The property returns in respect of officers upto E-6 level, shall be retained in the Establishments under respective I/C HR-ERs after proper scrutiny/ acceptance by the competent authority. The returns in respect of officers at the level of E-7 and above, shall continue to be dealt within the Corporate Establishment at the Headquarters. (Reference Rule 22)
3. Rule 50 of ONGC (CDA) Rule, 1994 (Amended 2011) lays down the procedure for transmission of appeals. It is mandatory on the part of the competent Disciplinary Authority which made/passed the orders appealed against to transmit to the Appellate Authority every appeal, which is not withheld under Rule 49, together with comments thereon, if any, and the relevant records, without any avoidable delay. Such a duty is vested in a Disciplinary Authority without his waiting for any direction from the Appellate Authority. Such competent Disciplinary Authority has the discretion to withhold the appeal under Rule 49 ibid if: -
  - (a) It is against a non-appealable order;
  - (b) Its forms and contents are not in accordance with Rule 48 ibid.;
  - (c) It is time barred and no cause is shown for the delay;

- (d) It is a repetition of the contentions already considered for decision and no new facts or circumstances are adduced.

Withholding of any appeal is required to be intimated by the Disciplinary Authority to the Appellate Authority. The appeal is required to be returned if its form and contents are not as per Rule 48 *ibid*. If a returned appeal is resubmitted within one month, the same cannot be withheld.

The Appellate Authority has the discretion to direct transmission to it of any appeal withheld under Rule 49 *ibid*. and upon issue of any such direction; such appeal has to be transmitted to the Appellate Authority together with the comments of the authority withholding the appeal and the relevant records.

It is impressed upon all Disciplinary Authorities to transmit without any avoidable delay all appeals not withheld, together with its comments thereon, if any, to the Appellate Authority. Similarly, the Disciplinary Authority is required to comply with the orders of the Appellate Authority regarding appeals withheld by it. This duty is enjoined upon the Disciplinary Authority alone and cannot be delegated.

It is desired that instructions given in the preceding paragraphs should be complied with both in letter and spirit by all the Disciplinary Authorities for expeditious disposal of appeals.

4. Attention is invited to Rule 44 to Rule 53 of ONGC (CDA) Rules 1994 (Amended 2011) regarding orders against which no appeal lies; orders against which appeal lies; appellate authorities; period of limitation for appeals; form and contents of appeals; withholding of appeals; transmission of appeals; consideration of appeals; implementation of orders in appeals; and saving of rights under law. The procedure prescribed regarding dealing with appeals in these Rules is to be invariably followed.

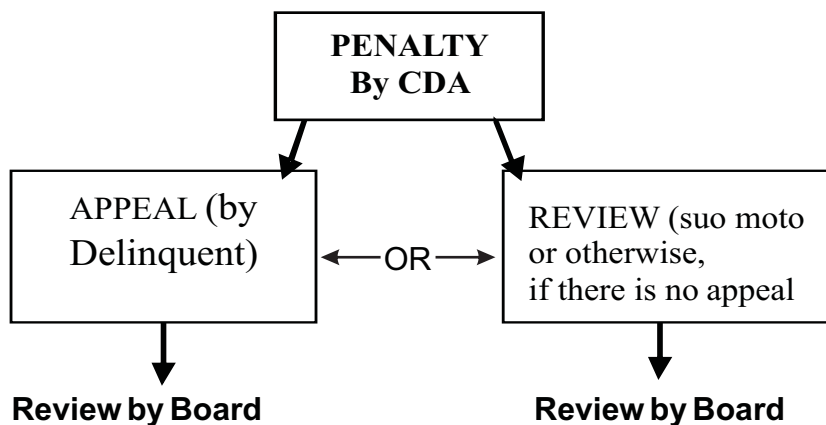
Following instructions are to be strictly observed to avoid delay in disposal of appeals :

- i. All appeals filed under these Rules shall be entertained if made within a period of 45 days from the date on which appellant received a copy of the order appealed against.

- ii. The appeals are to be made to the prescribed Appellate Authority with a copy to the authority passing the order appealed against.
- iii. The appeal shall contain all material statements and arguments on which the appellant relies but shall not be in disrespectful language and shall be complete in itself.
- iv. The authority which made the order appealed against shall forward the same with its comments thereon, if any, with the relevant records to the Appellate Authority promptly and without waiting for any directions from the Appellate Authority.
- v. An order against which no appeal lies or it does not comply with the provisions of Rules, if not submitted within the prescribed period and no cause is shown for delay, or is a repetition of appeal already decided can be withheld.
- vi. An appeal withheld on the ground that form and contents thereof are not in accordance with Rule 48 shall be forwarded/returned to the appellant and if it is re-submitted within one month after compliance shall not be withheld.
- vii. An appellant is to be informed of the facts and reasons for withholding the appeal, if the same is withheld.
- viii. At the commencement of each quarter a list of Appeals withheld by any authority during the previous quarter along with reasons thereof is to be furnished to the competent Appellate Authority.
- ix. The authority which made the order appealed against shall promptly transmit to the Appellate Authority every appeal other than the withheld together with its comments thereon and the relevant records. These comments are to be given by the authority which made the order appealed against and this function cannot be delegated.
- x. An Appellate Authority may direct an authority appealed against, to furnish comments on the appeal along with the relevant records.

- xii. Amongst others, the Appellate Authority while considering the appeal is required to see whether the procedure prescribed in the Rules has been complied with and whether non-compliance has resulted in failure of justice, whether the findings of the Disciplinary Authority are warranted by evidence on record and whether the penalty or the enhanced penalty imposed is adequate or inadequate and pass orders setting aside, reducing, confirming or enhancing the penalty or remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions, as it may deem fit.
  - xii. The authority which made the order appealed against is required to give effect to the orders passed by the Appellate Authority.
5. Payment of incentive to the employees who are facing charges under ONGC CDA Rules and/or under suspension/terminated/dismissed from the services of ONGC shall be regulated as under:-
- (a) All incentive payment is to be dealt with as per para 4.2.1 of Performance Incentive Scheme (w.e.f. April 1, 2003).
  - (b) In-case an employee is under suspension/charge-sheeted, all incentive payment will be kept withheld till the case is decided. However, no incentive will be payable for the period of suspension.
  - (c) In the cases where penalty has been imposed under CDA Rules, the quantum of incentive entitlement and release of payment of incentive for the relevant period will be decided by the competent authority based on the merit of the case(s).
  - (d) The incentive entitlement of terminated/dismissed employee, if such order is revoked at a later date, will be decided on merit of each case by the authority concerned who had revoked the order, taking into account the period during which the employee was on duty and conditions fulfilled thereof.
6. Except for the penalty of dismissal /removal from service which would be effective immediately prior to superannuation, all other penalties can be imposed with retrospective effect.

7. i) Termination of services is a pre requisite for forfeiture of gratuity.
- ii) Withholding of Gratuity is different from forfeiture. Withholding is resorted to during pendency of disciplinary proceedings and is not a decision as such. If the proceedings result in exoneration / any penalty other than dismissal/removal, the withheld gratuity has to be released. If dismissal/removal takes place, as a consequence of such orders, competent authority can take a view to forfeit gratuity, which shall be done by a separate order.
8. In order to remove the confusion, if any, with reference to Rule 54 and to avoid any misinterpretation regarding multiplicity of appeals, the flow-path of appeals is furnished below :



9. With reference to the **Rule 41 (b) (iii)** a complete text in a Tabular form is furnished below to give a complete picture on the consequences that would follow, in the event of imposition of a penalty on an employee in service, or under the legal fiction of deemed to be in service for the purpose of disciplinary proceedings, for implementation even after superannuation, if such proceedings result in a penalty:

S. No	Penalty	Impact	Remarks/Action/Result
<b>Major Penalties</b>			
1	Dismissal which shall be ordinarily a disqualification for future employment under the company.	a) No future employment in ONGC. b) Forfeiture of Gratuity.  c) Encashment of Half Pay Leave.  d) Encashment of Earned Leave.	Dismissal cannot be from retrospective date. Dismissal can be from the date of superannuation.  a) Direct impact on future employability in ONGC.  b) Can be done only if dismissal is due to loss to or destruction of property of the company. Gratuity forfeiture limited to the extent of such damage or loss. Full or partial (to be specified in the penalty order) forfeiture if dismissal is on a/c of riotous, disorderly or violent act or on a/c of moral turpitude committed in the course of employment. The above are as per existing provisions.  c) Encashment of Half Pay Leave is not admissible under Rule 22(2) of Leave Rules, 1995. However, benefits under the existing exception provision as per Rule 22(2) may not be allowed in cases of imposition of penalty under CDARules.  d) EL encashment is admissible if an employee is compulsorily retired as a measure of punishment under CDA Rules. However, EL encashment is not payable in Removal and Dismissal.

		<p>e) Post Retirement Medical benefits.</p> <p>f) Colony/leased accommodation, if availed post superannuation for 4 months, charge market rate of rent and penal interest + HRR from dues.</p> <p>g) TTA</p> <p>h) PRBS</p> <p>i) CSSS</p> <p>j) EPS 95</p>	<p>e) The existing scheme does not allow this facility to those who are removed/ dismissed under ONGC CDA Rules.</p> <p>f) (1) As per the present rules, as a goodwill gesture, a superannuated employee may retain colony accommodation for four months at standard rent.</p> <p>f) (2) If he is dismissed, he may be disqualified for such retention and such retention may be made subject to payment by recovery from him an amount equal to HRA + HRR (Standard rent) + penal rent. In other words, a charged employee on his superannuation has the option to vacate immediately or to take a conscious decision and a chance.</p> <p>g) Inadmissible under the present TA Regulations.</p> <p>h) Current rules provide for payment even in the event of dismissal.</p> <p>i) Current rules do not prohibit payment due to CDA action, this scheme being primarily based on individual contribution.</p> <p>j) Payment is by PF Commissioner to the pensioner. Current scheme does not link this payment to any penalty under disciplinary case.</p>
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2	Removal from service which shall not be a disqualification for future employment.	As above, except in case of future employment.	As above, except in case of future employment. There is no express disqualification on future employment.
3	Compulsory retirement.	As above.	As above, <i>except that encashment towards unutilized earned leave shall be allowed.</i> (ref. Govt. of India, DoPT OM No. 14028/1/2004-Estt(L) dt. 13/2/2006.
4	Reduction in rank retrospectively w.e.f. a date prior to superannuation	Recovery of difference of pay & allowances between the reduced rank and the rank superannuated from.	All benefits on the reduced rank.
5	Reduction to a lower stage in Pay for more than 3 years	Recovery of difference of pay & allowances between the reduced stage and the stage superannuated from.	All benefits on the reduced pay.
<b>Minor Penalties</b>			
6	Reduction to a lower stage in Pay for less than 3 years	Recovery of difference of pay & allowances between the reduced stage and the stage	All benefits on the reduced pay.

		superannuated from.	
7	Recovery from pay or such other amount as may be due to him, of the whole or part or any pecuniary loss caused to the company by his negligence or breach of orders.	Appropriate recovery.	All benefits after recovery.
8	Withholding of promotion	No fruitful meaning if he is not eligible for promotion on the date of superannuation.	If he is eligible only then this penalty should be considered. Any sealed cover proceedings, under which he is considered for promotion prior to superannuation, shall not be acted upon.
9	Withholding of increments with or without cumulative effect	Appropriate recovery.	All payments after recovery. To be imposed only if he has not reached the maximum of the pay scale.
10	Forfeiture of PRP	Forfeiture of PRP, partial or full	Forfeiture of PRP, partial or full
11	Censure	No impact	No impact on terminal dues or post retirement facilities.  <i>However, in the event of imposition of penalty of censure, cooling off period of one year for promotion shall be there from the date of the order of punishment.</i>

10. Currency of the Penalty of Withholding of Increments of pay begins immediately on its imposition. However, financial impact of the penalty would start at the beginning of next year since Increments are due on the 1<sup>st</sup> of January each year. Hence, if this penalty is imposed, say in July-2010 and say **TWO** increments have been withheld, then the currency of the penalty starts from July 2010 and will end on 31.12.2012. However, care be taken that the individual should not have stagnated on the date of imposition of the penalty and there is adequate scope in his pay scale to accommodate such Withholding. Service record can be checked for this purpose.

**11. The period of withholding of promotion:-**

**It is clarified that Non-Promotion and Withholding of Promotion are not the same.** The latter is a specific penalty. Withholding of Promotion, shall be counted from the next date on which the Employee is to be considered for promotion irrespective of the number of occasions in the past when he was not promoted. This penalty should not be imposed when the employee is not even eligible for Promotion. Period of withholding of promotion should accordingly be specified by the Disciplinary Authority.

**12. Penalty of reduction in stage of pay**

i) On imposition of this penalty in minor penalty, following must be indicated-

a) pay in terms of rupees to which the CO shall be reduced.

b) Specify period in years & months i.e. the date from and to which the penalty will remain in effect.

**13. *Penalty of reduction in stage of pay (in case of major penalty) must indicate***

i.) *Number of stages reduced (increments to be withdrawn), with pay in rupees to which CO shall be reduced with duration of penalty*

ii) *Whether during period of reduction employee will or will not earn the increments*

- iii) *Whether on expiry of such period, reduction will or will not have effect of postponing future increments of his pay*

**This penalty may have four situations:**

- a. Reduction with direction that during period of reduction, employee will earn increments and on expiry of such period, the reduction will not have effect of postponing future increments of his pay .
- b. Reduction with direction that during period of reduction, employee will not earn increments and on expiry of such period, the reduction will not have effect of postponing future increments of his pay .
- c. Reduction with direction that during period of reduction, employee will earn increments and on expiry of such period, the reduction will have effect of postponing future increments of his pay.
- d. Reduction with direction that during period of reduction, employee will not earn increments and on expiry of such period, the reduction will have effect of postponing future increments of his pay

**14. Penalty of reduction to a lower time scale of pay, grade, post must indicate:**

- i) Date from which it will take effect & the grade to which reduced.
- ii) The specific basic pay he is allowed to draw in the reduced pay scale. He shall not draw more than the maximum of the reduced pay scale even if he is drawing more in the pre penalty pay scale. The CDA has a option to order drawl of a specific basic pay in the reduced pay scale which is less than what he is actually drawing in the pre penalty pay scale.
- iii) Specify the period in terms of years and months for which the penalty shall be operative.
- iv) The extent in terms of years and months, if any to which the period referred shall operate to postpone future increments on restoration after the specified period.
- v) The period of postponing future increments shall not exceed the period specified at (ii) above.

- vi) It is further clarified that in ONGCs context, Grade & Post mean the same.
- vii) The Time Scale of pay refers to the Pay Scale and not to the Stagnation Increments, whereas 'Withholding of Increments of Pay', may also include stagnation increments besides the normal yearly increments.

**EXAMPLE :-**

a) If one is reduced from the basic pay of Rs 48,000 in E-1 pay scale of Rs 24900 50500 to the reduced pay scale of Rs 20600 46500 of E-0 level for a period of 2 yrs effective from 29.8.10. His reduced basic pay cannot be more than 46500. He will not draw the increments in the lower pay scale till 28.8.12. If the direction is that he shall be restored to the grade / post from which he is reduced then on 29.8.12 he will be restored to E-1 position and scale. He may be allowed to draw 48000 or less (slab to be specified by CDA) in E-1 pay scale. Further the CDA may specify restoration of seniority which means he will occupy his original seniority in E-1 grade. The CDA has the option to order placing the employee at the bottom of the E-1 seniority list on his restoration. If there is no direction (i.e if the order is silent) by the CDA regarding restoration to E-1 grade, seniority and pay in E-1 grade, then the employee would continue to be in E-0 grade and pay scale from 29.8.12 onwards and will earn increments in E-0 pay scale and promotion from E-0 level. Absence of direction regarding restoration does not automatically result in restoration.

## Illustrations of penalty imposition

### [A] Penalty of withholding of Increments:

Example 1 : Penalty of withholding of one increment without cumulative effect.

A penalty of **withholding of one increment for two years without cumulative effect** is imposed on a person drawing Basic Pay of Rs.59500 in E5 in July 2010.

Pay on	Without penalty	After penalty
1.1.2011	Rs. 61285	Rs.59500-increment withheld
1.1.2012	Rs.63123	Rs. 61285 (after3% annual increment)
1.1.2013	Rs.65017	Rs.65017(penalty over)

### Example 2 :

Penalty of withholding of one increment for two years with cumulative effect.

Pay on	Without penalty	After penalty
1.1.2011	Rs. 61285	Rs.59500 -increment withheld
1.1.2012	Rs.63123	Rs. 61285 (after3% annual increment)
1.1.2013	Rs.65017	Rs.63123(penalty over)

## [B] Penalty of reduction to a lower stages in time scale of pay

### Example 3.

**Minor Penalty** of reduction to a lower stage in the time scale of pay without cumulative effect.

Pay on	Without penalty	After penalty
1.7.2010	Rs.41540	Rs.40330
1.1.2011	Rs.42786	Rs.41540
1.1.2012	Rs. 44070	Rs. 42786
1.7.2012	Rs. 44070	Rs. 44070 (Penalty over)
1.1.2013	Rs.45392	Rs.45392

A penalty of reduction in a lower stage of pay without cumulative effect for a period of two years **w.e.f. 1.7.2010** is imposed on a person drawing Basic Pay of Rs.41540 in E3 scale .

### Example 4.

**Major Penalty** of reduction in a lower stage of pay for specified period with further instructions as to whether or not the Employee will earn increments of pay during the period of such reduction and whether on expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay.

Suppose there is a penalty of reduction to one stage lower in time scale of pay w.e.f. 1.7.2010 for two years on a person drawing Basic Pay of Rs.41540 in E3

**Now, in this penalty, there may be four situations possible:**

- a. Reduction with direction that during period of reduction, employee will earn increments and on expiry of such period, the reduction will not have effect of postponing future increments of his pay .

Pay on	Without penalty	After penalty
1.7.2010	Rs.41540	Rs.40330
1.1.2011	Rs. 42786	Rs. 41540
1.1.2012	Rs.44070	Rs. 42786
1.7.2012	Rs. 44070	Rs. 44070 (penalty over)
1.1.2013	Rs.45392	Rs. 45392

- b. Reduction with direction that during period of reduction, employee will not earn increments and on expiry of such period, the reduction will not have effect of postponing future increments of his pay.

Pay on	Without penalty	After penalty
1.7.2010	Rs.41540	Rs.40330
1.1.2011	Rs.42786	Rs. 40330
1.1.2012	Rs.44070	Rs. 40330
1.7.2012	Rs.44070	Rs. 44070 (penalty over)
1.1.2013	Rs. 45392	Rs. 45392



- c. Reduction with direction that during period of reduction, employee will earn increments and on expiry of such period, the reduction will have effect of postponing future increments of his pay.

Pay on	Without penalty	After penalty
1.7.2010	Rs.41540	Rs. 40330
1.1.2011	Rs.42786	Rs. 41540
1.1.2012	Rs. 44070	Rs. 42786
1.7.2012	Rs. 44070	Rs. 42786 (penalty over)
1.1.2013	Rs. 45392	Rs 44070

- d. Reduction with direction that during period of reduction, employee will not earn increments and on expiry of such period, the reduction will have effect of postponing future increments of his pay

Pay on	Without penalty	After penalty
1.7.2010	Rs.41540	Rs.40330
1.1.2011	Rs.42786	Rs. 40330
1.1.2012	Rs.44070	Rs. 40330
1.7.2012	Rs.44070	Rs. 41540 (penalty over) Pay restored
1.1.2013	Rs. 45392	Rs. 44070

**FORM NO.1**STATEMENT SHOWING DETAILS OF IMMOVABLE PROPERTY **ON FIRST APPOINTMENT** IN THE COMPANY  
(e.g. Lands, House, Shops, other Buildings etc.)

NAME:

DESIGNATION:

ORGANISATION:

DATE OF JOINING:

BASIC PAY:

Sl. No.	Details/Description of property and its location (See notes 1 & 5 below) House/Building/Land No.	If not in own name, state in whose name held and his/her relationship, if any to the employee	How and when acquired (See Notes 2 & 6 below)	Value of the Property (See note 3 below)	Total annual income from the property	Remarks
1	2	3	4	5	6	7

**Note:1** if the property is not wholly owned the extent of share may also be indicated.

**Note:2** For the purpose of Col. 4 the term 'lease' would mean a lease of immovable property from year to year or for any term exceeding one year of reserve yearly rent. When, however, the lease of immovable property is obtained from a person having official dealing with the employee, such a lease should in this column irrespective of the term of the lease whether it is short term or long term, and the periodicity of the payment of rent.

**Note:3** In Col. 5 should be shown:

- (a) Where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition.
- (b) Where it has been acquired by lease the total annual rent thereof also and
- (c) Where the acquisition is by inheritance, gift or exchange the approximate value of the property so acquired.

**Note:4** The annual return in respect of immovable property may also be submitted in this form as on 1<sup>st</sup> January.

**Note:5** Name of District, Division, Taluka & Village in which the property is situated and also its distinctive number etc. will be given in Col.2.

**Note:6** Whether by purchase, mortgage, lease, inheritance, gift or otherwise & name with details of person/persons from whom acquired. Address & connection, if any with the person/persons concerned are also to be given in column.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**FORM NO.2****STATEMENT SHOWING DETAILS OF ASSETS (OTHER THAN IMMOVABLE PROPERTY) & LIABILITIES ON FIRST APPOINTMENT IN THE COMPANY**

NAME:

DESIGNATION:

DATE OF JOINING:

BASIC SALARY:

ASSETS					LIABILITIES
A. <u>Liquid Assets &amp; Investments (including deposits &amp; LIC Policies)</u>					1. Liabilities to the Bank/Financial Institution
Description	Amount/ Original Price	Held in the name of & relationship	How acquired	Annual income derived	
1	2	3	4	5	2. Liabilities to friends & relatives
B. Movable Properties					3. Other liabilities, if any
1	2	3	4	5	
					Date:      Signature:

N.B. Additional sheets may be attached where necessary.

- Note:1** In the case of share, securities, debentures etc. face value and approximate market value as on the date of statement may be mentioned.
- Note:2** In the case of Life Insurance Policies the date of maturity may also be stated.
- Note:3** Under B information may be given regarding items like (a) gold/gold ornaments: approximate weight only be stated. (b) Silver including ornaments etc. (approximate weight) (c) Other precious metals, items of jewellery, precious stones forming part of jewellery etc. Approximate value to be stated (i) Car (ii) Scooters/Motor Cycles (iii) Refrigerator/Air Conditioners, Radio/Radiogram/Television sets and any other articles the value of which individually is more than Rs. 15,000/-.
- Note:4** In column 4, may be indicated whether the property was acquired by purchase, gift, or otherwise.
- Note:5** Under liabilities, brief details should be given.

Signature \_\_\_\_\_

Dated \_\_\_\_\_

**FORM NO. 1**

STATEMENT SHOWING DETAILS OF IMMOVABLE PROPERTY AS ON 1<sup>ST</sup>  
JANUARY OF EACH CALENDAR YEAR

TO BE SUBMITTED BY 30<sup>TH</sup> APRIL EVERY YEAR  
(e.g. Lands, House, Shops, other Buildings etc.)

NAME:

DESIGNATION:

ORGANISATION:

DATE OF JOINING:

BASIC PAY:

Sl. No.	Details/Description of property and its location (See notes 1 & 5 below) House/Building/Land No.	If not in own name, state in whose name held and his/her relationship, if any to the employee	How and when acquired (See Notes 2 & 6 below)	Value of the Property (See note 3 below)	Total annual income from the property	Remarks
1	2	3	4	5	6	7

- Note:1** If the property is not wholly owned the extent of share may also be indicated.
- Note:2** For the purpose of Col. 4 the term 'lease' would mean a lease of immovable property from year to year or for any term exceeding one year of reserve yearly rent. When, however, the lease of immovable property is obtained from a person having official dealing with the employee, such a lease should in this column irrespective of the term of the lease whether it is short term or long term, and the periodicity of the payment of rent.
- Note:3** In Col. 5 should be shown:
- (a) Where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition.
  - (b) Where it has been acquired by lease the total annual rent thereof also and
  - (c) Where the acquisition is by inheritance, gift or exchange the approximate value of the property so acquired.
- Note:4** The annual return in respect of immovable property may also be submitted in this form as on 1<sup>st</sup> January.
- Note:5** Name of District, Division, Taluka & Village in which the property is situated and also its distinctive number etc. will be given in Col.2.
- Note:6** Whether by purchase, mortgage, lease, inheritance, gift or otherwise & name with details of person/persons from whom acquired. Address & connection, if any with the person/persons concerned are also to be given in column.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**FORM NO.2**

STATEMENT SHOWING DETAILS OF ASSETS (OTHER THAN IMMOVABLE PROPERTY) & LIABILITIES AS ON 1<sup>ST</sup> JANUARY OF EACH CALENDAR YEAR TO BE SUBMITTED BY 30<sup>TH</sup> APRIL EVERY YEAR

NAME:

DESIGNATION:

DATE OF JOINING:

BASIC SALARY:

ASSETS					LIABILITIES
A. <u>Liquid Assets &amp; Investments (including deposits &amp; LIC Policies)</u>					1. Liabilities to the Bank/Financial Institution
Description	Amount/ Original Price	Held in the name of & relationship	How acquired	Annual income derived	
1	2	3	4	5	
					2. Liabilities to friends & relatives
					3. Other liabilities, if any
B. Movable Properties					
1	2	3	4	5	
					Date:      Signature:

N.B. Additional sheets may be attached where necessary.



- Note:1** In the case of share, securities, debentures etc. face value and approximate market value as on the date of statement may be mentioned.
- Note:2** In the case of Life Insurance Policies the date of maturity may also be stated.
- Note:3** Under B information may be given regarding items like (a) gold/gold ornaments: approximate weight only be stated. (b) Silver including ornaments etc. (approximate weight) (c) Other precious metals, items of jewellery, precious stones forming part of jewellery etc. Approximate value to be stated (i) Car (ii) Scooters/Motor Cycles (iii) Refrigerator/Air Conditioners, Radio/Radiogram/Television sets and any other articles the value of which individually is more than Rs. 15,000/-.
- Note:4** In column 4, may be indicated whether the property was acquired by purchase, gift, or otherwise.
- Note:5** Under liabilities, brief details should be given.

Signature \_\_\_\_\_

Dated \_\_\_\_\_

**FORM NO. 3**

**DETAILED STATEMENT IN RESPECT OF SHARES/DEBENTURES PURCHASED UNDER PROMOTERS'/EMPLOYEES QUOTA AS ON 1<sup>ST</sup> JANUARY OF EACH CALENDAR YEAR IN OFFICERS OWN NAME AND ALSO THOSE HELD IN THE NAMES OF SPOUSE AND DEPENDENT CHILDREN**

**NAME:**

**DESIGNATION:**

**ORGANISATION:**

**DATE OF JOINING THE PSU:**

**BASIC SALARY:**

**P.F. INDEX NO.**

Sl. No	Name of the Company	No. of Shares	Face Value	Cost of Acquisition	Whether	How Acquired	Position held at the time of acquisition and if the Company had any borrowing or other facilities at that time.
1	2	3	4	5	6	7	8

A. Self

B. Spouse and Dependent Children

(2) Any additions/deletions to this statement as on 1<sup>st</sup> January..... and the profit/loss incurred by me are given below.

Place:

Date:

Signature\_\_\_\_\_

## FORM NO.4

(To be submitted along with the Assets & Liabilities Statement as on 1<sup>st</sup> January of every year)

Form for giving information where total transactions in shares, securities, debentures and investment in mutual fund schemes etc. exceed Rs. 25,000/- during the calendar year as on 1<sup>st</sup> January .....

1. Name and Designation
2.
  - i) Scale of pay and present pay
  - ii) P.F. Index No.
3. Details of each transaction made in shares, securities, debentures, mutual funds scheme etc. during the calendar year.
4. Particulars of the party/firm with whom transaction is made.
  - (a) Is party related to you?
  - (b) Did you have dealings with the party in your official capacity at any time or is the applicant likely to have any dealings with you in the near future?
5. Source or sources from which financed?
  - (a) Personal savings
  - (b) Other sources giving details
6. Any other relevant fact which you may like to mention.

Declaration: I hereby declare that the particulars given above are true.

Place:  
Date:

Signature:  
Designation:

## ONGC: CDA 3

### DECLARATION REGARDING RELATIONS CONNECTED WITH FIRMS/BUSINESS HOUSE DOING BUSINESS WITH THE COMPANY

Name	Present Post held	Present Basic Pay & Scale
CPF No.	Place of Posting	Date of Joining Co.

I, the undersigned, hereby declare that none of my relations except the following, are connected with any firm or business house engaged in business dealing with the Company

Sl.No.	Complete address of the firm/business house doing business with the Company/ name of Proprietor/ partner/Manager	Nature of relationship of the officer with proprietor/partner/manager of the said firm of business house	Nature of business dealings with the Company	Nature of pecuniary or other interest of the officer having Relations

I also undertake to inform the Management immediately about any change that may take place regarding the connection of my relations with the firms doing business with the Company.

I further declare that I shall not participate in decisions relating to award of contracts/giving orders for purchase or sale or any other matter relating to the firm where my relations(s) is/are having connection.

Place :

Date :

Signature:

**NOTE:** Strike off, whichever is not applicable.

Company means ONGC.

Countersigned: Controlling Officer

## ONGC: CDA 4

### STATEMENT REGARDING ANY KIND OF BUSINESS DONE BY THE EMPLOYEE EITHER IN HIS/HER OWN NAME OR IN THE NAME OF HIS/HER FAMILY MEMBERS OF BENAMI

Name	Present Post held	Present Basic Pay & Scale
CPF No.	Place of Posting	Date of Joining the Co.

Details of the Business	Name of the persons in Whose name the business is held/ conducted	Relationship of the Employee in whose name the business is held/conducted	Approximate monthly in come	Remarks

Place :

Date :

Signature of the Employee:

Date:

**Counter Signed  
Controlling Officer**

## ONGC : CDA - 5

### Proforma for giving intimation under Rule 19 (4) of ONGC, Conduct, Discipline and Appeal Rules for transactions in Shares, Securities, Debentures and Investments in Mutual Fund Scheme etc.

- 1 Name and Designation :
- 2 CPF No. :
- 3 Basic pay :
- 4 Place of Posting :
- 5 Scale of pay :
- 6 Detail of each transaction made in shares, securities, debentures, mutual fund schemes, etc. during the calendar year.
- 7 Particulars of the Party/firm with whom transaction is made :
  - (a) is party related to the applicant ?
  - (b) Did the applicant have any dealing with the party in his official capacity at any time or is the applicant likely to have any dealings with him in the near future?
8. Source/Sources from which financed
  - (a) personal savings :
  - (b) other sources giving details :
9. Any other relevant fact which the applicant may like to mention :

#### DECLARATION:

I hereby declare that the particulars given above are true.

Place :

Date :

Signature of the Employee:



Corporate Employee Relations Group  
Tel Bhawan, Dehradun