DAMODAR VALLEY CORPORATION
SERVICE REGULATIONS

(Vide Damodar Valley Corporation Notification No. 5 dated the 28th January, 1957)

Regulations governing the recruitment, conditions of service, pay, allowances, discipline, conduct and retiring benefits of the employees of the Damodar Valley Corporation.

No. 5- In exercise of the powers conferred by Section 60 of the Damodar Valley Corporation Act, 1948 (XIV of 1948), the Corporation hereby makes, with the previous sanction of the Central Government, the following regulations to govern the recruitment, condition of service, pay, allowances, discipline conduct and retiring benefits of the employees of the Corporation.

1. EXTENT OF APPLICATION, CLASIFICATION OF SERVICES AND METHOD OF RECRUITMENT

Regulation 1 : (1) These regulations may be called the Damodar Valley Corporation Service Regulations.

(2) They shall be deemed to have come into force with effect from the 7th July, 1948, provided that cases already dealt with otherwise than under these Regulations shall not be re-opened.

Regulation 2 : — In these Regulations, unless there is anything repugnant in the subject or context :

(1) "Accounts Officer" means the Chief Accounts Officer of the Corporation or till such time as the Chief Accounts Officer is appointed the Senior Accounts Officer of the Corporation.*

(2) "Chairman" means Chairman of the Corporation.

(3) "Compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance not the grant of gree passage by sea to or from any place outside India.

(4) "The Corporation" means the Damodar Valley Corporation.

(5) "Day" means a calendar day, beginning and ending at midnight : but an absence from headquarters which does not exceed twenty four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(6) "Director of Personnel" means the Director of Personnel of the Corporation.

(7) "Employee" means, an employee of the Corporation, other than a casual employee or a member of the work charged establishment or an

* The Chief Accounts Officer has been appointed from 1st June, 1956.

employee of the Damodar Valley Corporation Coal Mines not belonging to Class I referred to in Reg. 7 or a person paid from Contingencies.+

(8) "Family" for the purposes of the Regulations, other than Regulations 60 to 70 means the employee's wife or husband, as the case may be, residing with the employee and legitimate children and step-children residing with and wholly dependent upon the employee and, except for the purposes of Regulation 54 to 57, includes the employee's parents, sisters and minor brothers residing with and wholly dependent on the employee.

Note — 1) Where an employee has more than one wife, only one wife shall be

included in the term 'family'.

2)* An adopted child shall be considered to be a legitimate child if, under the personal law of the employee, adoption is legally recognised as conferring on the child the status of a natural child.

9) "Financial Adviser" means the Financial Adviser of the Corporation.

10) "Head of a Department" means they authority specified in Appendix-I and any other authority, which the Corporation may by order declare to be the head of a department for the purpose of these Regulations.

Note — In respect of the staff under the administrative control of the Financial Adviser, he should exercise all the powers of a Head of Department and no action under any of these Regulations in respect of the staff so employed shall be taken by the Corporation or other authority under the Corporation except in consultation with him.

11) "Lien" means the title of an employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

+ As substituted by D.V.C. Notification No. 19 dated the 5th April, 1960.

* As substituted by D.V.C. Notification No. 52 dated the 10th April, 1964.

12) "Member" means a Member of the Corporation other than the Chairman.

13) "Officiate" — An employee officiates in a post when he performs the duties of a post on which another person holds a lien. The authority, which has power to make a substantive appointment to the post, may appoint a person to officiate in a vacant post on which no other person holds a lien.

14) "Pay" means the amount drawn monthly by an employee as :

a) the pay other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post, held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre :

b) overseas pay, technical pay, special pay, personal pay; and

c) any other emoluments, which may be specially classed as, pay by the Corporation.

15) "Personal pay" means additional pay granted to an employee :

a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure ; or

b) in exceptional circumstances, on other personal consideration.

16) "Secretary" means Secretary of the Corporation.*

17) "Special pay" means an addition, of the nature of pay, to the emoluments of a

post or of an employee, granted in consideration of : a) the specially arduous nature of the duties; or

c) a specific addition to the work or responsibility, and includes non- practicing allowance granted to Doctors in lieu of prig practice.** 18) "Subsistence grant" means a monthly grant to an employee who is not in receipt of pay or leave salary.

* Designation of the Secretary has been changed to 'General Manager and Secretary' vide Govt. of India, Ministry of Irrigation & Power letter No. 24/1/DVC/59, dated the 8th June, 1959.

** As amended by D.V.C.Notification No. 47 dated 15th February.1963

19) "Travelling allowance" means an allowance granted to cover the expenses, which are incurred in travelling in the interest of the Corporation. It includes allowances granted for the maintenance of conveyances, houses and tents.

Regulation 3 : - These Regulations apply to all employees whose conditions of service the Corporation is competent to regulate. In respect of persons, who may be required to execute a formal contract, the Regulations shall apply in so far as they are not inconsistent with any provision of the contract and in respect of any matter not
covered by the contract. Employees to whom the Factories Act, 1948, the Industrial Disputes Act, 1947 and the Industrial Disputes (Amendment) Act, 1953, apply shall be governed by these Regulations subject to the provisions of these Act and the relevant Standing Orders.

Regulation 4 : - In case of any doubt about the meaning or extent of the application of any of these regulations, the decision of the Corporation shall be final.

Regulation 5 : - If the Corporation is satisfied that in the special circumstances of any case it is necessary or expedient so to do, if may, after specifying those special circumstances in writing relax the provisions of any of these Regulations in such a case.

Regulation 6 : - Any matter no provided for in these Regulations shall, until requisite provisions in that behalf are made in these Regulations, be dealt with and disposed of, as far as may be, in accordance with the rules and orders issued from time to time by the Central Government in relation to similar matters.

CLASSIFICATION OF SERVICE

*"*Regulation 7* : - The services under the Corporation shall be classified as : -

Group 'A' – Posts carrying pay, or the maximum pay, if it is in a time scale, exceeding Rs. 1,000/- P.M.

Group 'B' - Posts other than those in Group 'A' carrying pay, or the maximum pay if it is in a time scale, exceeding Rs. 310/- P.M.

Group 'C' - Posts, the maximum pay of which does not exceed Rs. 310/- p.m.

Provided that Corporation may include any post or group of posts in a particular

* As substituted by D.V.C. Notification No. 102 dated the 28th January, 1977.

Group according to the nature and duties of the post irrespective of the pay attached to it."

Regulation 8 : - Staff Class I, other than those lent by the Central and State Governments, who are appointed for a fixed period, may be required to execute a contract in such from or forms as may be prescribed by the Corporation.

METHOD OF RECRUITMENT

*"*Regulation 9* : - Recruitment to the services of the Corporation shall be made by :

a) direct appointment , or

b) promotion of persons already in the service of the Corporation, or

borrowing from Goverments.

Regulation 10* :-

1) The Head of the Office concerned may make appointments to posts in Class III Service.

2) Subject to any directions issued by the Corporation, appointments to posts in other services may be made by the Corporation on the recommendation of a Selection Board constituted under clause (I) or, as the case may be clause (ii), of sub-regulation (3).

**3) The Corporation shall constitute –

i) In the case of Class I posts, a Selection Board consisting of the General Manager or the Deputy General Manager, the Director of Personnel or the Joint Director of Personnel and the Head of the Department concerned or his representative :

$Provided that where appointments are to be made to posts, the maximum scale of pay of which exceeds Rs. 2,000/- per mensem, the Selection Board shall also consist of the Chairman of a Member of the Corporation.

* As substituted by D.V.C. Notification No. 28 dated the 30th March, 1961.

** As substituted by D.V.C. Notification No. 65 dated the 25th May, 1966.

$ As substituted by D.V.C. Notification No. 99 dated the 1stApril, 1976.

Provided further that in the Selection Board of which the Chairman or a Member of the Corporation is a member, the Head of the Personnel Department shall function as Secretary of the Committee and not as a member and the representative of the Personnel Department attending the Selection Board shall be of a rank higher than the post for which selection is to be made.

(ii) In the case of all Class II posts, except those which are filled after practical test, a Selection Board Consisting of the Deputy Secretary, the

Director or Joint Director or Deputy Director of Personnel and the Head of the Department concerned or his representative.

$$*Note* : - For the purposes of this clause "Deputy Secretary" includes officers of equivalent rank in the offices of the Financial Adviser, Chief Accounts Officer and the Materials Manager of the Corporation.

(4) The Selection Board may call for the services of experts from within or outside the Corporation for advice on any particular appointment.

II. GENERAL CONDITIONS OF SERVICE

Regulation 11 :- No person who has, directly or indirectly, by himself/herself or his/her partner or agent, any share or interest in any contract by or on behalf of the Corporation or in any employment under, by or on behalf of the Corporation otherwise than as an employee thereof, shall become or remain an employee of the Corporation. The decision, as to whether a person has direct or indirect interest in any contract, of the Chairman of the Corporation will be treated as final.

Regulation 11A :- **The authority competent to make the appointment to the service of the Corporation shall satisfy itself about the identity and suitability of the candidate, in all respect, before actual appointment is made and the decision of such authority in this regard shall be final.

Regulation 12 : - Unless otherwise provided in any individual contract all appointments except officiating appointments shall be on probation for such period as may be determined by the Corporation, during which time, the services of any employee can be terminated without notice.

Regulation 13 : - Probationary period shall count as service towards increment and leave only if the probation is on the time-scale and not on a probationary stage outside the time-scale.

$$ Inserted by D.V.C. Notification No. 101 dated the 24th August, 1976. ** Inserted by D.V.C. Notification No. 29 dated the 11th May, 1961.

Regulation 14 : - Promotion shall be based on merit, relative suitability of a candidate for a particular post and seniority, and shall, in the case of promotion to Class I, be made ordinarily after considering the advice of the Departmental Promotion Committee to be set up for the purpose. Their functions and procedure shall be similar to such committees functioning under the Central Government with suitable modifications.

Regulation 15 : - The whole time of an employee is at the disposal of the Corporation and e may be employed in any manner in the service of the Corporation by the head of the office under whom he is employed without any claim for additional remuneration.

Regulation 16 : - Two or more employees cannot be appointed to the same post at the same time nor can an employee be appointed except in an officiating capacity, to a post on which another employee holds a lien.

Regulation 17 : the Corporation may terminate -The services of an employee in permanent employment if –

a) his pot is abolished ; or

b) he is declared on medical evidence to be unfit for further service "

or

(c)* "he absents himself from duty without permission of the competent authority for a period exceeding one month, or is found guilty of insubordination, intemperance or other misconduct:

Provided that before termination of the service of any employee under this clause,

(i) in the case of absence from duty, notice shall be given to the employee who is absent to report for duty within a date not exceeding one month from the date of the notice to give sufficient reasons for his absence to

* As substituted by D.V.C. Notification No. 94 dated the 29th January, 1974.

the satisfaction of the competent authority failing which the services of the employee may be terminated without further enquiry :

(ii) in the case of the being found guilty of insubordination, intemperance, or other misconduct, enquiry shall be made under sub-regulation (2) of regulation 98 before the penalty under clauses (vi) or (vii) of regulation 96 is imposted."

Subject to the above and to the provision of Section 25 F of the Industrial Disputes Act, 1947, as inserted by the Industrial Disputes (Amendment) Act, 1953, in the case of employees who are 'workmen' within the definition of that Act, the services of an employee may be terminated by the Corporation with or without notice as follows

1) without previous notice on the expiry of the term of appointment.

2) without previous notice if he is declared on medical evidence to be unfit for further service.

3) with one month's notice or one month's pay in lieu thereof, in case of temporary appointment lasting for less than a year, except in cases covered by clause (1) & (2).

4) With three months' notice or three months' pay in lieu thereof in other cases not covered by clauses (1), (2) and (3) above.

Provided that if in any case a shorter notice than the requisite period is given, the employee shall be entitled to payment of a sum equal to his pay for the period by which the notice actually given falls short of the requisite period.

Regulation 18 : In no circumstances shall resignation of an employee whose conduct is under enquiry be accepted without the sanction of the authority competent to dismiss him. Subject to this the resignation of an employee, including an employee on probation, shall ordinarily require three months' notice provided that a month's notice shall be adequate in the case of employees to whom the Industrial Disputes Act, 1947, and the Industrial Disputes (Amendment) Act, 1953 apply and in the case of temporary appointments for less than a year.

If an employee tenders resignation from a certain date, the competent authority may, at his discretion, accept his resignation from that date and require him to pay a sum not exceeding his pay for the remaining portion of the proper notice period or require him to continue in service until expiry of the notice period or, if he is a permanent employee, until suitable arrangement is made for his relief. The appointing authority or the Corporation "may waive such payment in exceptional cases. An employee shall not quite service until he is formally released from duty.

Regulation 19 : Government servants employed by the Corporation shall be treated as on Foreign Service. Their leave and pension contribution shall be paid by
the Corporation to the Government concerned. For disciplinary purposes where the corporation considers that the punishment of removal or dismissal shall be imposed, the Corporation shall complete the enquiry and revert the officer concerned to the lending authority for such action as that authority may consider necessary. The Corporation shall consult the lending authority before imposing any lesser penalty (except suspension), and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty. Subject to this and any other special terms which might be agreed upon between the Corporation and the Government concerned, they shall be governed by these regulations.

Regulation 20 : A person who has not attained the age of 18 or whose age exceeds 58* shall not ordinarily be admitted into the service of the Corporation. Relaxation of this rule in any individual case will require the approval of the Corporation.

Regulation 20A : (i) (a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reasons of its taking place during the life time of such spouse, shall be eligible for appointment to the service of the Corporation, and

b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to the service of the Corporation.

* The figure "58" has been substituted for the figure "55" by D.V.C. Notification No. 57 dated the 15th December, 1961. This amendment has effect from the 21st January, 1963.

Provided that the Corporation may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-regulation.

2) Every person recruited to the service of the Corporation if he has not been exempted under the power to sub-regulation (1) shall make a declaration in such form as may be prescribed by Corporation that he is not disqualified under that sub-regulation to hold the appointment and in the event of the declaration being found to be incorrect, after his appointment he shall be liable to the dismissed from service.+

Regulation 21 : *"(a) Every employee, other than an employee of Class-III service shall retire from service on the afternoon of last day of the month, in which he attains the age of 58 years.

b) An employee of Class-III service shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years.

Note 1 : The date on which an employee attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to date of birth, declared by the employee at the time of his appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as Matriculation Certificate or extracts from Birth Register. The date of birth so declared by an employee and accepted by the appropriate authority shall not be subject to any alteration after the preparation of his service book and in any event, after the completion of the probation period or declaration of quasi-permanency, whichever is earlier. An alteration in the date of birth of an employee can be made at a later stage only by the Corporation, if it is established that a bonafide clerical mistake has been committed in recording the date of birth in the service book.

Note 2 : An employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of the 58 or 60 years, as the case may be".

**c) Notwithstanding anything contained in clauses (a) and (b), the appointing authority may, if it is of the opinion that it is in the public interest to do so,

+ Inserted by D.V.C. Notification No. 29 dated the 11th May, 1961.

* As substituted by D.V.C. Notification No. 100 dated 7th May, 1976. ** Inserted by D.V.C. Notification No. 88 dated the 24th February, 1971.

require an employee to retire at any time after he attains the age of 55 years by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice. An employee also may, after attaining the age of 55 years, voluntarily retire after giving three months' notice to the appointing authority.

d) Notwithstanding anything contained in clauses (a), (b) and (c) the appropriate authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire an employee in Class-I service of the Corporation by
giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice after he has attained the age of 50 years. Any employee in Class-I service of the Corporation may, by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of fifty years, provided that it shall be open to the appropriate authority to withhold permission to a Corporation employee under suspension who seeks to retire under this clause. The three months' notice provided for in this clause may be given before the Corporation employee attains the age of fifty years that the retirement takes place only after he has attained the age of fifty years".**

Regulation 22 : Persons for appointment to the services under the Corporation shall be required to be medically examined in the following manner :

By the Medical Board constituted by the Corporation which shall include a physician, a surgeon and an ophthalmologist ordinarily of the status of Class-I Officers and comparable in status to each other.

For Class-II and

Class-III posts

By a Medical Officer of the status of Assistant Surgeon, Grade-I, in the employment of the Corporation.

The report of the Medical Board or the Medical Officer, as the case may be, shall be submitted in such form or forms as may be prescribed by the Corporation.*

Regulation 23 : Service records, leave accounts and annual confidential reports of all employees shall be maintained in such manner and in such form as may be prescribed by the Corporation.

** Inserted by D.V.C. Notification No. 88 dated the 24th February, 1971. * As substituted by Notification No. 16 dated the 2nd January, 1960.

III. PAY AND ALLOWANCES

Regulation 24 : Except in a case in which it has been provided otherwise, an employee of the Corporation shall begin to draw pay and allowances attached to his/her post from the date he/she assumes the duties of that post and shall cease to draw them as soon as he/she ceases to discharge these duties.

*Regulation 25** : (1) The initial pay of an employee other than those mentioned in clause (2) will ordinarily be fixed at the minimum of the time scale of the post in which he is employed. The fixation of pay in excess of the minimum of the time scale at the time of the initial appointment under the Corporation to a post, of a scale of pay, the maximum of which does not exceed Rs. 800 may be sanctioned by the Secretary.

In other cases, it will require the sanction of the Corporation.**

2) The pay of pensioners including those pensioned off or retired on contributory provident fund from service of the Central Government, State Governments, Local Bodies, Port Trusts, etc., administered by Government, Railways, Defence estimates, etc., re-employed in the Corporation shall be regulated in the following manner :

a) The initial pay, on re-employment, will be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is re-employed. In cases where the Corporation feels that the fixation of initial pay at the minimum of the prescribed pay scale is likely to cause undue hardship, the Corporation may fix the pay at a higher scale by allowing one increment for each year of service which the individual has rendered before retirement in a post not lower than that in which he is re-employed.

b) In addition to the pay fixed under (a) above, the pensioner may be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefit for which he is

* As revised by D.V.C. Notification No. 13 dated the 12th August, 1959. This revised Regulation has effect from the 12th August, 1959 but all past cases, which have been decided, otherwise than in accordance with the revised Regulation should not be reopened. In respect of employees already re-employed, this Regulation will apply from the date of commencement of the further period of re-employment if the existing period of re-employment is extended.

** Last Sentence of clause (1) of Regulation 25 further revised by D.V.C. Notification No. 34 dated the 13th November, 1961.

eligible e.g. Government's contribution to provident fund, gratuity, commuted value of pension etc., provided that the total amount of initial pay plus the gross amount of pension and/or pensionary equivalent of other forms of retirement (pre-retirement pay) or Rs.3,000 whichever is less.

Note 1 — In all cases where either of this limit is exceeded, the pension and other retirement benefits may be drawn by the employee in full but necessary adjustments will be made in the pay so as to ensure that the total of pay and pensionary benefits does not exceed the prescribed limits.

Where, after the initial pay has been fixed at the minimum or at any higher stage under (a) above, it is reduced below the minimum as a result of the said adjustments, increase in pay may be allowed after each year of service at the rates of increments admissible as if the pay had been fixed at the minimum or the higher stage as the case may be.

Note 2 — The pay last drawn before retirement will be taken to be substantive pay plus special pay, if any; pay drawn in officiating appointment may be taken into account if the individual had at least officiated in that appointment for one year before retirement.

c) In the case of posts for which the Corporation is satisfied that personnel with the requisite qualifications and experience are not available and it is found necessary to recruit an officer for service at a place situated at a considerable distance from his home town, the restriction that initial pay on re-employment plus pension shall not exceed the last pay drawn, may be relaxed by the Corporation to the extent indicated below :

i) Initial pay on re-employment plus gross pension/pension equivalent of other retirement benefits shall not exceed the pay last drawn before retirement by more than Rs. 250;

ii) The total of initial pay on re-employment as fixed under para (a)* above plus gross pension/pension equivalent of other retirement benefits shall not exceed Rs. 1,000;

* As amended by D.V.C. Notification No. 30 dated the 10th July, 1961 and has effect from the 12th August, 1959.

iii) The above concession shall be admissible only where the employee has retired on a superannuation pension.

d) In a case where the minimum pay of a post in which an employee is re-employed is more than the last pay drawn, the employee may be allowed the minimum of the prescribed scale of the post less pension and pensionary equivalent of other retirement benefits.

e) Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above, he will be allowed to draw normal increments in the time-scale of the post to which he is appointed, provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs. 3,000 per month.

Regulation 26 : Notwithstanding the provisions of regulation 25, the initial pay of an employee holding a lien on a post under the Corporation will be regulated as follows :

i) When the appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching to the post on which he holds a lien, he will draw as initial pay the stage of time- scale next above his presumptive pay in respect of the old post.

ii) When appointment to the new post does not involve such assumption, he will draw as initial pay the stage of time-scale which is equal to his presumptive pay of the post on which lien is held, or if there is no such stage, the stage next below that pay, plus personal pay equal to the difference to be absorbed in future increments, but if the minimum pay of the time-scale of the new post is higher than his substantive pay, he will draw that minimum pay as initial pay.

iii) An employee appointed to officiate in a post will draw the presumptive pay of that post. Provided that on an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such employee shall be refixed from the date of such enhancement

as if he was appointed to officiate in that post on that date where such refixation is to his advantage.*

* This clause has been inserted by D.V.C. Notification No. 15 dated the 16th November, 1959.

Regulation 26(A)* : The initial pay of an employee who does not hold a lien on the post from which he is transferred/promoted to another post and whose pay in his previous post is more than the minimum of the scale of the new post will be regulated as follows :

i) With effect from the 2nd March, 1960, the pay of an employee who has put in more than three years' continuous service in a post will be fixed in the new post in the same manner as that of a person holding a lien under Regulation 26 (i) and (ii), provided the appointing authority is satisfied that he is eligible and suitable for permanent appointment to the post from which he is transferred/promoted. The benefit of Regulation 26(iii) shall also be admissible to such employees.

ii) The initial pay of the employees other than those to whom clause (i) above will be applicable will be fixed in the new post at the stage equal to the pay drawn in the previous post or if there is no such stage the stage next below that pay plus personal pay equal to the difference to be absorbed in the next increment and the next increment will be allowed on the same date on which it would have fallen due in the previous post, provided the following conditions are satisfied :

1) the lower post continue to exist on long term basis and,

2) the employee would have continued to work in the lower post but for his promotion to the higher post.

iii) On transfer from one post to another post on the same scale of pay, the pay of an employee may be fixed in the next post by giving the benefit of the service rendered in previous post.

iv) On transfer from a higher post to a lower post in the case of an employee recruited direct to the higher post, the pay in the lower post may be fixed by giving the benefit of completed years of service in the higher post for the purpose of advance increments in the lower post provided the pay so fixed does not exceed the pay drawn in the higher post at the time of transfer.

* Inserted by D.V.C. Notification No. 18 dated the 2nd March, 1960 and amended by D.V.C. Notification No. 48 dated the 20th February, 1963 and No. 49 dated the 3rd September, 1963.

v) If an employee is promoted to a higher post and then reverted to the original lower post, he may be allowed to draw pay in the lower post at the same stage at which he would have drawn it but for his promotion to higher post and he will also draw his next increment on the date on which he would have drawn it in the lower post.

*Regulation 26(B)** : Notwithstanding anything contained in Regulation 25, 26 and 26A, where an employee holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of great importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay nationally arrived at by adding one increment to the pay actually drawn by him in the lower post at the time.

Provided that the provisions of this Regulation shall not apply where an employee holding a Class-I post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to a higher post which is also a Class-I post :

Provided further that the provisions of Regulation 26 (iii) shall not be applicable in any case where the initial pay is fixed under this Regulation :

Provided also where an employee is immediately before his promotion or appointment to a higher post drawing the maximum pay of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage in that time-scale next above such maximum in the lower post.

Regulation 27 : Increments in a time-scale shall be earned by approved service for the prescribed period in that time-scale. Service in another post and all authorised leave except leave without pay will count for increment in the time-scale applicable to the post to which the person concerned has a lien provided that the Corporation may direct that extra-ordinary leave will count for increment in cases where the leave was taken for illness or for any other cause beyond the employee's control.+ An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld by competent authority if the work done and conduct of a person are not considered satisfactory.

* Inserted by D.V.C. Notification No. 54 dated the 2nd September, 1964 and has effect from the 29th April, 1963. + This provison has been inserted by D.V.C. Notification No. 17 dated the 2nd January, 1960.

Regulation 28 : When an increment is ordered to be withheld, the order shall state the period for which it is to be withheld and whether the postponement shall have the effect of postponding future increments also.

Regulation 29 : Where an efficiency bar is prescribed in a time-scale the first increment above the bar shall not be given to an employee without the specific sanction of the Corporation or such other officers as may be authorised by the Corporation in this behalf.

"Regulation 30 : *The pay and fixed allowances for a month shall be due for payment on the last working day of the month to which they relate, except in the case of pay and allowance for the month of March, which shall fall due for payment on the first working day of April.

Note 1) : Where the last working day of a month, other than the month of March, happens to be a Bank Holiday, disbursement may be made on the previous working day and if the first working day of the month of April is a Bank Holiday, disbursement due on that date may be made on the next working day.

Note 2) : In field establishments where payments are staggered and made on days specifically fixed for that purpose the pay due for any month, except for the month of March, may be disbursed on the preceding working day."

COMPENSATORY ALLOWANCE

Regulation 31 : Subject to the general condition that the amount of a Compensatory Allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Corporation may grant such allowance to any of its employees.

IV. ACCOMMODATION AND FURNITURE

Regulation 32 : The Corporation may provide residential accommodation and furniture to its employees as may be available for the purpose.

+"Explanation — For the purpose of regulation No. 32 to 36, providing of accommodation to an employee to occupy a house, owned, leased or requisitioned by the Corporation or a portion thereof, shall be considered as licence to use such

* As substituted by D.V.C. Notification No. 105 dated 16th March, 1978. +
Inserted by D.V.C. Notification No. 80 dated the 25th July, 1970.

accommodation by an employee as a residence and the consideration paid by the employee to the Corporation for occupation and use of the said accommodation shall be termed "Licence fee".

Regulation 33 : The scale of accommodation and furniture will be such as is appropriate to the pay of the occupant.

*Regulation 34** :

1) With effect from the 1st February, 1969 the licence fee recoverable shall ordinarily be the standard licence fee of the house or 10% of the monthly emoluments of the allottee, whichever is less, *plus* Municipal and other taxes, if any, payable by the Corporation, not being in the nature of house or property tax :

Provided that the dearness pay shall also be treated as part of emoluments as defined in Note below regulation 34 of the Damodar Valley Corporation Service Regulations for the purposes of recovery of licence for *so however* that in the case of persons in occupation of quarters provided by the Corporation on 31st January, 1969, only half of the dearness pay shall be treated as part of the 'emoluments' until the individual concerned —

i) receives promotion to a higher post;

or

ii) is allotted and occupies a quarter of a different class :

Provided further that in respect of the employees drawing monthly emoluments of less than Rs. 220/- per month including full dearness pay, licence fee shall be recovered on the basis of standard licence fee or 7½% of emoluments, whichever is less :

Provided also that in respect of the employees drawing monthly emoluments of Rs. 220/- per month including full dearness pay or more, the net 'emoluments' after deduction of licence fee shall not be less than Rs. 202.55.

(1A) *With effect from the 9th December, 1957 in the case of employees provided with accommodation at construction or operational sites in temporary

* No. (1) is substituted by D.V.C. Notification No. 85, Dt. 11.12.1970.

* As substituted by D.V.C. Notification No. 69 dated the 27th September, 1967.

quarters or in tents, huts, sheds, dormitories, barrakcs and such other places or in permanent or temporary quarters but sharing the same with others, the licence feet to be recovered will be fixed by the Corporation from time to time.

$(1B) The existing rates of licence fee, for occupation of quarters/houses owned/rented/leased by the Corporation, shall be regulated in the manner prescribed below with effect from the 1st June, 1970 or the date of option to the revised scales of pay :

a) From 10% to 7%

b) From 7½% to 5%

c) From 5% to 4%

d) From 2½% to 1½%

2) The standard licence fee+ of a residence shall be calculated as follows :

a) In the case of a residence leased by the Corporation, the standard licence fee+ shall be the sum paid to the lessor plus the cost of special repair and maintenance not recoverable from the lessor.

b) In the case of a residence owned by the Corporation, the standard licence fee+ shall be 6 per cent per annum of the capital cost of acquiring or constructing the

residence. For the purpose of assessment of licence fee+, the capital cost of a residence owned by the Corporation shall include the cost or value of sanitary, water supply and electric installations and fittings but shall not include the cost or value of the site (including expenditure of its preparation) unless otherwise directed by the Corporation.

c) In both cases, standard licence fee+ shall be expressed as standard for a calendar month and shall be equal to one-twenth of the annual licence fee+ as calculated above.

d) Notwithstanding anything contained in Clause (1) above, the Corporation may :

$ As substituted by D.V.C. Notification No. 95 dated the 5th September, 1974. + As substituted by D.V.C. Notification No. 80 dated the 25th July, 1970.

1) at any time after the standard licence fees+ have been calculated under the provisions of sub-clauses (a), (b) and (c) above group a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of licence fee+, subject to the following conditions being fulfilled :

i) that the basis of assessment is uniform; and

ii) that the amount taken from an employee shall not exceed 10 per cent of his emoluments;

2) by general or special order, provide for taking a licence fee+ in excess of 10 per cent of emoluments subject to the maximum standard licence fee+ from an employee :

i) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

ii) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

iii) who is in receipt of a compensatory allowance granted on account of dearness of living, or

iv) who is permitted to sublet or who sublets without permission the residence supplied to him.

3) charge a penal licence fee+ up to double the standard licence fee+ from an allottee that contravenes any of the conditions of allotment of the residence supplied to him.

Note : For the purpose of this Regulation, the term “emoluments” means :

i) Compensatory allowances other than travelling allowance;

+ As substituted by D.V.C. Notification No. 80 dated 25th July, 1970.

pension received from the Government of Burma or

compensation received under the Workmen'' Compensation Act, 1923, as amended;

iii) Subsistence grant in the case of an employee under suspension, provided that if such employee is

subsequently allowed to draw pay for the period of suspension, the difference between the licence fee+ recovered on the basis of the subsistence grant and the licnece fee+ due on the basis of the emoluments ultimately drawn shall be recovered from him;

iv) Any other payment that may be considered by the Corporation to be a fixed addition to monthly pay and allowances of the employee.

Regulation 35 : If a residence is supplied with furniture, licence fee+ shall be charged for on the following basis :

a) the licence fee+ shall be calculated for durable+ and non-durable articles separately;

b) the licence fee+ shall be expressed as a monthly licence fee+ and shall be one-twenth of the amount annually required for the payment of :
i) interest;
ii) depreciation and repairs

Regulation 36 : An employee may be required to pay, in addition to the licence fee+ for accommodation and furniture, such charges for the supply of electricity and water as may be decided by the Corporation.

+ As substituted by D.V.C. Notification No. 80 dated 25th July, 1970.

V. TRAVELLING ALLOWANCE

Regulation 37 : Travelling Allowance should be so regulated that on the whole it does not become a source of profit to the recipient.

Regulation 38 : In these regulations, unless there is anything repugnant in the subject or context :

i) *Day* means a calendar day beginning and ending at midnight but an absence from headquarters, which does not exceed 24 hours, shall be reckoned as one day.

ii) *Daily Allowance* means an allowance granted for each day of absence from headquarters on duty. It is intended to cover the ordinary extra charges incurred by an employee in consequence of his absence from headquarters.

iii) *Headquarters* means the normal place of duty of an employee or such other place as prescribed by the Corporation or any other authority empowered by the Corporation in this behalf.*

iv) *Mileage allowance* means an allowance calculated on the distances travelled. It is given to meet the cost of a particular journey.

v) *Public Conveyance* means a train, steamer or other conveyance, which piles regularly for the conveyance of passengers.

vi) *Tour* means an absence on duty from headquarters either within or with proper sanction beyond the sphere of duty of an employee.

vii) *Transfer* means the change of headquarters of an employee.

Regulation 39 :For the purpose of calculating Travelling Allowance, employees are divided into four classes with effect from the 22nd July, 1963, as follows :

i) The first class includes all employees in receipt of actual pay of Rs.800 or more per mensem.

ii) The second class includes all employees in receipt of actual pay of Rs.220 or more but not exceeding Rs. 799 per mensem.

* As amended by D.V.C. Notification No. 28 dated the 30th March, 1961.

iii) The third class includes all employees the maximum of whose pay scale exceeds Rs. 220 per mensem.

iv) The fourth class includes all employees the maximum of whose pay scale does not exceed Rs. 110 per mensem.

Provided that in the cases of employees, who draw pay in the old scales of pay which prevailed prior to the 1st September, 1961, the classification in force prior to the 22nd July, 1963, as detailed below, shall apply :

i) The first class includes all employees in receipt of actual pay exceeding Rs. 750 per mensem.

ii) The second class includes all employees in receipt of actual pay exceeding Rs. 200 per mensem but not exceeding Rs. 750 per mensem.

iii) The third class includes all employees in receipt of actual pay exceeding Rs. 60 per mensem but not exceeding Rs. 200 per mensem.

iv) The fourth class includes all employees in receipt of actual pay not exceeding Rs. 60 per mensem.

Note : i) The class of a re-employed pensioner shall be determined in accordance with the pay actually received from time to time if pension is held in abeyance during the period of re-employment. Where pension is draw in addition to pay, the re-employed pensioner shall, for the purposes of this Regulation be deemed to be in receipt of actual pay equivalent to his pay on re-employment plus the pension subject to the condition that if the total of such pay plus pension exceeds the pay of the post if it is on a fixed rate of pay, or the maximum pay of the post if it is on a time scale of pay, such excess shall be ignored.

ii) The amount of pension to be taken into account shall be the amount originally sanctioned, i.e., before commutation if any, and shall also include the

pensionary equivalent of death-cum-retirement gratuity, if any : Provided that the pension drawn by a re-employed pensioner who is a pensioner from Burma or Pakistan shall not form part of actual pay for the purpose of this Regulation.*

* As substituted by D.V.C. Notification No. 56 dated the 19th September, 1964.

Regulation 40 : The Corporation may, for reasons to be recorded, authorise an employee to travel by a class higher than the one to which he is entitled.

Regulation 41 : An employee in transit from one post to another ranks in the class to which the lower of the two posts would entitle him.

TRAVELLING ALLOWANCE ON TOUR

Regulation 42 : Travelling allowance on tour should ordinarily be drawn in the shape of Daily Allowance.

**Regulation 43* : Daily allowance of an employee shall be admissible at the rates prescribed below :

Class of employees	Scale of daily allowance		
	Ordinary localities	Special localities	
		Delhi, Simla and Madras	Bombay and Calcutta
i) First — Pay upto Rs. 1000	Rs. 9.40	Rs. 13.10	Rs. 16.25
ii) Pay exceeding Rs. 1000	Rs. 9.40 for the first Rs.1000 plus Rs.1.50 for every additional Rs.500 or fraction thereof subject to a max. of Rs.15.70.	Rs. 13.10 for the first Rs.1000 plus 60 paise for every additional Rs.250 or fraction thereof subject to a max. of Rs.15.70.	Rs.16.25 for the first Rs.1000 plus 60 paise for every additional Rs.250 or fraction thereof subject to a max. of Rs.18.75.
Second —	25 paise for every Rs.12.50 of pay or fraction thereof subject to a max. of Rs. 8.00.	33 paise for every Rs.12.50 of pay or fraction thereof subject to a min. of Rs.5.30 and max. of Rs.10.70.	50 paise for every Rs.12.50 of pay or fraction thereof subject to a min. of Rs. 8.00 and max. of Rs.13.30.
Third —	25 paise for every Rs.12.50 of pay or fraction thereof subject to a min. of Rs. 2.00.	33 paise for every Rs.12.50 of pay or fraction thereof subject to a min. of Rs.2.70	50 paise for every Rs.12.50 of pay or fraction thereof subject to a min. of Rs.3.30.
Fourth —	Rs. 2.00	Rs.2.70	Rs.3.30

* As substituted by D.V.C. Notification No. 56 dated 19.9.64. Substituted regulation is effective from 8.11.62.

Note — If an employee, while on tour, is allowed free board and lodging at the expense of the Corporation or the Central Government or a State Government or an autonomous industrial or commercial undertaking or Corporation or a Statutory body or a local authority in which Government funds have been invested or in which the Government have any other interest, may draw only one-fourth of the daily allowance admissible to him at the Station concerned. If only board or lodging is allowed free to such an employee, he may draw daily allowance at one half of the admissible rate. The employee who, while on tour, is required to pay obligatory charges in respect of water, electricity, furniture, scavenging etc. on account of his stay in the Circuit House/Dak Bungalow/Inspection Bungalow, Rest House, etc. shall not be deemed to have obtained free accommodation and no reduction in his daily allowance shall be made on this score.*

Regulation 44 : Daily Allowance may not be drawn for any day on which an employee does not reach a point outside a radius of eight kilometers from his headquarters or return to his headquarters from a similar point.

Regulation 45 : Daily allowance may be drawn during a halt on tour or on holiday occurring during the tour but shall not be drawn during casual leave.

Regulation 46 : (a) Daily Allowance may not be drawn for continuous halt of more than 10 days at any one place; provided that the Corporation may grant general or individual exemptions from the operation of this Regulation on such conditions as it thinks fit, if it is satisfied (I) that prolonged halts are necessary in the interest of the Corporation; and (ii) that such halts necessitate the maintenance of camp equipage, or where no camp equipage is maintained, continue, after the first 10 days, to entail extra expense upon the halting employee.

*b) The rates of daily allowance for each continuous halt on tour in excess of 10 days in any one place shall be as follows :

i) full rate, for the first 10 days;

* Amended by D.V.C. Notification No. 11 dated the 31st December, 1958, No. 12 dated 19th March, 1959 and No. 34 dated the 24th October, 1961.

ii) three-fourths of the rate, for the next 20 days; and

iii) one half-of the full rate, thereafter

c) Subject to fulfilment of the conditions (i) and (ii) of clause (a) above, Heads of Department if authorised to do so by the Corporation may grant exemption from the operation of clause (a) in individual cases on such conditions as such Head of Department thinks fit :

Provided that no such exemption shall be granted in respect of a period exceeding 30 days.

Note-1 : A halt on tour shall be treated as continuous for purposes of (b) above unless terminated by an absence on duty at a distance from the halting place exceeding five miles for a period of not less than three nights.

Note-2 : In calculating the duration of a halt, any day on which the employees travels or halts at a distance from the halting place exceeding five miles shall be excluded. On such a day the employee may draw daily allowance, or exchange it for mileage allowance, if admissible.*

Regulation 47 : (a) Daily allowance may be exchanged for mileage allowance on any day on which an employee —

i) travels by a public conveyance, or

ii) travels more than 32 kilometers $ provided that if a continuous journey extends over more than one day the exchange must be made for all such days, not for a part only of them.

b) When a journey by road is combined with a journey by public conveyance mileage allowance may be drawn on account of such journey by road subject to the condition that unless the journey by road exceeds 32 kilometers $

mileage allowance should be limited to daily allowance.

**Regulation 48 : Daily allowance for halt on tour at an outstation shall be calculated on the basis of the period of halt which will begin from the time the forward journey ends at the outstations and will end at the time the return or further journey commences. The rate of daily allowances will be calculated as follows :

* Amended by D.V.C. Notification No. 11 dated the 31st December, 1958, No. 12 dated 19th March, 1959 and No. 34 dated the 24th October, 1961.
$ As amended by D.V.C. Notification No. 56 dated the 19th September, 1964 and has effect from 8-11-1962.
** As substituted by D.V.C. Notification No. 83 dated 22.09.70. This regulation is effective from 6th May, 1968.

i) Halt up to six hours — Nil

ii) Halt exceeding six hours but

Not exceeding 12 hours — Half daily allowance.

iii) Halt exceeding twelve hours but

Not exceeding twenty-four hours — Full daily allowance.

iv) Halt exceeding twenty-four hours — One daily allowance for every 24 hours of halt. For a fraction of twenty-four hours at the end of halt, daily allowance will be calculated as indicated above.

EXPLANATORY MEMORANDUM

1) The Government of India Ministry of Finance in its Office Memorandum No. F- 1(3)/E-IV(B)/67, dated the 8th September, 1967 had rationalised its S.R. 76A — Linking Daily Allowance with the period of halt at an outstation with effect from the 1st October, 1967. ‘

2) The Travelling Allowance Rules of the Damodar Valley Corporation are based on the Government of India Rules. The Corporation, therefore, decided to adopt the above rationalisation and amend the existing provision of Regulation 48 of the D.V.C.S.R. in line with the Central Government of India. Pending formal approval of the Central Government necessary executive orders rationalising the D.V.C.S.R. 48 with effect from the 6th May, 1968 had been issued.

3) As already stated earlier, the Government of India Office Memorandum was given effect to from the 1st October, 1967 which had been adopted in the Damodar Valley Corporation and given effect to from the 6th May, 1968. The provision will not affect any employee prejudicially.

Regulation 49 : 1. For journeys by road except in a public conveyance, mileage allowance shall be admissible at the following rates* until revised.

* Rates of mileage allowance amended by D.V.C. Notification No. 56 dated the 14th Sept., 1964 which are effective from 08.11.62.

Employees of the First Class — 32 paise per kilometer.

Employees of the Second Class — 24 paise per kilometer.

Employees of the Third Class — 10 paise per kilometer.

Employees of the Fourth Class — 6 paise per kilometer.

Note 1 : Travelling by road includes travelling by sea or river in a steam lauch or in any vessel other than a steamer and also travelling by canal.

Note 2 : When two or more employees travel in a conveyance belonging to one of them the owner may draw travelling allowance as if he travelled alone and the other employee or employees

may draw daily allowance or mileage allowance at the appropriate rates applicable to them, whichever is less.

II. For journeys by public conveyance mileage allowance shall be admissible as follows :

A. BY RAIL

**1) The Corporation employees, when travelling by rail, shall be entitled to accommodation as follows :

a)

Ordinary accommodation — Employees of the first and second classes — First Class

Employees of the first and second classes — Second class for so long that class continues to exist in certain railway lines, otherwise third class.

Employees of the fourth class — Third class.

Note — Employees of the third class are entitled to charges for reservation of seats and sleeping berths in the third class where such facilities are available.

b) Air –conditioned accommodation —

i) Except as otherwise provided below, the facility of travel by air- conditioned coaches shall be restricted to journeys on tour only and in no case shall this concession be allowed to families of employees.

** Clauses (a) and (b) of item IIA By rail (1) Reg. No. 49 have been revised by D.V.C. Notifications No. 22 dated 31.08.1960 and No. 45 dated 25.01.1963.

ii) Employees in receipt of pay of Rs. 2,250.00 and above per month may travel on tour by air-conditioned accommodation and take a single seat or berth for the purpose. Employees of the first class drawing pay of Rs. 1,600 and above but below Rs. 2,250 per month may also travel on tour by air-conditioned accommodation by taking a single seat or berth at the expense of the Corporation provided that a recovery of one naya paisa per kilometer is made from them for such journeys.

Note — The term ‘air-conditioned accommodation’ will also include air-conditioned First Class accommodation in De-Luxe trains.

iii) Employees who are otherwise entitled to travel in first class or second class on trains other than the De Luxe trains may travel in air-conditioned third class accommodation in De Luxe trains at the expense of the Corporation. This concession will also be admissible to these employees for journey on transfer.

iv) Employees of the third class shall be entitled to travel by the third class in the De Luxe air-conditioned trains at the expense of the Corporation, wherever such train runs.

v) Employees other than those mentioned in (ii) and (iv) above desiring to travel in air-conditioned accommodation, including the air-conditioned first class accommodation in the De Luxe trains, shall be required to pay the difference in fares between the air conditioned accommodation and the accommodation by which they are entitled to travel.

vi) Subject to the provisions of sub-clause (vii) employees of the fourth class who are entitled to travel in third class accommodation in other trains shall not be eligible to travel in the third class air-conditioned accommodation of De Luxe trains at the expense of the Corporation.

vii) In special cases, personal staff of the category of jamadar or open may be authorised by officers to travel at the expense of the Corporation in third class air-conditioned accommodation of De

Luxe trains in which the officers themselves travel provided ordinary third class accommodation is not available in that train. Claims for such journeys shall be admitted only on the certificate of the officer concerned that it was necessary in the interest of the Corporation for his personal staff to travel with him in the same train.

2) The rate of mileage allowance for railway journeys on tour shall be a single fare of the class of accommodation to which an employee of the Corporation is entitled plus an allowance for incidental expenses calculated as follows $:

i) for an employee of the First Class — 35 paise per every 10 kilometers or part thereof if it exceeds 5 kilometers.

ii) for an employee of the Second Class — 24 paise per every 10 kilometers or part thereof if it exceeds 5 kilometers.

iii) for an employee of the Third Class — 13 paise per every 10 kilometers or part thereof if it exceeds 5 kilometers.

iv) for an employee of the Fourth Class — Half the third class fare by passenger train.

**'Provided that the allowance for incidental expenses shall be restricted to the daily allowance at the rates laid down for ordinary localities in regulation 43, for every twentyfour hours of the railway journey or part thereof'.

Note : 1) The forward and return journeys shall be treated separately, except when they fall on the same day.

2) The period covered by the rail journey shall be reckoned with reference to the Scheduled Railway timings and may also include any period of halt at an intermediate station for eatching the connecting train.

Provided that —

a) When the train is diverted due to special circumstances like breach of track, the period / distance actually covered by the rail journey shall be

$ Rates of incidental expenses revised by D.V.C. Notification No. 56 dated 19.09.64 are effective from 8.11.62. ** As substituted by D.V.C. Notification No. 92 dated the 2nd February, 1972.

taken into account for the purpose of calculating the allowance for incidental expenses; and

b) In the case of late running of a train, the actual period involved shall be taken into account if the late running of the train is by more than six hours.

3) Return tickets at reduced rates shall always be purchased whenever there is the possibility of the return journey being performed within the period by which a return ticket is available. The mileage allowance for the forward and return journeys whenever such return tickets are purchased or could have been purchased, shall be the actual cost of the return ticket plus the usual allowance admissible for incidental expenses each way.

4) If an employee, who is entitled to travel in first or second class by rail, travels in third class and pays the extra charges for sleeping accommodation provided by the Railways for third class passengers during night journeys, the Controlling Officer may allow him the fare of the

accommodation actually used inclusive of the charges for the sleeping accommodation provided it does not exceed the fare of the class in which the employee is entitled to travel.*

B. BY ROAD

The rates+ of road mileage admissible to a Corporation employee performing journesy by road, otherwise than on transfer, by taking a single seat in a taxi, motor omnibus or motor lorry plying for hire shall be as follows :

i) Employees of the First Class — 10 paise per kilometer.

ii) Employees of the Second Class — 8 paise per kilometer.

iii) Employees of the Third Class — 6 paise per kilometer.

iv) Employees of the Fourth Class — 4 paise per kilometer.

Note — Wherever rail-cum-road services exist and are operated in conjunction with the Railway Authorities, journeys by road on duty or on transfer should be performed on rail-cum-road tickets issued by the railways or the authorities operating

* This clause has been inserted by D.V.C. No. 15 dated the 16th November, 1959.

\+ Rates of road mileage revised by D.V.C. Notification No. 56 dated the 19th Sept. 1964 and are effective from 8th November, 1962.

the road portion of the service and mileage allowance for the road portion of the journey should be calculated as for journeys by rail. The cost of transportation of personal effect on transfer will be regulated under Regulation 54 (c) for the road portion of the journey.

C. BY AIR

1) An employee of the First Class authorised by the Coporation to travel by air is entitled for journeys on tour in India to a mileage allowance equal to one standard air fare for the journey between the two places plus an allowance for incidental expenses at one-fifth of the standard air fare limited to a maximum of Rs.10* for each journey. An employee in receipt of actual pay of Rs. 1800** per month and above may travel by air at his discretion. An employee of a class lower than the First Class authorised to travel by air on tour is entitled to one standard air fare for the journey plus the allowance for incidental expenses in respect of a journey by rail or steamer in the case of journey between stations connected by rail, or by sea, as the case may be, and half the mileage by road in the case of a journey between stations connected by road, to which he would have been entitled had be travelled by the surface route or one-fifth of the standard air fare limited to a maximum of Rs. 10* for each journey, whichever is less :

Provided that if at either end of the journey by air, an employee has to performed a connected journey by rail, road, or steamer, he may draw the mileage allowance admissible for such journeys subject to the conditions laid down in clause (b) of Regulation 47;

Provided further that no mileage allowance may be drawn in respect of the surface transport which forms part of the air journey and is included in the fare paid for the air journey.

Note — (i) If available, return tickets at reduced rates should always be purchased when an officer expects to perform the return journey by air within the period during which a return ticket is available. The mileage allowance for the forward and the return journeys when such return tickets are available will, however, be the actual cost of the

* As Amended by D.V.C. Notification No. 72 dated 6.6.69 and no. 75 dated the 10th July, 1969. ** As amended by D.V.C. Notification No. 71 dated the 29th May, 1968.

return ticket plus an allowance for incidental expenses calculated under clause (1) above, as a for a single journey each way.

ii) 'Standard air fare' means the actual single journey air fare payable for the service by which the journey is performed.

iii) All expenditure incurred in connection with the booking of air passages should be borne by the employee concerned and should not be charged on the Corporation. This decision will not, however, apply to those employees who are allowed to draw only actual expenses in connection with air travel.**

2) An employee who is not authorised to travel by air but who performs a journey by air on tour can draw only the milage allowance to which he would have been entitled if he had travelled by rail, road or steamer or the mileage allowance as calculated under clause (1) above, whichever is less.

*3) With effect from the 25th September 1968, the employees of the first class authorised to travel by air within India at Corporation expenses shall be entitled to travel only by Economy (Tourist) Class where the available class of accommodation are first class and Economy (Tourist) Class.

***_Regulation 50_ : For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short; provided that when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

Note 1 — The shortest route is that by which the traveler can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, the Corporation will decide which shall be regarded as the shortest of two or more routes.

Note 2 — If an employee travels by a route, which is not the shortest but is cheaper than the shortest his mileage allowance should be calculated on the route actually used.

** As substituted by D.V.C. Notification No. 56 dated the 19th September, 1966.

* Inserted by D.V.C. Notification No. 76 dated the 30th August, 1969.

*** As substituted and revised by D.V.C. Notification No. 20 dated 19th May, 1960 and 59 dated 17th July, 1965 respectively.

Note 3 — In respect of road journeys performed between places connected by rail, rail being the ordinary mode of travelling, road mileage will be regulated as follows :

i) When the journey is performed by road between places connected by rail by taking a single seat in a public conveyance, the actual fare paid for a seat in the public conveyance plus incidentals admissible as for journey by rail or the lower rate of road mileage prescribed in Regulation 49 II-B but limited to rail mileage, whichever is less, will be admissible.

ii) When the journey is performed otherwise, higher rates of road mileage prescribed in Regulation 49-I but limited to rail mileage will be admissible.

Regulation 51 : (1) The Corporation may, by general or special order and on such conditions as it thinks fit to impose, permit any employee or class of employees to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters if it is considered that the nature of the employee's duty is such that daily allowance is not sufficient to cover his travelling expenses.

2) The Corporation may delegate its powers under this regulation to the Heads of Departments or Controlling Officers.++

Regulation 52 : "No travelling allowance will be admissible for a journey performed by conveyance supplied by the Corporation. But daily allowance may be drawn, if such journey involves a halt of more than six hours at the outstation:

Provided that if an employee performs road journey beyond 8 kilometers radius from his headquarters by means of a transport supplied by the Corporation, he will be entitled to draw daily allowance, as per rates provided for in Regulation 48 subject to the condition that no more than 7 days full daily allowance or 14 days half daily allowance will be admissible for such journeys is a month :

Provided further that in the case of an employee stationed at a township not set up by the Damodar Valley Corporation who is engaged directly, actively and continuously in construction work lying outside a radius of 8 kilometers from his headquarters and is in receipt of construction allowance, the journey for entitlement of

++ Sub-regulation (2) of Regulation 51 inserted by D.V.C. Notification No. 36 dated the 8th June, 1961.

daily allowance subject to the conditions specified above must be beyond a limit of 16 kilometers from his headquarters or beyond the jurisdiction of the subdivision or division concerned, whichever is less."

**When an employee is provided with free conveyance for part of the journey or for one way journey only (i.e., either for going from or for return to headquarters) and he returns to his headquarters on the same day, the daily allowance, if admissible under the rules, may be calculated as follows :

If the absence from headquarters does not exceed twelve hours — Half daily allowance. If the absence from headquarters exceeds twelve hours — Fully daily allowance.

He may, at his option, draw, in lie of the aforesaid daily allowance, the mileage allowance admissible for the part of the journey for which the conveyance is not provided free of charge, provided the distance travelled exceeds 32 kms.$

FIXED TRAVELLING ALLOWANCE

Regulation 53 : In the case of employees whose duties require them to travel extensively, a fixed allowance may be granted in lieu of all other forms of travelling allowance for journeys within their sphere of duty, subject to such conditions as the Corporation deems fit.

TRAVELLING ALLOWANCE ON TRANSFER

Regulation 54 : For journeys on transfer in the interest of the Corporation, the following travelling allowance will be admissible :

Note – A transfer at the employee's own request shall not be treated as a transfer in the interest of the Corporation unless the authority sanctioning the transfer otherwise directs.

*(a) for self

i) Journeys by rail — A single fare of the class in which an employee is entitled to accommodation plus a lump sum at the rate of half month's pay subject to a maximum of Rs. 200.00++

** As revised by D.V.C. Notification No. 22 dated 31.8.1960.

$ Miles converted into kilometers by D.V.C. Notification No. 56 dated 19.9.64 with retrospective effect from 8th November, 1962.

* Substituted by D.V.C. Notification No. 82 dated the 10th September, 1970. Effective from 1st April, 1970.

plus a sum twice as much as the amount of incidental expenses prescribed for journeys on tour in Regulation 49 IIA (2).

ii) Journeys by road — Lump sum at the rate of half month's pay subject to a maximum of Rs. 200.00++ plus one road mileage as admissible for journeys on tour under Regulation 49-I.

Note 1 — When the old and the new headquarters of an employee are not connected by rail and when an employee avails of free transit by means of conveyance supplied by the Corporation for a road journey on transfer, he will be entitled to lump sum of half month's pay subject to a maximum of Rs. 200.00++ and in addition, one half of the mileage allowance.

Note 2 — Where the personal servants or relatives of such employee (for whom he is not entitled to draw travelling allowance under the Regulations) are provided free transport in the Corporation vehicle, the incidental expenses shall be reduced by the amount which he would have incurred on account of such servants or relatives, had they traveled by the normal mode of transport between the two stations. If the allowance for incidental expenses is less than the amount to be recovered, the excess shall be recovered in cash if it cannot be adjusted against the amount reimbursable in respect of the carriage of personal effects.

Note 3 — If any personal effects exceeding the free allowance allowed by the normal mode of transport are carried free in Corporation vehicle, the weight carried by the Corporation vehicle should be deducted from the maximum quantity allowed under clause (c). In case the weight carried by the Corporation vehicle exceeds the maximum quantity allowed under clause (c), the recovery for the carriage of the excess may be made from the employee at the rate at which he would have been reimbursed had be taken the same (excess) quantity by private conveyance.

Note 4 — When the old and the new headquarters are connected by rail and when an employee avails of free transit by means of a conveyance supplied by the Corporation for a road journey on transfer, he will be entitled to a lump sum of half month's pay subject to a maximum of Rs. 200.00++ and, in addition, one-half of the

++ As substituted by D.V.C. Notification No. 82 dated the 10th September, 1970 effective from 1st April, 1970.

mileage allowance limited to the allowance for incidental expenses which would have been admissible to him had be travelled by rail.

Note 5 — If the personal servants or relatives of such employee (for whom he is not entitled to draw travelling allowance under the regulation) are provided free transport in the Corporation vehicle, the incidental expenses should be reduced by the rail fares which he should have incurred on account of such servants or relatives had they traveled by rail by the class of accommodation to which the employee was entitled to travel. If the allowance for incidental expenses is less than the amount of such rail fares, the excess shall be recovered in cash if it cannot be adjusted against the amount reimbursable in respect of carriage of personal effects.

Note 6 — If any personal effects exceeding the free allowance which would have been permissible had the employee traveled by rail, are carried free in a Corporation vehicle, a corresponding reduction on account of extra luggage shall be made from the maximum weight in kilograms allowed under clause (c). In case the weight carried by Corporation conveyance exceeds the maximum weight allowed under clause (c), the recovery for the carriage of the balance less the free allowance may be made from the employee at the rate at which he would have been reimbursed, had he taken the same (excess) quantity by rail.

Note 7 — The claims of the employee in respect of the members of his family and personal effects which are governed respectively by clause (b) and (c) are not affected when the employee alone is allowed free transit but the total luggage carried by him shall not exceed the total quantity of kilograms admissible under clause (c).

Note 8 — If Corporation vehicle is used by an employee for the conveyance of the members of his family and his personal effects, no extra allowance or mileage under clause (b) and (c) will be admissible.

b) *For member of the family who accompany the employee :*

i) *For journeys by rail* — Actual fare of the class to which the employee himself is entitled, for each member of the family.

ii) *For journeys by road* — One mileage at the rate to which the employee himself is ordinarily entitled if two members of his family accompany him and twice that rate if more than two members accompany him. This is subject to the conditions mentioned in Regulation 50.

c) For the transport of personal effects :

i) Actual cost of carriage of personal effects by goods train up to the following maxima :*

Class of employee	If not possessing family	If possessing family
	1500	2240

Fourth	115	190

Note 1 — If personal effects are carried by rail otherwise than by goods train, actual cost up to the limit of maximum maunds by goods train may be allowed.

Note 2 — An employee who carries his personal effects by road between stations connected by rail may draw actual expenses upto the limit to the amount which would have been admissible had he taken the same quantity by passenger train, but not exceeding the amount which would have been admissible had he taken the maximum number of maunds by goods trains.

ii) For journeys by road — Mileage allowance at the rate of one anna per maund per mile.

iii) If the employee is travelling to joint a post in which the possession of a conveyance is advantageous from the point of view of efficiency and the distance traveled exceeds 150 kilometers, actual cost of transporting a conveyance at owner's risk by rail, steamer or other craft, may be drawn on the following scale :

Class of employee	**Scale allowed**

Third	A motor cycle or an ordinary cycle.

* Table in Sub-clause (I) of Regulation 54 c) has been revised by D.V.C. Notification No. 56 dated the 19th September, 1964 which came into force from 8.11.62.

Regulation 55 : Claims for cost of transporting personal effects must be supported by a certificate that the actual expense incurred were not less than the amount claimed.

Regulation 56 : A member of an employee's family who follows him/her within six months from the date of his/her transfer or precedes him/her by not more than one month may be treated as accompanying him/her. Children of an employee, who are studying in educational institutions and who are not actually residing with him at the time of his transfer to a new be treated as members of his family for the purpose of transfer travelling allowance and allowed the usual travelling allowance, provided all other conditions for grant of travelling allowance are fulfilled.*

Regulation 57 : If the family of an employee in consequence of his/her transfer travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the conditions that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

Note — For the purpose of Regulations 56 and 57 the grade of an employee shall be determined with reference to the facts on the date of his transfer while the number of fares admissible shall be determined with reference to the facts on the date of the journey in respect of which the travelling allowance is claimed, provided that no travelling allowance shall be admissible in respect of member added to the family after the date of transfer.*

++*Regulation 57A* : The claim of an employee to travelling allowance or daily allowance will not be considered if the same is not preferred within one year from the date on which it became due.

TRAVELLING ALLOWANCE FOR SHORT JOURNEYS AND JOURNEY ON FIRST APPOINTMENT

Regulation 58 : An employee travelling on duty within five miles of his headquarters is entitled to recover the actual amount which he may have to spend in payment of fares for public conveyances or hire charges

Regulation 59 : Unless otherwise stated in any individual case, no travelling allowance is admissible for joining the first appointment.

* As amended by D.V.C. Notification No. 15 dated the 16th November, 1959. ++ Inserted by D.V.C. Notification No. 71 dated the 29th May, 1968.

VI. MEDICAL ATTENDANCE

Regulation 60 : In these regulations unless there is anything repugnant in the subject or context :

a) "Authorised Medical Attendant" means a medical officer appointed by the Corporation or declared as such by the Corporation.

**aa) 'Family' for purposes of Regulation 60 to 70 means an employee's wife or husband, as the case may be and the parents, legitimate children, and step-children of the employee wholly dependent upon the employee.

Note : — 1) The term 'children' includes children adopted legally.

2) Where an employee has more than one wife, all the wives shall be included in the term 'family'.*

b) "Hospital" means a hospital or a dispensary maintained by the Government or the Corporation or a local authority i.e. a municipal committee or District Board, and any other hospital or dispensary which may be recognised by the Corporation for the purpose of treatment of its employees.

c) "Patient" means an employee and includes any member of his or her family, who has fallen ill.

d) "Medical Attendance" means attendance at a hospital or at the consulting room of the authorised medical attendant or, in the case of illness which compels the patient to be confined to his residence, at the residence of the patient, including such pathological, radiological, bacteriological or other methods of examination for the purposes of diagnosis as are available in the nearest hospital or laboratory recognised by Government / Local Fund / Damodar Valley Corporation and are considered necessary by the authorised medical attendant, and such consultation with a specialist attached to a hospital so recognised or other Government medical officer as the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist or other medical officer may, in consultation with the authorised medical attendant, determine.++

** Clause inserted by D.V.C. Notification No. 52 dated the 10th April, 1960.

* This note has been inserted by D.V.C. Notification No. 15 dated the 16th November, 1959. ++ Inserted by D.V.C. Notification No. 71 dated the 29thMay, 1968.

e) "Medical treatment" means the use of all medical and surgical facilities available at the hospital in which an employee is treated or, in the case of treatment outside a hospital, as prescribed by the authorised medical attendant, and includes —

i) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorised medical attendant;

ii) the supply of such medicines, vaccines, or other therapeutic substances as are ordinarily available in the hospital;

iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily available in the hospital as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient;

iv) such accommodation as is ordinarily provided in the hospital and is suited to his status, accommodation in general or free wards in the hospital being regarded as suitable for an employee the maximum of whose pay scale is Rs. 60 or less;

v) such nursing as is ordinarily provided to patients by the hospital;

vi) the specialist consultation described in clause (d).++

Note 1 — Treatment as an outdoor patient in a recognised hospital is 'hospital treatment' for the purpose of these Regulations.

Note 2 — In the event of accommodation suited to the status of an employee being not available, the patient will be entitled to the next higher class available provided it is certified by the Medical Superintendent of the hospital that accommodation of the appropriate class was not available at the time of admission of the patient and that the admission of the patient in the hospital could not be delayed without danger to his health until accommodation of the appropriate class became available.

Note 3 — If during treatment in a hospital special nursing becomes necessary an employee or a member of his family will be entitled to such special nursing as may be

++ As substituted by D.V.C. Notification No. 26 dated the 12th January, 1961.

deemed essential for the recovery or for the prevention of serious deterioration in the condition of the patient having regard to the nature of the disease. For this purpose, a certificate from the Medical Officer in charge of the case in the hospital, countersigned by the Medical Superintendent of the hospital, should be produced in the following form.

CERTIFICATE

I certify that …… employed in the …… has been under treatment for …… disease at the …… hospital and that the services of the special nurses for which an expenditure of Rs. …… was incurred *vide* bills and receipts attached, were essential for the recovery/prevention of serious deterioration in the condition of the patient.

Signature of the Medical Officer-in-charge
of the case at the Hospital
Date ……

Countersigned
Medical Superintendent
…….. Hospital

The amount to be re-imbursed in respect of such special nursing will be limited to the amount, which is in excess of 25 per cent of the pay of the employee concerned for the period for which special nursing was necessary.

**Note 4 — Diet charges paid at hospitals are not refundable except in the case of employees —

a) suffering from a disease other than T.B. and drawing pay upto a limit of two hundred and seventy rupees per mensem, including dearness pay for those in the revised scale and two hundred rupees per mensem,

** As revised by D.V.C. Notification No. 91 dated the 9th November, 1971. Effective from 1st February, 1969.

including dearness pay for those who have not opted for the revised scale of pay; and

b) suffering from T.B. and drawing pay upto a limit of four hundred and ninety rupees per mensem including dearness pay for those in the revised scale and four hundred and ten rupees per mensem, including dearness pay for those who have not opted for the revised scale of pay.

Unless otherwise directed by the Cooperation by any special order, twenty per cent of the hospital charges should be considered as charges for diet and

EXPLANATORY MEMORANDUM

SUBJECT : Amendment to Note 4 below Regulation 60 of Damodar Valley Corporation Service Regulations.

Note 4 to *Regulation 60* of the Damodar Valley Corporation Service Regulations reads as follows :-

**Note 4* — "Diet charges paid at hospitals are not refundable except in the case of employees —

a) suffering from diseases other than T.B. and drawing pay upto a limit of Rs.180 p.m. or Rs.130 p.m. according as the employee concerned has or has not opted for the revised scale of pay introduced with effect from 1st September, 1961 and

b) suffering from tubercular diseases and drawing pay upto a limit of Rs. 380 p.m. or Rs. 300 p.m. according as the employee concerned has or has not opted for the revised scale of pay introduced with effect from 1st September, 1961.

Unless otherwise directed by the Corporation by any special order, 20 per cent of the hospital charges should be considered charges for diet and 20 per cent for accommodation in cases where the rate prescribed by the Hospital is a flat rate inclusive of (i) diet, (ii) accommodation, (iii) ordinary nursing and (iv) ordinary medical and surgical services. Where the flat charges prescribed by the hospital includes (i) diet, (ii) accommodation and (iii) ordinary nursing only, 50 per cent of the flat charges will be reckoned as diet charges.

The pay limits of Rs. 180 and 380 p.m. specified above should be deemed to take effect from the 1st of the month in which the revised pay is drawn as pay."*

Taking into account of the dearness pay as pay sanctioned *vide* Government of India, Ministry of Finance O.M. No. F.1 (34)-E-II(B)/68 of 18th January, 1969 since adopted by the Damodar Valley Corporation, the limits of Rs. 180 p.m. or Rs. 130 p.m. and Rs. 380 p.m. or Rs. 300 p.m. appearing in Note 4(a), (b) above stand to Rs. 270 and Rs. 200 p.m. and Rs. 490 p.m. and Rs. 410 p.m. respectively.++

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* As substituted by D.V.C. Notification No. 43 dated 12th September, 1962. As

++ revised by DVC Notification No. 91 dated 9.11.71, Effective from 1.2.69.

***Note 5* — Charges incurred by an employee for an ambulance used to convey a patient to a place of treatment or from one hospital to another for purposes of medical examinations etc. are refundable if the ambulance belongs to Government / Damodar Valley Corporation or a Local Fund or to the hospital to which the patient is admitted or to any Social Services Organisation, such as, the Red Cross Society, etc. on production of a certificate from the authorised medical attendant that it was necessary for an employee or a member of his family to travel by a conveyance to and from the place of treatment or consultation in the station, mileage allowance at tour rates (without daily allowance) will be reimbursable if the distance travelled was more than 5 miles each way. This allowance will also be admissible to an attendant if the authorised medical attendant certifies that it was absolutely necessary for an attendant to accompany the patient.

Note 6 — Charges for transfusion of blood are also refundable provided that when the supply of blood is from a private chemist or a private donor, it is certified by the authorised medical attendant that the blood was not available from a Government Institution or other recognised organisation and that the price paid for the blood is reasonable.

****Regulation 60A* : When the husband or wife of an employee is employed under the Central Government or any State Government or in the Defence or Railway services or in any of the corporate bodies financed partly or wholly by the Central Government or any State Government or in any local body or private organisation, which provides medical services for its employees, that husband or wife, as the case may be, shall be entitled to choose either the medical facilities admissible under these Regulations or those provided by his or her employer.

**Regulation 60B* : (1) Where both the husband and the wife are employees, they as well as their eligible dependents shall be entitled to avail themselves of the medical concessions provided under these Regulations according to his or her status.

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* As substituted by DVC Notification No. 52 dated 10th April, 1964. As revised by D.V.C. Notification No. 26 dated 12th. January, 1961.

** Inserted by D.V.C. Notification No. 52 dated the 10th April, 1964

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2) For the purposes of clause (1), the husband and wife shall furnish to their respective administrative authorities a joint declaration as to who will prefer the claim for reimbursement of medical expenses incurred, on account of the medical attendance and treatment in respect of them and their eligible dependents and such declaration shall be submitted in duplicate and a copy thereof shall be recorded in the personal file of each of them in their respective offices. In the case of officers, a copy of the joint declaration shall also be forwarded to the Accounts Officer concerned. The joint declaration shall remain in force till such time as it is revised on the express request in writing by both the husband and the wife.

Regulation 61 : — An employee will be entitled to medical attendance or treatment or both and reimbursement of the cost thereof subject to these Regulations.

Note 1 — Payment on account of hospital and other charges should in the first instance be made by the employee concerned and refund claimed from the Corporation to the extent admissible under these Regulations.

Note 2 – Reimbursement of consultation fees charged by specialists or other medical officers of the status of Civil Surgeon may be allowed subject to a maximum of Rs. 16 for the first consultation and Rs. 10 for each subsequent consultation for the same ailment.

Regulation 62 – An employee the maximum of whose pay scale is more than Rs. 60 p.m. shall be entitled to receive treatment at his residence and to reimbursement towards the cost of such treatment a sum equivalent to the cost of such treatment as he would have received at the hospital if the authorised medical attendant is of the opinion and certifies that the employee cannot be given treatment in a hospital owing to the absence or remoteness of a hospital or to the severity of the illness or because no accommodation was available at a recognised hospital.

Note – In the case of treatment at residence by the Corporation Medical Officers, no charges for nursing will be reimbursed.

Regulation 63 – Subject to these Regulations, an employee shall also be entitled to medical attendance or treatment or both, including confinement, and reimbursement of the cost thereof in respect of his family to the following extent :

a) In the case of the family of an employee, the maximum of whose pay scale is more than Rs. 60 p.m. medical attendance or treatment or both will be admissible at a hospital or by arrangement with the authorised medical attendant, at a consulting room maintained by him. In serious cases, where the authorised medical attendant certifies in writing that removal of the patient to a hospital is dangerous or injurious to life, a member of the family will also be entitled to receive treatment at his residence, reimbursement of the cost of such treatment being government by the provisions of Regulation 62.

Reimbursement of expenditure incurred on pre-natal and post-natal treatment of the wife of an employee or a female employee is admissible in the same way as treatment for any

other disease provided that such treatment is taken at a hospital or at a consulting room of the authorised medical attendant.

b) In the case of the families of other employees, medical attendance shall be admissible in a hospital or at the consulting room of the authorised medical attendant, or in the case of illness which is certified by the authorised medical attendant to be such as would compel the patient to be confined to his residence, at the residence of the patient ; consultation with a specialist shall also be admissible on the advice of the authorised medical attendant but treatment, including pre-natal and post-natal treatment must be at a hospital only."*

c) In the case of female employees and families of employees, reimbursement of the cost of confinement at the residence of the employee will be admissible provided the delivery is conducted by the staff of Child Welfare and Maternity Centres maintained by the Government or Local Bodies. Reimbursement in such cases will be made according to the scheduled rated of such Centres.

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* As substituted by DVC Notification No. 55 dated the 5th September, 1964.

In the event of complications arising at the time of the delivery the patient should be removed at once to the nearest Government/recognised hospital, unless the authorised medical attendant certified in writing that on account of the seriousness of the case it is not safe to remove the patient to the hospital.**

Regulation 64 – Claims for treatment and medical attendance must be countersigned by the authorised medical attendant.

Regulation 65 – An employee whose pay does not exceed Rs. 870.00++ p.m. may be granted an advance to meet initial expenditure on medical attendance or treatment or both for himself and a member of his family subject to such terms and conditions as may be prescribed by the Corporation in the light of similar orders applicable to employees of the Central Government.

**Regulation 66* – If an employee while on duty or on leave or passing through a station falls sick at a place, where no medical facility is provided by the Corporation, medical treatment by a medical Officer other than the authorised medical attendant will be allowed only in emergent cases. Similar concession will be allowed in special cases where it is not possible to avail of the medical facility provided by the Corporation due to remoteness of the employee's residence and the severity of illness requiring immediate medical attention and treatment. Reimbursement of cost of such treatment shall be limited to the extent otherwise admissible under these Regulations and shall be allowed only on production of a certificate from the authorised medical attendant.

Regulation 67 – When an employee falls ill at his station of duty which is not the headquarters of the authorised medical attendant –

a) he shall be entitled to travelling allowance for the journey to and from the headquarters of the authroised medical attendant, or

b) if he is too ill to travel, travelling allowance may be granted to the authorised medical attendant for the journey to and from the place where the employee is stationed.

In either case, the application for travelling allowance must be supported by a certificate from the authorised medical attendant to the effect that medical attendance

** Inserted by DVC Notification No. 26 dated the 12th January, 1961.

++ The figure Rs. 750 have been substituted for the figures Rs. 500 by DVC Notification No. 39 dated the 30th March, 1962. The figures have been further amended to Rs. 870 by Memo No. G/PA-8/1 Med. Adv. 55-69-4250 dated 28.1069.

* As substituted by D.V.C. Notification No. 20 dated 19 th May, 1960

was necessary and, in the case of (b), that the patient was too ill to travel, the travelling allowance shall be calculated as for a journey on tour without any allowance for halts.

Regulation 68 – I) If the authorised medical attendant is of the opinion that the case of an employee or a member of his family is of such a serious or special nature as to require medical attendance by a person other than himself, he may with the approval of the Chief Medical Officer (which shall be obtained beforehand unless the delay involved entails danger to the health of the patient).

a) send the patient to the nearest specialist or other medical officer as provided in clause (d) of Regulation 60 for advice, or

b) if the patient is too ill to travel, summon such a specialist or other medical officer to attend upon the patient.

In either case, travelling allowance for the journeys shall be admitted as for a journey on tour without any allowance for halts on production of a certificate from the authorised medical attendant to the effect that (I) medical attendance by the specialist or other medical officer was necessary or (ii) the patient was too ill to travel and it was necessary to summon the specialist or other medical officer, as the case falls under clause (a) or (b) above. Provided that a member of an employee'' family shall be granted actual single railway fare of the class to which the employee himself is entitled or of any lower class by which the patient actually travels.

2) If the authorised medical attendant considers that it is unsafe for the patient to travel unattended and that an attendant is necessary, such attendant, if a Corporation employee, shall be deemed to be travelling on duty and may draw travelling allowance for the outward and return journeys as for a journey on tour and, if not Corporation employee, may draw actual expense. The claim for travelling allowance must be supported by a certificate from the authorised medical attendant to the effect that an attendant was necessary for the safety of the patient.

Note – A patient should not be referred to a private specialist, practitioner or clinic nor should he be referred ordinarily to a specialist or medical officer outside the district. If in special cases the authorised medical attendant considers that consultation with a specialist outside the district is necessary due to non-availability of
adequate facilities within the district the matter should be referred to the Chief Medical Officer, for advice whether the patient should be sent outside the district for specialist consultation and if so where and to whom. Except in extreme cases of emergency where consultation with a specialist within the State is considered by the Chief Medical Officer to involve loss of time and consequent deterioration in the condition of the patient, he should not be sent for specialist consultation outside the State.

Regulation 69 – i) Treatment at a mental hospital, (ii) purely dental treatment unless it is of a major kind such as, treatment of a jaw bone disease, wholesale removal of teeth, surgical operations for removal of infected wisdom tooth etc., (iii) vaccinations, inoculation and injections for prophyolactic and immunising purposes unless these are required for procuring a health certificate before undertaking an international travel on duty or on authorised leave at the expense of the

Corporation, (v) treatment for disease which could be attributed to the intemperate conduct or habit of the patient shall not be regarded as coming within the purview of these Regulations.

Note I – Treatment for mental disease is admissible under these Regulations only to the extent it is available in Government or other recognised general hospitals.

**Note 2* – Reimbursement of charges incurred by an employee on the treatment of himself or the members of his family for immunising and prophylactic purposes in a Government or recognised hospital in the case of communicable disease only, viz. (1) Cholera (ii) Typhoid group of fevers (TAB), (iii) Plague (iv) Diphtheria (v) Whooping Cough and (vi) Tetanus may be allowed on production of a certificate from the authorised medical attendant to the effect that facilities for such treatment are not provided by the local authorities e.g. Municipalities, District Boards etc.

**Note 3* – an employee may be allowed facilities for testing of eye sight for glasses at a Government or recognised hospital once in every three years on the recommendation of the authorised medical attendant. Fees paid to the specialist for such services will be reimbursed according to the rates prescribed in Note 2 under Regulation 61, if it is certified by the controlling authority empowered to countersign the medical bill that the employee concerned has not availed of the concession within the last 3 years. The above concession does not include provision of spectacles at Corporation expense. Families of employees are not entitled to the above concession.

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* Note 2 and 3 under Regulation 69 inserted by DVC Notification No. 26 dated the 12th January, 1961.

Regulation 70 – In cases not specifically provided for in these Regulations the benefits prescribed under the Medical Attendance Rule of the Government of India as applicable to their own employees and their families shall generally be made available as if they were Government servants under the Central Government.

VII. LEAVE, LEAVE SALARY AND JOINING TIME

Regulation 71 – Leave and leave salary of permanent Government servants whose services have been lent to the Corporation shall be regulated by the rules of the Government concerned. Unless otherwise specifically provided in any contract, leave and leave salary of all other employees of the corporation shall be governed by these Regulations.

Regulation 72 – Leave cannot be claimed as of right and may, in the exigencies of service, he refused or revoked at any time by the authority competent to sanction the leave. Leave under these Regulations includes earned leave, half-pay leave, commuted leave, leave not due, extra ordinary leave, special disability leave and maternity leave. Grant of leave of any other kind required special sanction of the Corporation.

Regulation 73 – Earned leave "(1) $The earned leave admissible to an employee is one-eleventh of the period spent on duty : Provided that he shall cease to earn such leave when the earned leave due amounts to 180 days*.

(2) The maximum earned leave that may be granted at a time to an employee shall be 120 days provided that earned leave exceeding a period of 120 days but not exceeding 180 days may be granted to a member of Class I service if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Daman, Diu, Goa, Nepal and Pakistan. Provided further that where earned leave exceeding a period of 120 days, is granted, the period of such leave spent in India shall not in the aggregate exceed 120 days.

Note – In calculating earned leave, fractions below half should be ignored and those of half or more should be reckoned as one day.

Regular 73A – a)*Earned leave is not admissible to teachers and other staff employed in a school owned by the Corporation in respect of duty performed by them in any year in which they avail themselves of the full vacation.

$ As substituted by DVC Notification No. 100 dated 7th May 1976.

* As inserted by D.V.C. Notification No. 107 dated the 17th August, 1978, (Effective from 1.10.1977).

(b) The earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the period of 30 days as the number of days of vacation not availed of bears to the full vacation. If in any year the employee does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with regulation 73.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these regulations provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the limit laid down in clause (2) of regulation 73.

Provided that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 180 days.

"Regulation 73B - **Leave encashment unless otherwise specified in respect of any individual case, every employee of the Corporation in its regular establishment including work charged and contingency paid employees who are in the time-scales of pay but excluding probationers, trainees and apprentices may be granted encashment of Earned Leave in accordance with the scheme as shown in Appendix III".$

Regulation 74 – Half pay leave : The half-pay leave admissible to an employee is 20 days for each completed year of service. The half-pay leave due may be granted on medical certificate or on private affairs provided that no such leave shall be granted to a person who is not in permanent employment unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

Regulation 75 – Commuted leave : Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate subject to the following conditions –

i) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due ;

ii) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days.

Provided that no commuted leave may be granted under this regulation unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry.

** As inserted by D.V.C. Notification No. 107 dated the 17 th August, 1978, (Effective from 1.10.1977).

$ Appendix III under revision.

Regulation 76 – Leave not due ; Leave not due up to 30 days at a time and 90 days during the entire service may be granted on medical certificate provided that in the case of an employee in permanent service such leave may be granted for a period of 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. The leave not due will be debited against the half-pay leave which the employee may earn subsequently.

Leave not due should be granted only if the authority sanctioning the leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and earning an equal amount of half-pay leave thereafter.

$*Regulation 77 – Extra-ordinary leave* : Extra-ordinary leave without pay may be granted to an employee in special circumstances when –

i) no other leave is admissible, or

ii) any other leave being admissible, the employee concerned applies in writing for the grant of extra-ordinary leave.

The duration extra-ordinary leave on any one occasion shall not except in the case of a person in permanent employment exceeds –

i) three months ;

ii) six months, in cases when the employee has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these regulations [including three months' extra-ordinary leave under clause (I)] and his request for such leave is supported by a medical certificate as required under these Regulations.

iii) Eighteen months where the employee is undergoing treatment for –

a) pulmonary tuberculosis in a recognised sanatorium, or

b) tuberculosis of any other part of the body by a qualified tuberculosis specialist of Civil Surgeon as referred to by the Chief Medical Officer of the Corporation or

c) leprosy in a recognised leprosy institution or by a Civil Surgeon or by a specialist in leprosy as referred to by the Chief Medical Officer of the Corporation.

$ Substituted by D.V.C. Notification No. 41 dated the 28th July, 1962..

Note 1 – The concession of extra-ordinary leave up to eighteen months will be admissible also to an employee suffering from pulmonary tuberculosis who receives treatment at his residence under a tuberculosis specialist, as referred to by the Chief Medical Officer of the Corporation, and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

Note 2 – The concession of extra-ordinary leave up to eighteen months under this regulation will be admissible only to those employees who have been in continuous service of the Corporation for a period exceeding one year.

+(iiia) Half pay leave upto a maximum of 180 days, shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study, that is to say a course which is certified to be in the interest of the Corporation, by the leave sanctioning authority.

(iv) Twenty four months, where the leave is required for the purposes of prosecuting studies certified to be in the interest of the Corporation provided that the employee concerned has completed three years' continuous service on the date of expiry of leave of

the kind due and admissible under these Regulations [including three months' extra-ordinary leave under clause (I)].

Regulation 78 – Special disability leave – (I) Subject to the conditions hereinafter specified the Corporation may grant special disability leave to an employee who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Corporation, if it is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary, It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

+ As inserted by DVC Notification No. 100 dated 7th may, 1976.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave ma be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave will not count as duty for earning leave. It shall not be debited against the leave account except half the period of earned leave granted under sub-clause (7) of this Regulation.

(7) Leave salary during such leave shall be equal to average pay for the first 120 days including any period of such leave granted under clause (5) of this Regulation. For the remaining period, leave salary shall be equal to half average pay or, at the employee's option, average pay for a period not exceeding the period of earned leave which would otherwise be admissible to him under Regulation 73.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under this Regulation shall be reduced by the amount of compensation payable under the said Act.

Regulation 79 – The Corporation may extend the application of the provisions of Regulation 78 to an employee who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions :

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty ;

(ii) that, if the employee has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Corporation, so exceptional to character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave ; and

(iii) that the period of absence recommended by the medical board may be covered in part by leave under this Regulation and in part by other leave,

and that the amount of special disability leave granted on average pay may be less that 120 days.

Regulation 80 - **Maternity Leave* – Maternity leave on full pay may be granted to a female employee for a period of 90 days from the date of its commencement in all cases. Such leave shall not be debited to the leave account. Maternity leave may be combined with leave of any other kind including commuted leave, upto a maximum of 60 days, without the production of medical certificate."

Note – Maternity leave under this Regulation may also be granted in cases of miscarriage including abortion subject to the conditions that the leave applied for does not exceed six weeks and the application for the leave is supported by a certificate from the authorised medical attendant.

** *Regulation 80A* – Notwithstanding anything contained in Regulation 80, the provisions of the Maternity Benefit Act, 1961 shall apply to female employees employed in any establishment to which that Act applies.

Regulation 81 – Leave Salary : 1) An employee on earned leave shall be entitled to leave salary equal to the average monthly pay earned during the ten complete months immediately preceding he month in which the leave commences or the substantive pay to which the employee is entitled immediately before the commencement of the leave, whichever is higher.

Provided that where an employee proceeds on earned leave from a post the maximum of which does not exceed Rs. 110 per mensem, he shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(2) An employee on half-pay leave or leave not due shall be entitled to leave salary equal to half the amount specified in sub-regulation (1).$

(3) An employee on commuted leave shall be entitled to leave salary equal to the amount admissible under sub-regulation (1).

(4) An employee on extra-ordinary leave is not entitled to any leave salary :

Explanation :

i) Unless otherwise provided "Substantive Pay' means the pay of the permanent post which the employee holds substantively or on which he

As amended by D.V.C. Notification No. 108 dated the 7.8.1978.

** Inserted by D.V.C. Notification No. 63 dated the 24th February, 1966. As

$ amended by D.V.C. Notification No. 100 dated 7thMay, 1976.

holds a lien or would hold a lien had the lean not been suspended, and includes the special pay given in lieu of a higher scale of pay.

ii) The pay of a permanent employee who has been continuously officiating in another post for more than 3 years at the time he proceeds on leave shall be treated as 'Substantive Pay' for the purpose of leave salary. Leave salary in respect of such of the permanent employees as have been temporarily appointed in other posts and are yet to complete 3 years' service in those posts will, however, be calculated on the basis of preceding ten months' average pay.

iii) The pay of the temporary posts in respect of those employees who have rendered more than 3 years' service in those posts should be reckoned as 'Substantive Pay' for the purpose of leave salary. Leave salary in respect of such of the employees who have been temporarily appointed and yet to complete 3 years' service is, however, to be calculated on the basis of preceding 10 months' average pay.

iv) Similarly, the pay of temporary posts in respect of those employees who have been substantively appointed in a lower post should be regarded as 'Substantive Pay' for the purpose of leave salary, provided, however, the tenure of the temporary employment in the higher post exceeds 3 years and is uninterrupted."

Regulation 82 – A leave account shall be maintained for each employee in such form as may be prescribed by the Corporation.

Regulation 83 – any kind of leave under these Regulations may be granted in combination with or in continuation of any other kind of leave.

***Regulation 84* – (1)*NO leave shall be granted to an employee beyond the date of termination of his service in the Corporation by superannuation of otherwise"-

(2) Notwithstanding anything contained in clause (1) above, leave may be granted after the date of termination of his service in the following cases -

(A) If in sufficient time before the date of termination of service an employee has been denied in whole or in part, on account of exigencies of the service of the Corporation, any leave applied for and due as leave preparatory to retirement, than he

As substituted by DVC Notification No. 68 dated the 6th February, 1967 : effective from 8th March, 1966.

** As revised by DVC Notification No. 10 dated the 15th September, 1968. This revised Regulation has effect from the 28th January 1957.

* As substituted by DVC Notification No. 86 dated 18th December, 1970.

may be granted, after the date of termination of his service, the amount of earned leave which was due to him on the said date of termination of service subject to the maximum limit of 120 or 180 days as prescribed in clause (2) of Regulation 73, so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of termination of service, does not exceed the amount of leave, if any, applied for by an employee preparatory to retirement and dinned in the exigencies of the service of the Corporation may be exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of termination of service.$$.

$Provided that every employee-

a) who after having been under suspension, is reinstated within 120 days or 180 days, as the case may be, preceding the date of his termination of service and was prevented by reason of having been under suspension from applying for leave preparatory to retirement, shall be allowed to avail of such leave as he was prevented from applying for, subject to a maximum, of 120 days or 180 days, as the case may be, reduced by the period between the date of reinstatement and the date of termination of services.

b) Who retired from service on attaining the age of superannuation while under suspension and was prevented from applying for leave preparatory to retirement on account of having been under suspension, shall be allowed to avail of the leave to his credit subject to a maximum of 120 days or 180 days as the case may be, after termination of proceedings, as prescribed in sub-Regulation (2) of Regulation 73, as if it had been refused as aforesaid if , in the opinion of the authority competent to order reins tatement, he has been fully exonerated and the suspension was wholly unjustified.

Provided further that an employee, whose service has been extended in the interest of the service of the Corporation beyond the date of the termination of service may be granted earned leave as under :

$$ Substituted by DVC Notification NO. 22 dated the 31th August, 1960. Inserted

$ by DVC Notification No. 86 dated the 18thDecember, 1970.

i) during the period of extension, any earned leave due in respect of the period of such extension and , to the extent necessary, the earned leave which could have been granted to him under the preceding proviso had he retired on the date of termination of service :

ii) after the expiry of the period of extension –

a) to earned leave which could have been granted to him under the preceding provision had he retired on the date of superannuation, diminished by the amount of such leave availed of during the period of extension, and

b) any leave earned during the period of extension has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the service of the corporation; and

iii) in determining the amount of earned leave due in respect of the extension with reference to sub-Regulation (2) of Regulation 73, the earned leave, if any, admissible under the preceding proviso shall be taken into account ;

Provided further that the grant of leave under this rule extending beyond the date on which an employee must compulsorily retire, or beyond the date up to which an employee has been permitted to remain in service, shall not be construed as extension of service.

*(AA) Notwithstanding anything contained in sub-regulation (1) an employee who has been given notice under clause (c) of Regulation 21 or to whom notice or pay and allowance in lieu, has been given under the said clause, may be granted leave due and admissible to him, not extending beyond the date on which he attains the age of 58 years or 60 years if he is governed by clause (a) or clause (b), as the case may be, of Regulation 21, even though such leave extends beyond the date on which he retires on the expiry of the notice under the said rule.

* Inserted by DVC Notification No. 86 dated the 18th December, 1970.

**Explanation* :

For the purpose of this regulation, an employee shall be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of Corporation's service or has ascertained in writing from the sanctioning authority that such leave, if applied for, would not be granted on the aforesaid ground.

(B) Earned leave due may, subject to the conditions specified in the note below, be granted as terminal leave to a temporary employee in the regular establishment, or to an employee appointed on contract basis having been in service for more than one year –

a) on completion of the term of his employment ; or

b) on termination of his service due to retrenchment, abolition of post or unfitness for further service for reasons of ill-health or on grounds of administrative convenience as an alternative to the initiation of disciplinary proceedings ; or

c) on resignation of his post for reasons of ill-health or for other reasons beyond his control ; or

d) on resignation for reasons other than those mentioned in (c) above.

Provided that the leave admissible under this regulation shall not exceed in cases (a), (b) and (c), the amount of earned leave as can be availed of at a time and incase (d), half the amount of such leave as can be availed of at a time.

Note – i) The terminal leave shall not be admissible to an employee who is dismissed or removed from service.

ii) Re-employed pensioner whose pension was held in abeyance during the period of re-employment shall not be entitled to draw their pension during the period of terminal leave.

iii) Where service is terminated on account of retrenchment or abolition of post and the employee concerned is relieved before the expiry of the notice period, such notice or the unexpired portion thereof shall run concurrently with the leave granted.

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* Inserted by DVC Notification No. 86 dated the 18th December, 1970.

For the purpose of granting the terminal leave, it is not necessary to extend the post held by the employee concerned to cover the period of the leave granted at the end of his employment.

**(C) In case an employee dies in harness, the cash equivalent of the leave salary that the deceased employee would have got, had he gone on earned leave, but for death, due and admissible on the date immediately following the date for death, subject to a maximum of leave salary for 120 days shall be paid to his family subject to reduction by the amount of pension equivalent of death-cum-retirement gratuity.

Regulation 85 – All applications for leave on medical grounds should be supported by a medical certificate from a registered medical practitioner.

Regulation 86 – No employee who has been granted leave on medical certificate may return to duty without producing a medical certificate of fitness to resume duty.

Regulation 87 – Except in the case of sudden illness or an emergency an application for leave should be submitted to the sanctioning authority at least one month before the date from which leave is to take effect.

Regulation 88 – *An employee who remains absent without leave is entitled to no pay during such absence unless it is subsequently covered by duly sanctioned leave.

Regulation 89 – All leave due and admissible will sanctioned by the Corporation or any other authority empowered by the Corporation in this behalf in case of members of Class I service and by heads of offices in the case of others. Leave of staff Class I should be sanctioned only after its admissibility has been certified by the Accounts Officer. In the case of other staff, the authority sanctioning the leave should satisfy himself by reference to the leave account that the leave is admissible.**

Regulation 90 – Leave may be combined with notified holidays provided that it does not involve officiating arrangements to be made for the period of such holidays.

Regulation 91 – Leave salary of staff Class II and III will be drawn and disbursed by the head of the office who shall be responsible for any over-payment.

As inserted by DVC Notification No. 100 dated 7th May, 1976.
As substituted by DVC Notification No. 94 dated 29thJanuary, 1974.

The leave salary may either be remitted by money order at the expenses of the employee himself or be paid to his agent on written authority duly signed by him. In the latter case, the payee should also furnish a formal stamped receipt and a life certificate signed by a responsible person. When payment

is made by money order, the money order acknowledgement receipt should be carefully watched, which, when received should be pasted in the Acquitance Roll as the actual payee's receipt.

Regulation 92 – Members of Class I service shall draw their leave salary in the same way as they draw their duty pay by presenting bills either direct or through their local Bankers. If a member of Class I service does not appear in person at the place of payment, the leave salary bill must be supported by a life certificate.

Regulation 93 – An employee while preparatory to retirement shall not accept any employment elsewhere without obtaining the permission of the Corporation. The leave salary of an employee who is permitted to take up employment during such leave shall be limited to what would be admissible if he had been on leave on half average pay.

Regulation 94 – Joining Time : An employee shall be entitled to joining time to enable him to join a new post to which he is appointed while on duty in another post under the Corporation or to join a new post on return from leave. Joining time admissible shall ordinarily be 6 days exclusive of Sundays for preparation plus the actual time taken for the journey by the shortest route. When the transfer does not involve any change of station only one day is admissible as joining time, a holiday counting as a day for this purpose.

An employee on joining time shall be regarded as on duty and shall be entitled to be paid –

a) When on transfer to a new post while on duty, the pay and allowances admissible in the old or the new post, whichever is less

b) When returning from leave other than extra-ordinary leave, the leave salary which he last drew on leave.

If an employee takes leave while in transit from one post to another, the period after he hands over charge of his old post shall be included in his leave unless the leave is taken on medical certificate in which case the period may be treated as joining time.

If an employee is appointed to a new post while on earned leave not exceeding 4 months, he shall be entitled to joining time calculating from his old station or from the place at which he received the order of appointment, whichever is less.

The Corporation may, in special circumstances, extend the joining time or grant a longer period of joining time than is admissible under this Regulation, in any case not exceeding 30 days (inclusive of Sundays and holidays), on such conditions as it may think fit.

VIII. CONDUCT AND DISCIPLINE

Regulation 95 – a) The appointing authority or any other authority empowered by the Corporation in this behalf may place an employee under suspension when an inquiry into his conduct is contemplated or is pending or when a complaint against him of any criminal offence is under investigation or trial. Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made. An employee who is detained in custody, whether on a criminal charge or otherwise for a period longer than 48 hours shall be deemed to have been suspended by the appointing authority under this Regulation. An order of suspension may be revoked at any time by the authority making the order or by any authority to which it is subordinate.

*(b) An employee under suspension shall be entitled to the following payments, namely –

(1) a subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half average pay and in addition, dearness allowance, where admissible, based on such leave salary.

Provided that where the period of suspension exceeds twelve months the suspending authority shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first twelve months as follows –

i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first twelve months, if, in the opinion of the said authority the period of suspension has been prolonged due to reasons, to be recorded in writing, not directly attributable to the employee ;

ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first twelve months if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing directly attributable to the employee ;

iii) the rate of dearness allowance where admissible will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clause (i) and (ii) above.

(2) Other Compensatory allowances, if any, of which the employees was in receipt on the date of suspension ;

Provided that the employee shall not be entitled to the Compensatory allowances unless the said authority is satisfied that the employee continues to meet the expenditure for which they are granted.

No payment referred to in items (1) and (2) above – shall be made unless the employee furnishes a certificate, and the suspending authority is satisfied that the employee is not engaged in any other employment, business, profession or vocation.

(c) Leave may not be granted to an employee under suspension.

Regulation 96 – The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee of the Corporation, namely –

i) Censure ;

ii) Withholding of increments or promotion ;

iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of order ;

iv) Reduction to a lower class or post or to a lower time scale, or to a lower

* Substituted by DVC Notification No. 42 dated 30th August, 1962.

stage in time scale ;

v) Compulsory retirement of employees in permanent employment ;

vi) Removal from the service of the Corporation, which shall not be a disqualification for future employment,

vii) Dismissal from the service of the Corporation, which shall ordinarily be a disqualification for future employment.

Explanation – The following shall not amount to a penalty within the meaning of this Regulation –

i) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment ;

ii) Stoppage of an employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar ;

iii) Non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a service, class or post for promotion to which he is eligible ;

iv) Reversion to a lower service, class or post of an employee officiating in a higher service, class or post on the ground that he is considered, after trial, to be unsuitable for such higher service, class or post or on administrative grounds unconnected with his conduct ;

v) Reversion to his permanent service, class or post of an employee appointed on probation to another service, class or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ;

vi) Replacement of the services of a Government servant whose services have been borrowed from the Central or a State Government at the disposal of the authority which had lent his services ;

vii) Compulsory retirement of a person in permanent employ in accordance with the provisions relating to his superannuation or retirement ;

viii) Termination of the services –

a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment of the rules and orders governing probation ; or

b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period for which he was appointed ; or

c) of a person employed under an agreement, in accordance with the terms of such agreement ;

Regulation 97 – (1) The Corporation may impose any of the penalties specified in Regulation 96 on any employee.

2) Subject to such condition as it may think fit to impose, the Corporation may authorise any of its officers to impose any of the penalties specified in Regulation 96 on any *employee.*

Regulation 98 – 1) No order imposing any of the penalties specified in clauses (I) to (iii) of Regulation 96 shall be passed except after –

a) the employee has been informed in writing of the proposal to take action against him and of the allegations on which action is proposed to be taken and has been given an opportunity of making any representation he may wish to make ;

b) such representation, if any, has been taken into consideration by the authority competent to impose the penalty.

"Provided that, if in any case, upon consideration of the representation, if any, made by an employee under clauses (a) and (b), the authority competent to impose the penalty proposes to withhold increments of pay which is likely to affect adversely the amount of pension payable to such employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an enquiry shall be held, in the manner provided in sub-Regulation (2), before an order imposing such penalty is passed*".

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* Inserted by DVC Notification No. 79 dated the 12th December, 1969.

2) No order imposing on a Corporation employee any of the penalties specified in clauses (iv) to (vii) of Regulation 96 shall be passed except after an enquiry, held as far as may be, in the manner hereinafter provided ;

In clauses (iv) to (vii) of Regulation 96 should be imposed, it shall –

a) furnish to the employee a copy of the report of the Enquiring Authority and, where the Disciplinary Authority is not the Enquiring Authority, a statement of its findings together with brief reasons for disagreement if any with the findings of the Enquiring Authority ; and

b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time, such representation as he may wish to make against the proposed action.

Regulation 99 – Notwithstanding anything contained in Regulation 98 –

i) Where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge ; or

ii) Where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said Regulation ; or

iii) Where the Corporation is satisfied that in the interest of security, it is not expedient to follow such procedure ;

The Disciplinary Authority may consider the circumstances of the case and pass such order thereon as it deems fit.

Regulation 100 – When an employee who has been dismissed, removed or suspended is reinstated he shall be allowed the difference between the full pay with allowances and the

subsistence grant, if the authority competent to order reinstatement or to revoke the suspension order holds that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified. In such a case the period of absence from duty shall be treated as a period spent on duty for all purposes. In other cases, the employee shall be given such proportion of such pay and allowances as the competent authority may direct.

Regulation 101 – The pay and allowances of an employee who is removed or dismissed from service shall cease from the date of removal or dismissal. Leave shall not be granted to an employee when the authority competent under these Regulations to impose the penalty has decided to dismiss, remove or compulsorily retire him from the service of the Corporation.*

Regulation 102 – 1) An appeal against an order passed imposing any of the penalties mentioned in Regulation 96 may be preferred –

a) to the Head of the Department concerned, if such has been passed by a Head of an Office subordinate to him ;

b) to the Secretary, if such order has been passed by a Head of a Department ; and

c) to the Corporation, if such order has been passed by the Secretary ;

(1a) No second appeal shall lie against the orders passed in appeal by any of the appellate authorities under sub-Regulation (1)**

(2) An appeal shall also lie against –

a) an order of suspension ;

b) an order stopping an employee at the efficiency bar in a time scale on the ground of his unfitness to cross the bar ;

c) an order reverting to a lower service, class or post, an employee officiating in a higher service, class or post otherwise than as a penalty ;

d) an order determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period on duty for any purpose.

Regulation 103 – An appeal shall be preferred within one month of the date on which the appellant was informed of the order appealed against and stall contain all material statement and arguments relied on by the appellant shall contain no disrespectful of improper language and shall be complete in itself. Every such appeal shall be submitted through the Head of the Office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

Regulation 104 – In forwarding an appeal to the next higher authority the forwarding authority shall express a definite opinion.

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* As amended by DVC Notification No. 17 dated the 2nd January, 1960. As

** substituted by DVC Notification No. 38 dated the 26thMarch, 1962.

Regulation 105 – The appellate authority shall consider –

a) whether the facts on which the order was based have been established ;

b) whether the facts established afford sufficient ground for taking action.

c) Whether the penalty is excessive, adequate or inadequate, and pass such order as appears to it just and equitable.

Regulation 106 – An appeal may be withheld if –

a) it is not preferred within one month of the date on which the appellant was informed of the order appealed against ;

b) it is a repetition of a previous appeal and no new facts or circumstances are adduced which afford ground for a reconsideration of the case ;

c) It contains disrespectful or improper language or is not submitted through the proper channel.

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

Regulation 107 – Notwithstanding anything contained in the foregoing provisions, the Corporation may, of its own motion, or otherwise, call for the record of any case in which an order has been made by an authority subordinate to it in the exercise of any power, conferred to such authority by Regulation 97, and (a) confirm, modify or set aside the order ; or (b) direct that a further enquiry be held in the case ; or (c) reduce or enhance the penalty imposed by the order ; or (d) make such order in the case as if may deem fit.

Provided that an order enhancing the penalty shall not be passed unless the employee concerned has been given an opportunity of making any representation which he may with to make against such enhanced penalty.

IX. RETIREMENT BENEFITS

Regulation 108* – Unless otherwise specifically provided for any individual case, every employee of the Corporation, other than an employee who is a Government servant on deputation to the Corporation, shall subscribe to the 'Contributory Provident Fund' (DVC) or to the Employees* Provident Fund (DVC), or to the General Provident Fund Scheme as the case may be in accordance with the rules of these Provident Funds, as might be applicable to the employees in question.

"Every employee of the Corporation employed on wages/salary not exceeding Rs. 1000/- per mensem who is temporary or contributing to the Contributory Provident Fund (DVC) or to the Employees' Provident Fund (DVC) shall be entitled to gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972 (39 of 1972), as applicable to him with effect from the 16th day of September, 1972";

+*Regulation 108A* – (1) – Subject to the provisions of this Regulation every employee of the Corporation, who is substantively appointed in the service of the Corporation against a permanent post and who has retired or retires on or after the 15th August, 1959, shall be entitled to Pension-

cum-Gratuity under the Government of India Pension Rules in force on the date of retirement of such employee.

$"Provided that an employee of the Corporation employed on wages/salary not exceeding Rs. 1000/- per mensem who opted for pension-cum- gratuity scheme of the Damodar Valley Corporation shall be entitled to gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972 (39 of 1972) subject to the conditions that he has not received gratuity under the Government of India Pension Rule".

(2) Every employee who holds a permanent post in the Corporation in a substantive capacity on 18th January, 1964 and is subscribing to the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC), as the case may be $ in terms of Regulation 108, shall, within three months from the said date, be required to exercise his option in writing either to continue to so subscribe or to come under the Pension- cum-Gratuity Scheme.

(3) Every employee, whether recruited before or after the 18th January,

** Inserted by DVC Notification No. 103 dated the 7th-February 1977.

\+ Inserted by DVC Notification No. 51 dated the 18th January, 1964.

$ Inserted by DVC Notification No. 110 dated the 21st May, 1980.

1964 who holds no substantive appointment in any permanent post but is subscribing or is required to subscribe to the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) as the case may be, $ in terms of Regulation 108, shall, on being substantively appointed against a permanent post at a later date, be allowed to exercise his option in writing either to continue to so subscribe or to come under the Pension-cum-Gratuity Scheme within three months from the date of issue of the order communicating the substantive appointment in a Permanent post.$$

(4) *"In case an employee, who is required to exercise the option in accordance with the provisions of clause (2) or clause (3) fails to do so within the stipulated period of three months, he shall be deemed to have opted for the Pension-cum-Gratuity Scheme. But an employee continuing to be a member either of the Contributory Provident Fund or Employees' Provident Fund may be allowed another chance of exercising option for the Pension-cum-Gratuity Scheme within six months from the date of publication of the notification in the Gazette of India".

Provided that an employee who has retired before exercising the required option shall not be admitted to the benefit of the Pension-cum-Gratuity Scheme unless he opts for the said scheme in writing within three months from the date of issue of the order communicating the substantive appointment in the permanent post.$$

5) Continuous temporary, officiating or contract service of an employee in the regular establishment of the Corporation if followed, without interruption, by substantive appointment to a permanent post shall be deemed to have been in the pensionable establishment from the commencement of the employee's service in the regular establishment irrespective of the period of service during which the employee might have subscribed to the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) as the case may be $ and shall count for pension.

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* As amended by D.V.C. Notification No. 66 dated the 22nd November, 1966.

$$ As amended by D.V.C. Notification No. 62 dated the 15nd November, 1966 As

* amended by D.V.C. Notification No. 111 dated 12.8.1980.

6) In case an employee opts for the Pension-cum-Gratuity Scheme, the amount of the Corporation's contribution with interest thereon standing to his credit in the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) as the case may be, $ shall revert to the Corporation and be credited to its fund and the amount of the employee's own contribution to the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) as the case may be, $ after adjustment of advances, if any, taken from the said Fund, shall, together with interest on it, be maintained as his contribution to a "General Provident Fund" to be opened by the Corporation for the purpose.

*(6A) The provisions of the Contributory Provident Fund Rules (DVC) shall except to the extent they relate to the crediting of the Corporation's contribution to the Contributory Provident Fund, apply in relation to employees contributing to the General Provident Fund, as they apply in relation to employees contributing to the Contributory Provident Fund.

7) An employee, who has retired or has been retired with benefit under the Contributory Provident Fund (DVC), or as the case may be, under the Employees' Provident Fund (DVC)$ after serving in a substantive appointment, against a permanent post but prior to 18th January, 1964, shall be granted the benefit of Pension-cum-Gratuity Scheme, or from the date of issue of the order communicating the substantive appointment, whichever is later, $$ the Corporation's contribution to his Provident Fund together with interest thereon, if already paid, being adjusted against the Death-cum-Retirement Gratuity admissible under the said Scheme and the balance, if any, being refunded to the Corporation in cash.

* As amended by D.V.C. Notification No. 66 dated the 22nd November, 1966.

$$ As amended by D.V.C. Notification No. 62 dated the 15nd November, 1966 As

* amended by D.V.C. Notification No. 111 dated 12.8.1980.

8) If an employee who dies while holding no substantive appointment in any permanent post but was subscribing to the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) as the case may be $ under Regulation 108, is substantively appointed with retrospective effect against a permanent post at a later date, the Corporation may, at its discretion and in case a request is specifically made in this behalf by the nominee or nominees, validly nominated by the subscriber, or in their absence, by all the members of the family is defined in the Contributory Provident Fund Rules (DVC), or the Employees' Contributory Provident Fund Rules (DVC) 1962$ grant the nominee or nominees or the members of the family, as the case may be, the benefits of the Pension-cum-Gratuity Scheme as the Family Pension Scheme in lieu of benefits under Contributory Provident Fund (DVC) or as the case may be, under the Employees' Provident Fund (DVC)$. If all the members of the family do not agree in making such a request, then the amount to his credit in the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) or as the case may be** shall be paid in accordance with the provisions of the Contributory Provident Fund Rules (DVC)$$ OR THE Employees' Contributory Provident Fund Rules (DVC),, 1962$.

*"(9) If the family of an employee of the Corporation who has retained the Contributory Provident Fund (DVC) or the Employees' Provident Fund (DVC) benefits under Regulation 108 even though he held a substantive appointment against a permanent post and who is either killed or died as a result of injuries sustained in the performance of his duties, feels that the option exercised by the said late employee was not beneficial to the survivors, the family may be given an opportunity by the Corporation after consideration of each case on its merits, to opt for the benefits of the Pension-cum-gratuity Scheme and the Family Pension Scheme in lieu of benefits under the Contributory Provident Fund

(DVC) provided a request is specifically made in this behalf by the nominee or nominees, validly nominated by the subscriber or in their absence by all the

* As amended by D.V.C. Notification No. 66 dated the 22nd November, 1966.

$$ * Inserted by DVC Notification No. 62 dated the 15th January, 1966 and came into force on the 1st January, 1964. Inserted by DVC Notification No. 90 dated the 14th October, 1971.

members of the family as defined in the Contributory Provident Fund (DVC), or the Employees' Contributory Provident Fund Rule (DVC), 1962. If all the members of the family do not agree in making such a request, then the amount to his credit in the contributory Provident Fund (DVC), or the Employees' Provident Fund (DVC), as the case may be, shall be paid in accordance with the provisions of the Contributory Provident Fund Rules (DVC) or the Employees' Contributory Fund Rules (DVC) 1962".

$ Regulation 108B – Notwithstanding anything contained in the foregoing provisions, the benefits admissible to the Central Government servants under the Central Civil Service (Extra-ordinary Pension) Rules of the Government of India as amended from time to time, shall be admissible in the case of employees of the corresponding categories of the Damodar Valley Corporation.

Explanatory Memorandum :$

The employees of the Damodar Valley Corporation other than those covered by the definition of workmen as given in the Workmen's Compensation Act were not so far eligible to any compensation in case of accident, while on duty resulting in death or injury invalidating out of service.

Central Civil Service (Extra-ordinary Pension) Rules provide for such benefits to all Central Government Civil Servants who entered service under Central Government on or after 1.4.1937.

DVC in general adopts Central Government service rules and regulations by making new regulations or amending existing regulations from time to time as per procedure laid down in DVC Act.

There had been representation from different sections of Corporation employees that the benefits under the Central Civil Services (Extra-ordinary Pension) Rules should be extended to them.

After careful consideration, DVC felt that such benefits should also be extended to its employees applicable to the Central Government employees and the Corporation Meeting held on 6.11.70 passed the resolution approving the proposal for adoption of the Central civil Services (Extra Ordinary Pension) Rules of the Government of India in respect of the employees of the Corporation.

$ Inserted by D.V.C. Notification No. 89 dated the 22nd November, 1971.

It is intended to give effect to the amendment of the DVC Service Regulation incorporating the provision of the above Government of India Rules with effect from 6.11.70, the date of approval of the proposal by the Corporation.

It is confirmed that by giving retrospective effect to the above no employee will be affected prejudicially.

$108C –(1) Benefits of the Contributory Family Pension Scheme as admissible quasi-permanent employees of the DVC who have put in more than one year's continuous service in the regular establishment of DVC and are members of the General Provident Fund Scheme.

(2) Every temporary employee in the regular establishment whether recruited before or after the 1st January, 1969 who holds no substantive appointment but is subscribing or is required to subscribe to the Contributory Provident Fund (DVC) or Employees Provident Fund (DVC) as the case may be, in terms of Regulation 108, shall be allowed to exercise him option in writing within six months of his joining the service of the Corporation or within six months from the date of commencement of the Damodar Valley Corporation Service (32nd Amendment) Regulations, 1977, whichever is later, either to continue or to come over under the General Provident Fund Scheme :

Provided that in the event of death of a temporary employee recruited on or after the 1st January, 1969, who had put in more than one year's continuous service and had failed to exercise option within the specified period, family pension may be sanctioned under the Family pension Scheme, to the family of the deceased employee on the merit of his case at the discretion of the Corporation.

X. ADVANCES

Regulation 109 – An amount which may be utilised each year for making the advances to the employees should be set apart and it should in no case be exceeded. Corporation may make advances to its employees for the following purposes.

$ As Inserted by DVC Notification No. 103 dated the 7th February, 1977.

INTEREST BEARING ADVANCES – ADVANCES FOR THE PURCHASE OF CONVEANCES

In cases where it is considered necessary in the interest of the service of the Corporation, the Corporation may sanction an advance to an employee for the purchase of a motor car or a motor cycle subject to the following conditions –

*(I)(a) The maximum amount of an advance in the case of an employee on a substantive appointment for the purchase of a motor car shall be **Rs. 20,000/- or twenty months' pay of the employee or the anticipated price of the motor car, whichever is the least, and for the purchase of a motor cycle or scooter or auto-cycle, the maximum amount of advance shall be **Rs. 3,500/- or ten months' pay of the employee or the anticipated price of the conveyance, whichever is the least. If the actual price paid is less than the advance taken, the balance shall be forthwith refunded.

(b) In the case of an employee without a substantive appointment, application for grant of advance for the purchase of a motor car or for the purchase of a motor cycle or scooter or auto-cycle shall be accompanied by a surety bond from a permanent employee having a status comparable to or higher than that of the employee who applies for the grant of such advance.

*(ii) Recovery in the case of all employees shall be made in not more than **hundred equal monthly installments in respect of advance for the purchase of motor car and in **seventy equal monthly installments in respect of advance for the purchase of motor cycle or scooter or auto- cycle. Recovery shall be made by deduction from monthly pay or leave salary bill commencing with the first issue of pay or leave salary after the advance is drawn. The employee at his/her option may refund the amount in lesser number of installments. Simple interest at such rate as may be decided by the Corporation from time to time calculated on the balances outstanding on the last day of each month shall be recovered in one or more installments, each such installment by which the principal was

* Substituted by DVC Notification No. 32 dated 24.7.61, Again, substituted by DVC Notification No. 78 dated 16.10.69. As
** amended by D.V.C. Notification No. 113 dated 29.6.82.

recovered. Recovery of interest shall commence from the month following that in which the repayment of the principal has been completed. In the event of an employee finally quitting the service of the Corporation, the balance of the advance together with the interest thereon shall be recovered in one lump-sum before the employee is released.

(iii) Previous sanction on the Corporation is necessary to the sale of a motor car or a motor cycle purchased with the aid of an advance which with interest accrued has not been fully repaid.

(iv) In al cases in which a car or a motor cycle is sold before the advance with interest has been fully repaid the sale proceeds must be applied so far as may be necessary towards, the repayment of the outstanding balance.

(iv) The car or the motor cycle purchased must be finally paid for within one month from the date of drawing the advance failing which the amount of advance with interest due thereon for one month must be refunded immediately. This condition should be mentioned in the latter sanctioning the advance. No sanction should issue until the Accounts Officer has certified that funds are available in the year of payment of the advance, and a certificate from the sanctioning authority to the effect that the officer will continue in the employ of the Corporation till repayment of the advance plus the interest thereon should accompany the sanction.

Regulation 110 – At the time of drawing the advance the employee shall execute an agreement and on completing the purchase, he shall further execute a mortgage bond hypothecating the car or the cycle to the Corporation as security for the advance. The agreement and the mortgage bond shall be executed in such form as may be prescribed by the Corporation. The cost price of the car or the cycle shall be entered in the schedule of specifications attached to the mortgage bond.

Regulation 111 – When an advance is drawn, the sanctioning authority shall furnish to the Accounts Officer a certificate that the agreement required under Regulation 110 has been signed by the employee drawing the advance and that it has

* As amended by D.V.C. Notification No. 113 of 29.6.82.

been examined and found to be in order. The sanctioning authority should see that the conveyance is purchased within one month from the date on which the advance is drawn and should submit every mortgage bond promptly to the Accounts Officer for examination before final record.

Regulation 112 – The mortgage bond should be kept in the safe custody of the Secretary of the Corporation. When the advance has been fully repaid the bond should be returned duly cancelled, after obtaining a certificate from the Accounts Officer to the effect that the advance with interest has been completely repaid.

* *Regulation 113* – (1) The car or cycle must be insured against full loss by fire, theft or accident.

Such insurance shall be effected from the date of purchase of the conveyance.

(2) On receipt of the certificate prescribed in Regulation 111, the Accounts Officer shall obtain from the employee drawing the advance a letter in the prescribed from to the Motor Insurance Company with which the motor car or cycle is insured to notify to them the fact that the Corporation is interested in the insurance policy secured. He will himself

forward the letter to the company and obtain their acknowledgement. In the case of insurance effected on annual basis this process should be repeated every year until the advance has been fully repaid to the Corporation.

(3) Contravention of these orders will render the employee liable to refund the whole of the amount advanced with interest accrued. The amount for which the conveyance is insured during any period should not be less than the outstanding balance of the advance with interest accrued at the beginning of that period and that the insurance should be renewed from time to time until the amount due is completely repaid.

Regulation 114 – A head of a Department may, if he is satisfied that the purchase would enable a permanent employee to discharge his duties more efficiently, sanction and advance to an employee drawing a pay not exceeding Rs. 410.00 p.m.+ for the purchase of a bicycle subject to the following conditions and to such other terms and conditions as the Corporation may thing fit to impose –

+ As amended by D.V.C. Notification No. 84 dated the 3rd October, 1970.

** Substituted by DVC Notification No. 53 dated the 3rd September, 1964. This Notification came into force with effect from the 21st January, 1964.

i) The total amount to be advanced should be Rs. 200 or the anticipated price of the bicycle, inclusive of sales-tax, whichever is less.** If the actual price paid is less than the advance taken, the balance should forthwith be refunded to the Corporation.

ii) No sanction should issue until the Accounts Officer has certified that funds are available in the year of payment of the advance and a certificate is furnished by the sanctioning authority to the effect that the employee is likely to continue in the service of the Corporation till repayment of the advance with interest thereon.

iii) Recovery shall be made in 25 equal monthly installments by deduction from monthly pay or leave salary bill commencing with the first issue of pay or leave salary after the advance is drawn.* Simple interest at 4 1/2 per cent or such other rate as may be decided by the Corporation from time to time on balances outstanding on the last day of each month will be recovered after the principal is recovered. In the event of an employee finally quitting the services of the Corporation the balance of the advance together with interest thereon shall be recovered in one lump sum before he is released.

iv) An employee who takes an advance under this Regulation should within one month after drawing the advance furnish the Head of the Department with a certificate giving full particulars of the purchase and the cash receipt for the amount actually paid for.

v) A second or subsequent advance for the purchase of a cycle will not be given before the expiry of three years from the date the previous advance was taken, unless satisfactory evidence is produced by the employee concerned to the effect that the bicycle purchased with the help of the earlier advance has, been lost or has become unserviceable. In the latter type of cases, the sanctioning authority should while communicating the sanction to audit include a certificate that they have satisfied themselves that the cycle already in possession of the employee has been lost or has become unserviceable, as the case may be.

Note – The Corporation or Head of Department may also sanction similar advances to temporary employees subject to the conditions stated above and any other additional conditions the Corporation may find necessary in order to ensure the security and recovery of the advances.*

ADVANCES ON TRANSFER OR ON TOUR (NON-INTEREST BEARING)

Regulation 115 – Advances of one month's pay and estimated travelling allowances may be sanctioned to an employee under order of transfer from one station to another. The advance of pay will be recovered in three installments commencing from the pay or leave salary bill of the first month after the advance is drawn. Advance of travelling allowance will be recovered in one lump from the travelling allowance bill which should be submitted within a month from the date of taking over charge at the new station. If no travelling allowance bill is submitted within three months of the transfer, the advance will be recovered from pay at the rate of one-third of pay.

+*Regulation 116* – Advances for journeys on tour up to an amount sufficient to cover the actual travelling expenses may, where necessary, be granted to an employee when proceeding on tour. Such advance may sanctioned by the Head of the office or by any other subordinate authority to whom the Power may be delegated. The advance should be adjusted on completion of the tour and, except in special circumstances a second advance shall not be granted until the previous advance has been fully amounted for and adjusted.

SPECIAL ADVANCES

Regulation 117 – For purposes not specified above special advance may be sanctioned by the Corporation in exceptional circumstances on the merit of each individual case subject to such terms and Conditions as the Corporation may think fit to impose, provided that simple interest at the rate of 5.75 per cent or such other rate as may be decided by the Corporation from time to time per annum shall be changed and the entire advance is recovered within a period of 18 months or the contract period of the employee, whichever is less.

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* As amended by D.V.C. Notification No. 28 dated the 30nd March, 1961.

\+ As amended by D.V.C. Notification No. 97 dated the 8nd January, 1975.

ADVANCES FOR BUILDING OF HOUSES (INTEREST BEARING)

**Regulation 118* – (1) Subject to the provisions of this regulation, employee who has been substantively appointed to a permanent post shall be eligible for the grant of an advance for the building f houses in accordance with the rules governing house-building advances applicable to employees of the Central Government.

**Provided that the Corporation shall bear expenses for Stamp Duty and Registration Changes on a mortgage deed to be executed by an employee for taking a house building advance.

***Explanatory Memorandum* :

1) In Pursuance of a settlement arrived at in a tripartite conciliation on the 15th February, 1971, the Corporation has approved that the expenditure incurred on account of stamp duty and Registration charges for mortgage deed etc., for grant of house building advances to the employees would be paid by the Corporation and this would be effective from 1st June, 1970.

2) The grant of advances under this Regulation shall be subject to the availability of funds for this purpose, an amount shall be set apart every year for utilisation in that year and the amount so set apart shall in no case be exceeded.

3) Notwithstanding anything contained in the rules referred to in sub-regulation (1), the advances granted under this regulation shall carry interest

at such rate as may from time to time be fixed by the Corporation and such rate shall not be less than the rates at which the Corporation pays interest on its borrowings.

4) "Notwithstanding anything contained in the rules referred to in sub-regulation (1), the benefits of the blouse Building Advance Rules would be extended to the work-charged employees who have been brought on regular establishment and put in at least 10 years continuous service under the work-charged establishment."

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* Inserted by D.V.C. Notification No 77 dated the 30nd June, 1969 and came into force on the 1st April, 1967. Inserted by

** D.V.C. Notification No 93 dated the 31st October, 1972 and came into force on the 1st June, 1970. As Inserted less D.V.C.

* Notification No 109 dated the 12th January, 1979.

APPENDIX II

(Vide Regulation 108)

+CONTRIBUTORY PROVIDENT FUND RULES (DVC)

1. These rules may be called the Contributory Provident Fund Rules (DVC),

2. (1) In these rules unless there is anything repugnant in the subject or context –

3. i) "Accounts Officer" means the Chief Accounts Officer of the Corporation.*

ii) "Emoluments" means pay, leave salary or subsistence grant as defined in the Damodar Valley Corporation Service Regulations and includes dearness pay appropriate to pay, leave salary or subsistence grant. It shall also include any remuneration of the nature of pay received in respect of foreign service.*

Note – The inclusion of dearness pay shall in relation to persons who were in the service of the Corporation on the 27th March 1954, be deemed to have come into force on the from the 1s June 1953 and in respect of persons joining service thereafter from the date of their appointment.

iii) "*Family*" means ;

a) In the case of a male subscriber, the wife or wives and children of a subscriber and the widow or widows and children of a deceased son of the subscriber.

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased, under the customary law of the community to which she belongs, to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Accounts Officer that she shall continue to be so regarded.

b) In the case of a female subscriber, the husband and children of the subscriber and the widow or widows and children of deceased son of the subscriber.

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* As amended by D.V.C. Notification No. 64 dated the 11th March, 1966.

++ Amendment of the D.P.F. Rules (D.V.C.) on he basis of the C.P.F. Rules (India). 1962 is under consideration.

Provided that if a subscriber by notification in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

Note 1 – "Children" means legitimate children.

Note 2 – An adopted child shall be considered to be a child when the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Legal Adviser to the Corporation is

satisfied that under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child, but in this case only.

iv) "*Fund*" 1 means the Contributory Provident Fund (DVC) and

v) "*Year*" means a financial year.

2) Any other expression used in these rules which is defined either in the Provident Funds Act, (XIX of 1925), or in the Corporation Leave Rules is used in the sense therein.

3) *Constitution and management of the Fund* – The Fund shall be administered by the Corporation and shall be maintained in rupees.

4) (1) These rules shall apply to every employee of the Corporation who is a subscriber to the contributory provident fund of the Corporation Regulation 108.*

(2) If an employee admitted to the benefit of the Fund was previously a subscriber to any other Contributory or Non-Contributory Provident Fund of the Corporation, the amount of his subscriptions and the Corporation's contributions in such Contributory Provident Fund or the amount of his subscriptions in such Non-Contributory Provident Fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund.+

**5) Nomination – (i) A subscriber shall at the time of joining the Fund send to the Accounts Officer a nomination conferred on one or more persons the right to

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* As substituted by D.V.C. Notification No. 9 dated the 21st May, 1958 and renumbered by D.V.C. Notification, No. 64, dated 11the March 1966.

\+ As amended and inserted by D.V.C. Notification No. 64, dated the 11th March, 1966.

receive the amount that may stand to his/her credit in the Fund, in the event of his/her death before that amount has become payable, or having become payable has not been paid.

Provided that if, at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his/her family.

Provided further that the nomination made by the subscriber in respect of any other Provident Fund to which he was subscribing before joining the Fund, shall, if the amount to his credit in such other fund has been transferred to his credit in this Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.*

2) If a subscriber nominates more than one person under sub-rule (1), he/she shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his/her credit in the Fund at any time.

3) Every nomination shall be in such one of the forms set forth in the first

schedule as is appropriate in the circumstances.

4) A subscriber may at any time cancer a nomination by sending a notice in writing o the Accounts Officer.

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of sub-rule (1) to (3).

(5) A subscriber may provide in a nomination -

a) In respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination.

b) That the nomination shall become invalid in the event of the happening of a contingency specified therein ; provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

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* Inserted by D.V.C. Notification No. 64 dated the 11th March, 1966. As
** amended by D.V.C. Notification No. 21, dated the 6th August, 1960.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto, the subscriber shall sent to the Accounts Officer a notice in writing canceling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, taken effect on the date on which it is received by the Accounts Officer.

Note – In this rule, unless the context otherwise requires, 'person' or 'persons' shall include a company or association or body of individuals whether incorporated or not.*

(6) Subscriber's Accounts – An account shall be opened in the name of each subscriber, in which shall be shown$.

i) the subscriber's subscriptions.

ii) Contributions made under rule 10 by the Corporation ;

iii) Interest, as provided by rule 11, on subscriptions ;

iv) Interest, as provided by rule 11, on contribution ; and

v) Advances and withdrawals from the Fund.*

7. *Conditions and Rates of Subscriptions* – (1) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period

of suspension ;

Provided that a subscriber, on reinstatement after a period passed under suspension, shall be allowed the option of paying in one lump sum or in instalments, any amount not exceeding the maximum amount of arrears of subscriptions permissible for that period.$$

(2) A subscriber may, at his option, not subscribe to the Fund during any period of leave other than leave on average pay or earned leave of less than one month or 30 days' duration, as the case may be.$$

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* Inserted by D.V.C. Notification No. 64 dated the 11th March, 1966.

\+ As amended and inserted by D.V.C. Notification No. 64, dated the 11th March, 1966. As

$$ substituted by D.V.C. Notification No. 64, dated the 11th March, 1966.

(3) The subscriber shall intimate his/her election not to subscribe during leave in the following manner ;

a) If he/she is an officer who draws his/her own pay bills, by making no deduction on account of subscription in his/her first pay drawn after proceeding on leave.

b) If he/she is not an officer who draws his/her own pay bills, by written communication to the head of his/her office before he she proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of subscriber intimated under this sub-rule shall be final.

(4) A subscriber who has under rule 17 withdrawn the amount of subscriptions and interest thereon, shall not subscribe to the Fund after such withdrawal unless he returns to duty.**

Rate of Subscription – (1) The amount of subscription shall be fixed by the subscriber himself/herself subject to the following conditions :

a) It shall be expressed in whole rupees ;

b) It may be any sum, so expressed, within his/her emoluments, not being less than 8 1/2 per cent thereof.*

(2) For the purposes of sub-rule (1) the emoluments of a subscriber shall be :

a) In the case of a subscriber who was in the service of the Corporation on the 31st March of the preceding year, the emoluments of which he/she was entitled on that date, provided as follows :

i) If the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments

shall be the emoluments to which he would have been entitled had he been on duty in India.

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* As substituted by D.V.C. Notification No. 15 dated the 16th November, 1959 read with

** Notification No. 8 dated the 17th April, 1958. This amendment shall be deemed to have come into force on the 1st September, 1967.

Inserted by D V CNotification NO64dated the 11thMarch1966

ii) If the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on he said date, his/her emoluments shall be the emoluments to which he/she was entitled on the first day after his/her return to duty.

iii) If the subscriber joined the Fund for the first time on a day subsequent to the said date, his/her emoluments shall be the emoluments to which he/she was entitled on such subsequent date.

b) In the case of a subscriber who was not in the service of the Corporation on the 31st March of the preceding year, the emoluments to which he/she was entitled on the first day of his/her service or, if he/she joined the Fund for the first time on a date subsequent to the first day of his/her service, the emoluments to which he/she was entitled on such subsequent date.

Provided that if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Corporation may direct.

3) The subscriber shall intimate the fixation of the amount of his/her monthly subscription in each year in the following manner :

a) if he/she was on duty on the 31st March of the preceding year, by the deduction which he/she makes in this behalf from his/her pay bill for that month ;

b) If he/she was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he/she makes in this behalf from his/her first pay bill after his/her return to duty :

c) If he/she has entered service of the Corporation for the first time during the year, by the deduction which he/she makes in this behalf, from his/her pay bill for the first month ;

d) If he/she was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he/she causes to be made in his behalf from his/her salary bill for that month.

e) If his emoluments are of the nature referred to in the proviso to sub-rule (2), in such manner as the Corporation may direct.

f) If he or she was on foreign service on the 31st March of the preceding year, by the amount credited by him into the Fund on account of subscription for the month of April in the current year+.

4) The amount of subscription so fixed may be reduced and enhanced twice during the course of a year :

Provided that when the amount of subscription is so reduced,** such amount shall not be less than the minimum prescribed in sub-rule (1) :

Provided further that if a subscriber is on duty for part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of

subscription payable shall be in whole rupees proportionate to the number of days spent on duty in the month.*

8A. Transfer to foreign service on deputation out of India, - When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.+

9(1) Realisation of Subscriptions – Recovery of subscription and of the principal and interest of advance shall be made from the monthly pay or leave salary bill as the case may be. The recovery shall be supported by a schedule in the prescribed from given in the second schedule.

++(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer :

Provided that in the case of a subscriber on deputation to a body corporate owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.

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* Substituted by D.V.C. Notification No. 64, dated the 11th March, 1966.

\+ Inserted by D.V.C. Notification No. 64 dated the 11th March, 1966. As substituted by D.V.C. Notification No. 96 dated the 6th January, 1975. As amended by D.V.C. Notification No. 64, dated the 11th March, 1966.

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10. *Contribution by the Corporation* – (1) **The Corporation shall with effect from the 31st March of each year make a contribution to the account of each subscriber but if a subscriber quits the service or dies during the year, the contribution shall be credited to his or her account for that period between the close of the preceding year and the date of quitting the service or death, as the case may be :

Provided that no such contribution shall be payable to a subscriber who is a retired+ official unless he has completed more than one year's continuous service under the Corporation on a pay re-fixed in accordance with Regulation 25 ; and such contribution will become payable with effect from the date from which the pay, thus refixed, becomes payable, if the subscriber is subscribing to the fund from that date.

Provided further that no such contribution shall be payable to a subscriber, other than a subscriber of the category mentioned in the first proviso, unless he has completed not less than two years' continuous service under the Corporation.

+*Explanation* – For the purposes of this sub-rule, the expression 'retired official" shall mean retired Government servants including those from Burma and Pakistan, retired Corporation employees and also retired employees of other public sector undertakings.

$(2) The Contribution shall be 8 1/8% of the subscriber's emoluments drawn on duty during the year or period as the case may be :

Provided that if, through oversight or otherwise the amount subscribed is less than the minimum subscription payable by the subscriber under sub-rules (1) and (2) of rule 8 and if the short subscription together with interest accrued thereon is not paid by the subscriber within such time as may be specified by the Corporation, the contribution payable by the Corporation shall be equal to the amount actually paid by the subscriber or the amount normally payable by the Corporation, whichever is less, unless the Corporation, in any particular case, otherwise direct.

(3) Should a subscriber elect to subscribe during leave, his/her leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

** As substituted and revised by D.V.C. Notification No. 24 dated the 6th January, 1981, and No. 60 dated the
+ 9th June, 1965 respectively. The substituted and revised Rule 10(1) came into force from 12th August, 1959.

$ As amended/substituted by D.V.C. Notification No. 74, dated the 22nd July, 1969. As substituted by D.V.C. Notification No. 37 dated the 22ndFebruary, 1962.

(4) The amount of contribution payable shall be rounded to the nearest whole rupee (fifty paise and more counting as the next higher rupee).*

(5) Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed to him for that period on his reinstatement, shall, for the purpose of this rule, be deemed to be emoluments drawn on duty*.

(6) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recoverable by the Corporation from the subscriber*.

11. *Interest* – (1) The Corporation shall pay to the credit of the account of a subscriber interest at such rate as may be prescribed by the Corporation from time to time.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner –

i) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sum withdrawn during the current year – interest for twelve months.

ii) On sums withdrawn during the current year – interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal.

iii) On al sums credited to the subscriber's account after the 31st March of the preceding year – interest from the date of deposit up to the 31st March of the current year.

iv) The total amount of interest shall be rounded o the nearest whole rupee (fifty paise and more* counting as the next higher rupee.)

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this rule in respect only of the period from the beginning of the current year or from the date of deposit, as the

* Substituted/Inserted by D.V.C. Notification No.64 dated the 11th March, 1966. As
+ substituted by D.V.C. Notification No. 64, dated the 11th March, 1966.

case may be, up to the date on which the amount standing at the credit of the subscriber becomes payable.

(3) For the purpose of this rule, the date of deposit shall, in the class of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered and, in the case of amounts forwarded by the subscriber, be deemed to be the first day of the month of receipt if they are received by the Accounts Officer before the fifth day of that month, or if they are received on or after the fifth day of that month, the first day of the next succeeding month :

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which such pay or leave salary and allowances were due under the rules, irrespective of the month in which it was actually drawn :

Provided further that in case of an amount forwarded in accordance with the provision to sub-rule (2) of rule 9, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month**.

(3) In addition to any amount to be paid under rule 20, interest thereon up to the end of the month preceding that in which payment is made, or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be padi.

Provided that no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his/her agent) as the date on which he is prepared to make payment in cash, or if he pays up by cheque, after the date on which the cheque in that person's favour is put in the post.

++Note – Payment of interest on the fund balances beyond a period of six months up to a period of one year may be authorised by the Chief Accounts Officer after he personally satisfied that the delay in payment was occasioned by circumstances beyond the control of the subscriber and in every such case, the administrative delay involved in the matter shall be fully investigated and action, if any, required taken".

** As substituted by D.V.C. Notification No. 64 dated 11th March, 1966. As

++ inserted by D.V.C. Notification No. 96, dated the 6thJanuary, 1975.

12. Advance from the Fund – A temporary advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount of subscriptions, and interest thereon standing to the credit of the subsciber in the Fund, whichever is less, may be granted to a subscriber at the discretion of the Head of the Department and where the subscriber is the Head of any Department, may be granted by the Corporation subject to the condition that no advance shall be granted in any case unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify such grant and the amount advanced will be expended for the purpose or purposes for which it is granted.*

*(13) The following are deemed to be good and sufficient reasons for the grant of advances -

a) to pay the expenses in connection with the illness or disability, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him ;

b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on his in the following cases, namely -

i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage ; and

ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years ;

c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him ;

Provided that the conditions of actual dependence shall not apply in the case of a son or daughter of the subscriber ;

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* As substituted by D.V.C. Notification No. 64 dated 11th March, 1966.

Provided further that the condition of actual dependence shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber ;

d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source in the Corporation :

Provided that the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against the Corporation in respect of any condition of service or penalty imposed on him ;

e) to meet the cost of his defence where the subscriber Is prosecuted by the Corporation in any court of law or where the subscriber engages a legal practitioner to defence himself in an enquiry in respect of any alleged official misconduct on his part ;

f) to pay the life insurance premia,

Note – Advances are not rigidly confined to the objects mentioned above but may be sanctioned by the Corporation in special cases for other reasons no less cogent.

*14. (a) An advance shall not, except for special reasons, be granted to any subscriber in excess of the limit drawn in rule 12.

Note – For the purpose of this rule, 'pay' does not include 'dearness pay'.

(b) An advance shall not, except for special reasons be granted until repayment of the last installment of any previous advance together will interest thereon.

(c) The sanctioning authority shall record in writing its reasons for granting the advance.

Provided that if the reason is of a confidential nature it may be communicated to the Accounts Officer personally or confidentially.

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* As substituted by D.V.C. Notification No. 64 dated 11th March, 1966.

15. (1) As advance shall be recovered from the subscriber in such number of equal monthly installments as the sanctioning authority may direct, but such number shall not be less than twelve unless the subscriber so elects, and more than twenty four. In special cases where the amount of advance exceeds three months' pay of the subscriber under Rule 14 (a), the sanctioning authority may fix such number of instalments to be more than twenty four but in no case more than thirty-six+ A subscriber may, at his/her option make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupee, the amount of the advance applied for being raised or reduced, if necessary, to admit of the fixation of such instalments.

*(2) Recovery shall be made in the manner provided in rule 9 and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant for a full month. Recovery shall not be made except with the subscriber's consent while he or she is in receipt of subsistence grant or is on leave other than leave on average pay of less than one month or 30 days' duration as the case may be. The recovery may be postponed on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal but if the period referred to in clause (a) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2), Payments shall be rounded to the nearest rupee in the manner provided in sub-rule (4) of rule 10.

** As substituted by D.V.C. Notification No. 64 dated 11th March, 1966.

+ Amended by D.V.C. Notification No. 40 dated 15th May, 1962.

(5) If an advance has been granted to a subscriber and drawn by him/her and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall with interest at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the authority competent to sanction an advance.

(6) Recoveries made under this rule shall be credited as they are made, to the account of the subscriber in the Fund.

16. Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Rule 12, has been utilised for a purpose other than for which sanction was given, the amount in question, shall, with interest at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund or in default, be ordered to be recovered by deduction in one lump sum or in suitable instalments as ma be directed by the sanctioning authority from the emoluments of the subscriber, even if he/she be on leave.

Note - The term 'emoluments' as used in this rule does not include subsistence grant.

*16A. Withdrawal from the Fund – (1) Withdrawan from the amount of subscription and interest thereon standing to the credit of a subscriber in the Fund may be sanctioned by the Corporation or any other authority empowered by it in this behalf at any time after the completion of twenty years of service (including broken periods of service, if any) or within ten years before the date of retirement or superannuation whichever is earlier for one or more of the following purposes, namely :

a) meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following case namely :

i) for education outside India for academic, technical, professional or vocational course beyond the High School stage ; and

ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years ;

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* Inserted by D.V.C. Notification No. 64, dated 11th March, 1966.

b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and, if he has not daughter, of any other female relation dependent on him ;

c) meeting the expenses in connection with the illness including where necessary, the travelling expenses, of the subscriber or any persons actually dependent on him ;

d) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of the loan expressly taken for this purposed before the date of receipt of the application for withdrawal but not earlier than twelve months of that date or reconstructing, or making additions or alterations to a house already owned or acquired by a subscriber ;

e) purchasing a house-site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than twelve months of that date ;

f) for constructing a house on a site purchased utilising the sum withdrawn under clause (e) :

Note 1 – A subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply of the Government of India for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source shall be eligible for the grant of final withdrawal under sub-clause (d), (c) or (f) for the purpose specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-rule (1) or rule 16B.

Note 2 – The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Accounts Officer concerned who will arrange this as soon as the formal sanction of the sanctioning authority has been issued.

*16B. *Condition for withdrawal* – (1) Any sum withdrawn by a subscriber at any time for one of more of the purposes specified in rule 16A from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund or six months' pay, whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to three-fourths of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, having due regard to (i) the object for which the withdrawal is being made (ii) the amount of subscriptions and interest thereon standing to the credit of the subscriber n the Fund :

Provided that in the case of a subscriber who has availed himself of an advance under the scheme referred to in Note 1 under rule 16A or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs. 75000 or the aggregate of five years' pay, whichever is less.

(2) A subscriber who has been permitted to withdraw money from the Fund under rule 16A shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid by the subscriber in one lump sum together with interest thereon at the rate determined under rule 11 and in default of such repayment, it shall be ordered to be recovered from his emoluments either in a lump sum or in such number of monthly instalments as may be determined by the Corporation.

*16C. *Conversion of an advance into a withdrawal* – A subscriber who has already drawn or may draw in future an advance under rule 12 for any of the purposes specified in sub-clauses (a), (b) and (c) of sub-rule (1) of rule 16A may covert, at his discretion, by written request addressed to the

Accounts Officer through the sanctioning authority the balance outstanding in his account into a final withdrawal on his satisfying the conditions laid down in rules 16A and 16B.

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* Inserted by D.V.C. Notification No. 64 dated 11th March, 1966.

**17. Circumstance in which accumulations are payable : - (1) When a subscriber quits the service the amount standing to his credit in the Fund shall, subject to any deduction under rule 19, become payable to him :

Provided that a subscriber who has been dismissed from the service and is subsequently reinstated in the service, shall if required to do so by the Corporation, repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 11 and in the manner provided in the proviso to clause (b) of sub-rule (2). The amount so repaid shall be credited to his account in the fund, the part which represents his subscriptions and interest thereon, and ht apart which represents the Corporation's contribution with interest thereon, being accounted for in the manner provided in rule 6.

Explanation I : A subscriber who is granted/refused terminal leave shall be deemed to have quite the service from the date of compulsory retirement or on the expiry of an extension of service.

Explanation II – A subscriber other than one who is appointed on contract or one who has retired from service and is subsequently re-employed with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post in another Department of the Corporation (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case his subscription and the Corporation contribution, together with interest thereon, shall be transferred to his account in the other Fund in accordance with the rules of that Fund if the new post is in another Department of the Corporation.

Note – Transfers should be held to include cases of resignations from service in order to take up appointment in another Department of the Corporation without any break and with proper permission of the Corporation. In cases where there has been a break in service it shall be limited to the joining time allowed on transfer to a different station.

** As substituted by D.V.C. Notification No. 64 dated 11th March, 1966.

The provisions of this rule shall also apply in cases of retrenchments followed by immediate employment.

(2) When a subscriber –

a) has proceeded on leave preparatory to retirement or, if he is employed in a vacation Department, on leave preparatory to retirement combined with vacation, or

b) while on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service, the amount of subscription and interest thereon standing to his credit in the Fund, shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber :

Provided that the subscriber, if he returns to duty, shall, if required to do so by the Corporation, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 11 in each or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments, or otherwise, as may be directed be the Corporation or any other authority empowered by it.

18. Subject to any deduction under Rule 19, on the death of a subscriber before the amount standing to his/her credit has become payable, or where the amount has become payable before payment has been made.

i) When the subscriber leaves a family :

a) If a nomination made by the subscriber in accordance with the provisions of Rule 5 in favour of a member or members of his/her family subsists, the amount standing to his/her credit in the Fund or the part thereof in which the nomination relates, shall become payable to his/her nominee or nominees in the proportion specified in the nomination.

b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination related only to a part of the amount standing to his/her credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any
nomination purporting to be in favour of any person or persons other than a member or members of his/her family become payable to the member of his/her family in equal shares.

Provided that no share shall be payable to :

1) sons who have attained legal majority ;
2) sons of a deceased son who have attained legal majority ;
3) married daughters whose husbands are alive ;
4) married daughters of a deceased so whose husbands are alive, if there is any member of the family other than those specified in clause (1), (2), (3) and (4).

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he has survived the subscriber and had been exempted from the provisions of clause (1) of the first provision.

Note – Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of Section 3 of the Provident Fund Act, 1925.

ii) When the subscriber leaves no family -

If a nomination made by him/her in accordance with the provisions of Rule 5 in favour of any person or persons subsists, the amount standing to his/her credit in the Fund or the part thereof to which the nomination relates, shall become payable to his/her nominee or nominees in the proportion specified in the nomination.

Note 1 – When a nominee is a dependent of the subscriber as defined in clause (c) of Section 2 of the Provident Funds Act, 1925 the amount vests in such nominee under sub-section (2) of Section 3 of that Act.

Note2 – when a subscriber leaves no family and no nomination made by him/her in accordance with the provisions of rule 5 subsists or if such nomination relates only to part of the amount standing to his/her credit in the Fund, the relevant provisions of clause (b) and sub-clause (ii) of clause (c) of sub-section (1) of Section 4
of the Provident Funds Act, 1925 are applicable to the whole amount or the part thereof to which the nomination does not relate.

19. *Deduction* – Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Corporation with interest thereon credited under rules 10 and 11 before the amount standing to the credit of a subscriber in the Fund is

paid out of the Fund, the Corporation may direct the deduction therefrom and payment to the Corporation of -

a) any amount, if a subscriber has been dismissed form the service for grave misconduct : Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his/her reinstatement in the service be replaced at his/her credit in the Fund ;

(b) any amount, if a subscriber in permanent service resigns his employment under the Corporation within 5 years of the commencement of such permanent service, other wise than by reason of superannuation or a declaration by competent medical authority that he is unfit for further service :

c) any amount due under a liability incurred by the subscriber to the Corporation.

20. *Payment* – When the amount standing to the credit of a subscriber in the Fund, or the balance thereof after any deduction under rule 19, becomes payable, it shall be the duty of the Accounts Officer, after satisfying himself when no such deduction has been directed under that rule, that no deduction is to be made to make payment as provided in Section 4 of the Provident Funds Act, 1925.

Note – When the amount standing to the credit of a subscriber has become payable under Rule 17 or 18 the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

21. Procedure – All sums paid into the Fund under these rules shall be credited in the books of Corporation to an account named "The Contributory Provident Fund Account."

22. When paying subscription or instalments of advance taken, the subscriber shall quote the number of his/her account in the Fund, which shall be communicated to him/her by the Accounts Office. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

23. Separate accounts shall be kept for each subscriber showing the amount of his/her own subscription and Corporation contribution with interest on each.

24. Net monthly subscriptions realised from the members, together with the Corporation's contribution and interest allowed on both, will as far as possible, be invested in Government National Savings Certificate and/or other similar profitable investments as may be approved by the Central Government.

Interest accrued from such investments will go to the Corporation Fund whereas Corporation will pay to the credit of the Fund interest at the rate prescribed by the Corporation from time to time.

25. As soon as possible after the 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his/her account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year, and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber -

a) desires to make any alteration at nomination made under rule 5 ;

b) has acquired a family (in cases where the subscriber has made no nomination in favour of a member of his/her family under the proviso to sub-rule (1) of rule (5).

26. Subscribers should satisfy themselves as at the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within six months from the date of receipt of the statement.

27. The Accounts Officer shall, if required by a subscriber, once, but not more than once, in a year, inform the subscriber of the total amount standing to his/her credit in the Fund at the end of the last month for which his/her account has been written up.

FIRST SCHEDULE [See Rule 5(3)]

Forms of Nomination

[I. When the subscriber has a family and wishes to nominate one member thereof.]

I hereby nominate the person mentioned below who is a member of my family as defined in rule 2 of the Contributory Provident Fund Rules (D.V.C.), to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid.

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination on shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
1	2	3	4	5

Dated this ……day of……19……..at……

Two witnesses to signature……

Signature of subscriber

1) ……..

2) ……..

[II. When the subscriber has a family and wishes to nominate more than one member thereof.]

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the Contributory Provident Fund Rules (D.V.C.) to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid and direct that the said amount shall be distributed amongst the said persons in the manner shown below against their names ;

Name and address of nominee	Relationship with subscriber	Age	*Amount of share of accumulations to be paid to each	Contingencies on the happening of which the nomination on shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
1	2	3		4	5

Dated this ……day of……19……..at……

Two witnesses to signature……

Signature of subscriber

1) ……..

2) ……..

**Note* – This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

[III. When the subscriber has no family and wishes to nominate one person.] I, having o family as defined in rule 2 of the Contributory Provident Fund Rules (D.V.C.) hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before the amount has become payable, or having become payable has not been paid.

Name and address of nominee	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination on shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
1	2	3	4	5

Dated this ……day of……19……..at……

Two witnesses to signature. ……..

Signature of subscriber 1)

……..

2) ……..

*Note – Where a subscriber who has no family makes a nomination, he/she shall specify in this column that the nomination shall become invalid in the event of his/her subsequently acquiring a family.

[IV. When the subscriber has not family and wishes to nominate more than one person].

I, having no family as defined in rule 2 of the Contributory Provident Fund Rules (D.V.C.), hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of nominee	Relationship with subscriber	Age	*Amount of share of accumulations to be paid to each	Contingencies on the happening of which the nomination on shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
1	2	3		4	5

Dated this ……day of……19……..at……

Two witnesses to signature……

Signature of subscriber 1)

……..

2) ……..

**Note* – This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

+*Note* – Where a subscriber who has no family makes a nomination, he/she shall specify, in this column that the nomination shall become invalid in the event of his/her subsequently acquiring a family.

SECOND SCHEDULE (See Rule 9)

Schedule of Contributory Provident Fund Deductions Office of the

Schedule of Contributory Provident Fund deduction for

19…….

Account No.	Name	Pay	Rate of subscription	Amount released	Refund of withdrawal	Amount withdrawn	Remark