

THE PUNJAB STATE COOPERATIVE SUPPLY AND
MARKETING FEDERATION EMPLOYEES
(PUNISHMENT & APPEAL RULES, 1990)
(AS APPROVED BY THE REGISTRAR COOPERATIVE
SOCIETIES PUNJAB VIDE HIS MEMO NO.MA-
1/72B/MKG/3329, DATED 8TH JULY 1991.)

In the exercise of the powers conferred by sub-section (2) of section-84 (A) OF THE Punjab Cooperative Societies Act. 1961 and all other enabling powers. The Punjab State Cooperative Supply and Marketing Federation with the prior approval of R.C.S, Punjab hereby makes the following rules regarding Punishment and appeal in respect of the employees of the Federation:-

Short title 1	These rules may be called the Punjab State Cooperative Supply & Marketing Federation Employees (Punishment & Appeal) Rules, 1990.
Commencement 2	These shall come into force with effect from the date these are approved by the Registrar, Cooperative Societies, Punjab
Application 3	<p>These Rules shall apply to every employee of the federation, but shall not apply to:-</p> <ol style="list-style-type: none">i) any member of All India Service:ii) any member of Punjab Civil Service :iii) any member of the Punjab State Cooperative Services and any other services, the member of which are taken on deputation for service in Federation. <p>Nothing in these Rules shall, however, debar the Federation from initiating the disciplinary action against the deputationists. For imposition of penalty, if any, final orders shall be passed by the competent authority in his parent cadre in accordance with the Rules applicable to him.</p>
Definitions 4	<p>In these rules, unless the context otherwise requires :-</p> <ol style="list-style-type: none">a) 'Act' means The Punjab Cooperative Societies Act, 1961.b) Deleted.c) 'Appointing Authority' means :-<ol style="list-style-type: none">(i) an authority empowered to make appointments to the service of which the employee is for the time being a member r to the grade of the service in which the employee is for the time being included; or(ii) the authority empowered to make appointment to the post, which the employee for he time being holds; or(iii) the authority which appointed the employee to service, grade or

post, as the case may be.

- d) 'Board' means the Board of Directors of The Punjab State Cooperative Supply & Marketing Federation Limited.
- e) 'Bye-Laws' means the registered Bye-Laws of the Punjab State Cooperative Supply & Marketing Federation Limited.
- f) 'Categorisation of Services' means gradation of the Services of the Federation into Group 'A' Group 'A'-1, Group 'B', Group 'C' and Group 'D' as laid down in the Punjab State Cooperative Supply & Marketing Federation (Common Cadre) Services Rules 1990.
- g) 'Employee' means any person appointed to any Service or post in connection with the affairs of the Federation.
- h) 'Federation' means the Punjab State Cooperative Supply and Marketing Federation Limited.
- i) 'Government' means the Government of India or of a State within the territory of the Union of India.
- j) 'Managing Director' means Managing Director of the Federation.
- k) 'Punishing Authority' means an authority competent under these rules to initiate disciplinary action and to impose penalties specified in rules 6 (A & B) read with Annex-1.

Suspension 5

The Appointing Authority or any other authority to which it is subordinate or the Punishing Authority or Managing Director by general or special order may place an employee under suspension :-

- i) where it is of the opinion that continuance of an employee on duty will interfere with the process of investigation;
 - ii) where a disciplinary proceeding against him is contemplated or is pending; or
 - iii) where a case against him in respect of any criminal offence is under investigation, inquiry or trial;
- Provided 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.

- 5.1 An employee may be placed under suspension by an order of Appointing Authority or the authority specified in rule 5.
- a) if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours.
 - b) With effect from the date of his conviction, if in the even of a conviction for n offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsory retired consequent to such conviction.

Explanation:- The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment aft eth conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- 5.2 Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry r action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- 5.3 Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of court of law and the Punishing Authority, on a consideration of the circumstances of the case decides to hold a further enquiry against him on the allegations on which the penalty of dismissal removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Appointing

Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

- 5.4 An employee is suspended or is deemed to have been suspended whether in connection with any disciplinary proceedings or otherwise and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- 5.5 An order of suspension made or deemed to have been made under this rule, may at any time be modified or revoked by the authority to which that authority is subordinate.
- 5.6 During the period of suspension, an employee shall be paid by the Federation subsistence allowance equivalent to 50% of his pay with usual allowance, admissible thereon. The Appointing Authority may, however, at its discretion, after considering circumstances of each case, and where the delay in the process of investigation is not attributable to the employee concerned enhance the subsistence allowance upto 75% of the pay of an employee who has been under suspension for a period exceeding six months.
- 5.7 If an employee placed under suspension is subsequently exonerated of the charges, he shall be entitled to receive from the Federation full pay and allowances for the period of his suspension and such a period will be treated as duty. If, however, he has not been completely exonerated of charges, the competent authority shall specify in the orders of reinstatement as to how the period of suspension should be treated and payment of pay and allowances to him should be regulated.

Penalties 6

Notwithstanding anything contained in any other regulation and without prejudice to such action to which an employee becomes liable under any other law or regulation for the time being in force any and all of following penalties may, for good and sufficient reason, be imposed on any member of service (s) :-

A) Minor Penalties :

- i) Censure;
- ii) With holding of promotion;
- iii) Recovery for pay of the whole or part of any pecuniary loss caused by him to the Federation by negligence or breach of Orders and trust;
- iv) With holding of increments of pay without cumulative effect.

B) Major Penalties :

- i) Withholding of increments of pay with cumulative effect or reduction to a lower stage in the time scale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and will not have the effects of postponing the future increments of his pay.
- ii) Reduction to lower time-scale of pay, grade post of service, which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding condition of restoration to the grade or post or service from which the employee reduced and his seniority and pay on such restoration to that grade or post;
- iii) Compulsory retirement;
- iv) break in service (only in the cases of authorised absence/overstayal of leave)
- v) Removal from service which shall not be disqualification for future employment under the Federation.
- vi) Dismissal from service which shall ordinarily be disqualification for future employment under the Federation.

Explanation :

The following shall not amount to a penalty within the meaning of these Rules, namely:-

- i) Withholding of increments of pay of an employee for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
- ii) Non- promotion of an employee after consideration of his case, to a grade or post for which he is eligible;
- iii) Reversion of an employee officiating in a higher service, grade or post to a lower service, grade or post, or the grade that he is considered to be unsuitable for such higher service, grade or post on any administrative ground unconnected with his conduct;
- iv) Reversion of an employee appointed on probation to a lower grade or post, earlier held by him or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- v) Compulsory retirement of an employee in accordance with the provisions relating to this superannuation or retirement;
- vi) Termination of the services;
 - a) Of an employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - b) Of an employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment, or
 - c) Of an employee employed under an agreement, in accordance with the terms of such agreement.

Punishing 7

Authorities.
Authority 8

The Punishing Authority shall be such as is specified

in Rule 13 (e)

1) The Managing Director or any of the Punishing Authorities Specified in Rule 13 (e) may

a) Institute disciplinary proceedings against any employee;

b) direct a punishing authority subordinate to it to institute disciplinary proceedings against any employee on whom that punishing authority is competent to impose under these rules any of the penalties specified in rule 6 (A).

2) A punishing Authority, competent under these rules to impose any of the penalties specified in clause (i) to (iv) of Rule 6 (A) may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (i) to (iv) of Rule 6 (B) notwithstanding that such Punishing Authority is not competent under these rules to impose any of the latter penalties.

Procedure 9

For imposing minor

No order imposing a minor penalty shall be made except after-

a) Informing the employee, in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

b) holding an enquiry in a case in the manner laid-down in rule 10 read with Annexure I in which the Punishing Authority is of the opinion that such an enquiry is necessary.

c) taking the representation, if any, submitted by the employees under clause (a) above and the record of enquiry, if any, held under clause (b) into consideration; and

d) regarding a finding on each imputation of misconduct or misbehavior.

The record of proceedings in such case shall include:-

- i) A copy of the intimation to an employee of the proposal to take action against him.
- ii) A copy of the statement of imputation of misconduct or misbehavior delivered to him;
- iii) His representation, if any,
- iv) The evidence produced during the enquiry, if held.
- v) The findings of the punishing authority and also the report of the inquiring authority in case of an enquiry has been held; and
- vi) The orders in the case together with reasons thereof.

Procedure 10 for imposing major penalties

No order imposing a major penalty as listed in these rules shall be made except after an enquiry has been held.

a) in such cases, the punishing authority shall draw up or cause to be drawn up-

- i) The substance of the imputation of misconduct or misbehaviour into articles of charges;
- ii) A statement of imputations of misconduct or misbehaviour in support of each article of charges which shall contain-
 - a) a statement of all relevant facts including any admission or confession made by the employee.
 - b) a list of documents by which and a list of witness (es) by whom the articles of charges are proposed to be sustained.

b) The punishing authority shall deliver or cause to be delivered to the employee the documents referred to in sub-rule(a) by which each article or charge is proposed to sustain and the employee shall be required to submit within specified time a written statement of his defense and state whether he desires to be heard in person.

c) If the written statement of defense is not received within the specified period or if the charges are not admitted, the Punishing authority may itself enquire or approach an Inquiry authority for the purpose. In case where all articles of charges are admitted the Punishing authority shall record its findings on each of the charges after taking such

evidence as it may think fit.

d) where the punishing authority itself enquires into the articles of charges or appoints an Inquiring authority for holding an enquiry into such charges, it may by an order appoint an employee to be known as presenting officer to present on its behalf the case in support of the articles of charge.

c) The punishing authority where it is not inquiring authority shall forward to the latter the documents as detailed below:

- i) a copy of articles of charge and the statement of imputations of misconduct or misbehavior.
- ii) A copy of the written statement of defense, if any, submitted by the employee;
- iii) A copy of the statement of witness(es) if any.
- iv) Evidence providing the delivery of documents required to be delivered to the employee.
- v) A copy of the order appointing the "Presenting Officer" holding an enquiry as per guidelines laid down in Annexure-1. An employee may take the assistance of any other employee to present the case on his behalf.

Common 11 Proceedings

Where two or more employees are involved in any case, the appointing authority may make an order directing that disciplinary action against all of them may be taken in a common proceeding and, if the authorities competent to impose the penalty of dismissal on such employees are different an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities which will be deemed to be punishing authority for all such employees and may impose any punishment as specified in Rule 6.

12. Special Procedure in certain cases

Notwithstanding anything contained in these rules:-

- i) Where any penalty is imposed on the employees on the ground of conduct which has led to his conviction on a criminal charge; or
- ii) Where the Punishing authority is

satisfied for reasons to be recorded by it, in writing, that it is not reasonably practicable to hold an enquiry in the manner provided in these rules: or

iii) Where the Punishing Authority is satisfied that in the interest of the Federation, it is not expedient to hold any enquiry in the manner provided in these Rules, the authority may consider the circumstances of the case and make such orders thereon including imposition of any penalty specified in Rule 6 as it may deem fit.

13. Action on the enquiry report

a) The Punishing Authority if it is not itself the Inquiring authority, may, for reasons, to be recorded by it in writing remit the case to the inquiring authority for further enquiry and report and the Inquiring authority shall thereupon proceed to hold the further enquiry according to the provisions of these rules.

b) The Punishing Authority shall, if it disagrees with the findings of the Inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

c) If the Punishing Authority having regard to its findings on all or any of the articles of charges is of the opinion that any of the penalties specified in clause (i) to (iv) of Rule 6(A) should be imposed on the employees, it shall, notwithstanding anything contained in rule 10 make an order imposing such penalty.

d) If the punishing authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in Rule 6 B should be imposed on an employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be

imposed;

e) The following shall be the Punishing Authorities for the group of employees as indicated below:-

Sr. No.	Description of employee	Punishing Authority Competent to impose penalty.	Name of Penalties Specified in these rules
1.	Group 'A' Employees	Managing Director	Penalties Specified in these rules
2.	Group 'A' 1' employees.	-do-	-do-
3.	Group 'B' employees	-do-	-do-
4.	Group 'C' employees	Managing Director	Penalties specified in these rules.
Appeal			
5.	Group 'C' employees	Addl. Managing Director	Penalties specified in these rules.
6.	Group 'D' Employees	Addl. Managing Director	Penalties specified in these rules.

14. An appeal in the case of an employee against the penalty or penalties imposed, may be detailed below:-

- i) Against the decision of Managing Director to the Board of Directors.
- ii) Against the decision of Addl. Managing Director to the Managing Director.
- iii) Deleted vide R.C.S. approval No. RCS/MKG/MAI/KC/2101 A dt. 13.6.95.
 - a) The appeal shall be submitted within a period of 30 days from the date of issue of the order appealed against. The Appellate Authority may, however, entertain any appeal within 60 days of the date. If the appellant had a valid cause for not submitting the appeal in time.
 - b) The appeal shall be submitted to the Appellate Authority through the Addl. Managing Director or Managing Director as the case may warrant and it will transmit the appeal to the Appellate Authority as early as possible.
 - c) He Appellate Authority may, after consideration of the case-
 - i) Confirm, enhance, reduce or set aside the penalty, or
 - ii) Remit the case to the authority which imposed penalty with such direction as it may deem fit in the circumstances of the case.

The decision of the Appellate authority shall be final provided that:-

If the enhanced penalty which the Appellate authority proposes is one of the penalties specified in clauses (i) to (vi) of Rules 6 (B) and an enquiry under

Rule 10 has not already been held in the case, the Appellate authority shall subject to the provisions of these rules itself hold such enquiry or direct the such enquiry be held in accordance with the provisions of Rule 10 and thereafter, on a consideration of the proceedings of such enquiry shall make such orders as it may deem fit.

- ii) if the enhanced penalty which the Appellate authority proposes to impose is one of the penalties specified in clauses (i) to (vi) of Rule 6 (B) and an enquiry under rule 10 has already been held in the case, the Appellate authority shall make such orders as it may deem fit, and
- iii) no order imposing an enhanced penalty shall be made in any other case unless the Appellant has been given a reasonable opportunity.

- d) In all such cases where the Appellate authority is the Board of Directors, the aggrieved employee shall have the right to file a revision to the RCS Punjab within a period of 30 days from the date of issuing orders by the Appellate authority. The orders of the RCS Punjab, on such revision shall be final and binding on both the parties.

Effect on 15 Commencement of these Rules. After the commencement of these rules, the proceedings already initiated under the Punjab State Supply and Marketing Cooperatives Services (Common Cadre) Rules, 1967 shall be deemed to have been initiated under these rules provided that:-

- a) Such commencement shall not affect the previous operation of the said Rules or any notifications or order made, or anything done, or any action taken, there under: and
- b) Any proceedings under the said Rules, pending at the commencement of these Rules, shall be continued and disposed of, as far may be in accordance with provisions of these rules as if such proceedings were proceedings under these rules.

16. Nothing in these rules shall be considered as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules of orders in force immediately before the commencement of these rules.

17. An appeal pending at the commencement of these Rules against an order made before such commencement, shall be considered and orders thereon shall be made in accordance with these rules, as if such orders were made and the appeal was preferred under these rules.

18. As from the commencement of these rules, any appeal against any orders made before such commencement shall be preferred or made

under these Rules, as if such orders were made under these Rules:

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal provided by any rule in force immediately before the commencement of these rules.

Removal of 19
Doubts

If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter shall be referred by the Managing Director to the Registrar, Cooperative Societies, Punjab, whose decision shall be final.

Annexure-1

GUIDELINES FOR CONDUCTING ENQUIRY

1.General

With the objectivity of approach and judicial independence, the inquiry officer is to record his findings on the basis of evidences adduced and to report whether the charges framed against the delinquent employee are proved or not. He should be free from any bias and be impartial, should not condemn any body unheard and should follow the rules of natural justice, viz;

- a) The party should have the opportunity of producing all relevant evidence on which he relies;
- b) The party should be given an opportunity of cross examining the witnesses examined by the other party;
- c) The evidence of opponents should be taken in his presence;
- d) No material should be relied upon against the delinquent employee without his being given an opportunity of explaining that.

It is not essential for the inquiry officers to follow strictly the provisions of the Indian Evidence Act for taking evidence but the rules of natural justice are to be followed.

2. Preliminary Stage

Before the commencement of the enquiry, the inquiry officer should satisfy himself that he has received.

- i. An order of the competent authority appointing him as the Inquiry officer;
- ii. A copy of the articles of charge and the statement of the imputations of misconduct or misbehavior;
- iii. A copy of the written statement of defence, if

- any submitted by the employee;
- iv. A copy of the statement of witness, if any.

3. Appearance

Inquiry officer is required to send a written notice specifying day and time for appearance before him to the employee, within ten working days of the receipt of articles of charge and the statement of imputations of misconduct or misbehaviour by the employee or within such further time not exceeding ten days as may be allowed by the Inquiry Officer.

4. Recording of plea

On appearance, the inquiry officer shall ask the employee if he pleads guilty to the charges framed against him or has any defence to make (if the employee has not already admitted any of the articles of charge in his written statement or has not submitted any written statement). If the employee pleads guilty of any of the articles of charge, the inquiry officer shall record the same, get the signatures thereon of the employee and return the findings of guilt in respect of those articles of charge to which the employee has pleaded guilty.

5. Failure/Refusal/Omission to plead

In case the employee does not appear before the inquiry officer within the stipulated period, or refuses or omits to plead, then the inquiry officer may:-

- i. Order the presenting officer to produce the evidence by which he proposes to prove the articles of charge;
- ii. Adjourn the case to a later date not exceeding thirty days for (i) above;
- iii. Record an order that employee may preparing his defence;

A) Inspect within five days of the order or within such further time which should not exceed five days, as the inquiry officer may allow, the following documents:-

- i. The substance of imputations of misconduct or misbehaviour;
- ii. A statement of imputations of misconduct or misbehaviour in support of each article of charge, which shall contain:-
 - a) a statement of all relevant facts including any admission or confession made by the employee.
 - b) a list of documents by which and a list of witness by whom, the articles of charge are proposed to be sustained.

- B) Submit a list to be examined on behalf of the Employee.
- C) give a notice for production of any document Which is in possession of federation but is not Mentioned in (A) above.
This notice is to be given by the employee
Within ten days of the order of the inquiry Officer or within such further period not Exceeding ten days as may be allowed by the Inquiry officer.

6. Production of record & supply of copies of documents.

- 1) If the delinquent employee applies for the production of record by the federation in his defence, the request may be granted. But the enquiry officer may ensure that the documents sought to be summoned are relevant for the purpose of the inquiry. An employee is required to indicate the relevance of the documents required by him. Such requests may be declined by the inquiry officer for reasons to be recorded by him.
- 2) The inquiry officer will then place a requisition along with the notice or copy thereof, with production of the documents on a date to be mentioned in the requisition.
- 3) No request from the delinquent employee may be granted by the inquiry officer for the supply of copies of listed documents except copies of statements, if any, of the witnesses to be produced during the enquiry.

7. Recording of evidence

- 1) the proceedings shall be conducted in the presence of the delinquent employee unless held ex-parte. As far as possible day to day proceedings may be held and long adjournments avoided.
- 2) The statement of witnesses may normally be recorded in narrative and not in question and answer form. But if the witness is evasive in his reply or appears so to be inquiry officer or conceals the truth, answer may be elicited by the putting a specific question and record his answer.
- 3) First of all oral and documentary evidence on behalf of the punishing authority may be allowed to be produced.

- 4) During recording of evidence, such questions to witnesses as are irrelevant or malicious or scandalous or mischievous in nature, may be disallowed by the inquiry officer.
- 5) The inquiry officer, may however, put any questions to the witness at any time to bring out the truth or clear any doubt in his statement.
- 6) While the presenting officer is entitled to re-examine the witnesses on any points on which they have been cross-examined for reexamination on any new matter, the permission of the inquiry officer is essential.
 - a) New evidence may be permitted by the inquiry officer before the close of the case may be, if in his opinion, it is necessary so to do in the interests of justice and not with a view to filling up gaps in the evidence. The inquiry officer may himself call for new evidence or recall or reexamine any witness.
- 7.) On demand the inquiry officer shall supply to the employee a copy of the list of further evidence proposed to be produced and an adjournment of the enquiry for three clear days before the production of new evidence excluding the days on which and to which the case is adjourned.
- 8.) The inquiry officer shall also give the employee an opportunity of inspecting such documents before they are taken on record.
 - a) If the delinquent employee raised certain defences or issues which call for decision, the inquiry officer, after giving notice of the issues so raised to the presenting officer, may decide the same by writing a speaking order. The case shall, under no circumstances, be remitted to the punishing authority nor shall it be adjourned pending decision of the punishing authority. Orders passed by the inquiring authority in the course shall be final and cannot be appealed

against.

- 9) When the case of the punishing authority is closed, the delinquent employee shall be required to state his defence orally or in writing. The oral evidence shall be recorded by the inquiry officer and signatures of employee obtained thereon. A copy of the statement of defence will be given to the presenting officer.
- 10) Production evidence and witness by the employee, their examination, cross-examination, re-examination and examination by the inquiry officer has to be according to the provisions applicable to the witnesses for the punishing authority.
- 11) In case of the delinquent employee so chooses, he may be examined on his own behalf like other witnesses and his testimony so recorded, may be appraised as may other piece of evidence brought on the record.
- 12) after the completion of the production of evidence by both the parties the inquiry officer may hear the presenting officer and the delinquent employees or the inquiry officer may permit them. If they so desire, to file written brief of their respective cases.

8. Engaging of legal practitioner

While an employee is permitted to take the assistance of another federation employee or a retired federation to present his case, the inquiry officer should not permit him to engage a legal practitioner.

9. Ex-parte proceedings

- 1) the inquiry officer may hold the enquiry ex-parte, if:-
 - i. The delinquent employee does not submit the written statement of defence by due date; OR
 - ii. Does not appear in person before the inquiry officer OR
 - iii. Otherwise fails or refuses to comply with the provisions of the rules or directions of the inquiry officer.
- 2) The inquiry officer should consider the grounds of absence of the employees from the disciplinary proceedings on their merits and take a decision whether to condone the absence or not. However, if there is a persistent default on the part of the employee and the inquiry officer is of the opinion that

the employee is adopting dilatory tactics, he may take ex parte proceedings after recording reasons therefore.

- 3) if during the course of ex-parte proceedings, the delinquent employee appears before the inquiry officer, he should be allowed to join the proceedings at that stage but proceedings at that stage but proceedings shall not be held de-navo.

10. Change of Inquiry officer	In the event of change of inquiry officer the successor inquiry officer or partly recorded by his predecessor and partly by himself. But if in the opinion of the succeeding inquiry officer, it is necessary in the interest of justice to further examine any witness whose evidence has already been recorded by his predecessor, he may call, examine, cross-examine and reexamine such witness.
11. mode of service of notice orders etc.	<ol style="list-style-type: none">1. every order and notice and other process under the rule is to be served in person on the delinquent employee or communicated to him by a registered post.2. If, however, for whatever, reasons service of notice in persons, or by a registered post is not possible, such notice may be served by way of publication in at least two daily news papers.
12. compelling attendance of witnesses and production of documents in exceptional cases.	The presenting officer or the delinquent employee may be allowed to produce his witness. A witness could also be summoned for evidence or producing documents. Where there is disobedience to the process issued by the inquiry officer a notice may be sent to the witness through district manager of the federation in whose jurisdiction the witness resides. For facility of inquiry officer, specimen of the forms of summons to be issued for summoning the witnesses or for production of documents are at Appendix 'A', 'B' and 'C'.
13. Standard of proof.	The standard of proof in the case of domestic enquires is not as strict as is in criminal cases i.e beyond all reasonable doubt. The findings in a departmental enquiry are to be based on a preponderance of probabilities as in the civil cases. From facts on record, all the inferences may be drawn which any rational and prudent person would normally do.
14. Recording of report	<ol style="list-style-type: none">i. After the conclusion of the enquiry, the inquiry officer shall prepare a written report.

The findings shall be based strictly on evidence adduced during the course of enquiry.

- ii. The principal of natural justice, equity and fair play should be kept in mind by the inquiry officer while recording the report.

Above instructions are in the nature of guidelines and any deviation or non-conformity to those guidelines shall not vitiate the enquiry or make it invalid in any way.