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No. 10-2/ 07-WS&I O&M (Vol. II)

Dated: 3<sup>rd</sup> September 2007

To


All Heads of Telecom Circles/Metro Districts/Functional Units of BSNL.

Sub:- Modification / Clarification in BSNL CDA Rules, 2006.

BSNL Board in its 99<sup>th</sup> meeting held on 9<sup>th</sup> Aug., 2007, approved the modifications / addition / clarifications to the existing BSNL CDA Rules, 2006. The details about the changes in BSNL CDA Rules, 2006 are as per enclosed annexure. The main rules nos., in which modification / addition / clarifications have been approved, are as under:-

Rule No. 21(3), 21(4)(c), 21(8), 30(5)(b), 33(A)(e), 34(3), 35 (1-A)(Addition), 35(2), 36 (14), 37(5), 59.

All above mentioned modifications approved by the board are enclosed for vide circulation and implementation by all concerned. This will come into the effect from the date of issue of this order.

  
(P.C. Mehta) 3/9/2007  
DDG (WS&I)

Encl. (as above)

Copy for kind information and necessary action to:-

1. P.S. to CMD BSNL.
2. Director ( Ptg. & NS)/(HRD)/(Finance)/(C&M)/(Operation), BSNL
3. CVO, BSNL
4. Sr.DDG/ DDG ( Estt.) / (Pers.) / (FP) / ( SR) / (Restg.)/(Civil) / (Elect.).
5. Sr. DDG ( Vig.)/ Sr. DDG ( SU), DOT.
6. DDG(SR) for forwarding amongst recognized unions.
7. CS& GM ( Legal), BSNL C.O.
8. AD ( OL) for arranging Hindi version.
9. Office copy/ Guard file.

  
(R.C. Arora)  
ADG(WS/O&M)

**'MODIFICATIONS/ CLARIFICATIONS IN 'BSNL CDA RULES-2006'**

**Annexure**

S. No.	Rule No. of BSNL CDA Rule 2006.	Existing provisions in BSNL CDA Rules 2006	Approved modifications/clarifications
1	21(3)	<p>Every employee shall report within a month to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds:</p> <p>(a) Up to Rs.10,000/= in case of employees in the non-executive category.</p> <p>(b) Rs.15,000/= in case of employees in the executive category.</p>	<p>Every employee shall report within a month to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds:</p> <p>(a) Up to Rs.20,000/- in case of employees in the <b>Non-Executive</b> category.</p> <p>(b) Rs.30,000/- in case of employees in the <b>Executive</b> category.</p>
2	21(4)(c)	<p>Every employee shall, on his first appointment in the Company, submit a return of his assets and liabilities etc <b>{Form A (2 to 8)}</b> within three months of joining giving the particulars regarding:</p> <p>(c) other movable property inherited by him or similarly owned acquired or held by him if the value of such property exceeds:</p> <p>(i) Rs.10,000/- for non-executive employees.</p> <p>(ii) Rs.25,000/- in case of executive employees.</p>	<p>Every employee shall, on his first appointment in the Company, submit a return of his assets and liabilities etc <b>{Form A (2 to 8)}</b> within three months of joining giving the particulars regarding:</p> <p>(c) other movable property inherited by him or similarly owned acquired or held by him if the value of such property exceeds:</p> <p>(i) <b>Rs.20,000/- in case of Non-Executive employees.</b></p> <p>(ii) <b>Rs.30,000/- in case of Executive employees.</b></p>
3	Explanation after 21(8)	<p>Explanation:- For the purpose of Rules 6,9,12,15,21,21-A &amp; 23, the competent authority is as under:-</p>	<p>Explanation:- For the purpose of Rules 5, 6,9,12,15,21,21-A &amp; 23, the competent authority is as under:-</p>
4	30 (5) (b)	<p>The authority which made or deemed to have made the order of suspension shall review periodically whether continuance of suspension of the employee is justified or not. The first review shall be done at the end of three months from the date of suspension. Then further review can</p>	<p>The authority which made or deemed to have made the order of suspension shall review periodically whether continuance of suspension of the employee is justified or not. <b>The first review shall be done before expiry of 90 days on the recommendation of the Review Committee**</b></p>

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**'MODIFICATIONS/ CLARIFICATIONS IN 'BSNL CDA RULES-2006'**

**Annexure**

S. No.	Rule No. of BSNL CDA Rule 2006.	Existing provisions in BSNL CDA Rules 2006	Approved modifications/clarifications
		be done on six monthly basis. These are only guidelines and the disciplinary authority is fully competent to review the suspension whenever it is felt that continuance of suspension is not justified having regard to the circumstances of the case	<p><b>constituted for the purpose and pass orders either extending or revoking the suspension.</b></p> <p>Then further review can be done on six monthly basis. These are only guidelines and the disciplinary authority is fully competent to review the suspension whenever it is felt that continuance of suspension is not justified having regard to the circumstances of the case.</p> <p><b>** (Guidelines issued vide No. 257-4/05-O&amp;M/17, dt. 17-9-2004 for composition of Review Committee, may be followed till further orders. However, in place of Sr. DDG (O&amp;M) now CVO(Head of vigilance branch) in BSNL CO, would be the Member.)</b></p>
5	33(A) (e)	Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension/ terminal benefits."	Reduction to a lower stage in the time scale of pay <b>by one stage</b> for a period not exceeding three years, without cumulative effect and not adversely affecting his pension/ terminal benefits".
6	34(3)	The Disciplinary Authority competent to impose penalties specifies in clause (a) to (e) of Rule 33 can institute disciplinary proceedings against any employee for the imposition of any of the penalties in clause (f) to (j) of Rule 33.	The Disciplinary Authority competent to impose penalties specifies in clause (a) to (e) of Rule 33 can institute disciplinary proceedings against any employee for the imposition of any of the penalties in clause (f) to (j) of Rule 33, <b>notwithstanding that such disciplinary authority is not competent under these rules to impose any of the later penalties. However, the competent Disciplinary Authority as per the schedule shall issue the final orders imposing Major Penalty.</b>
7	35(1-A)	<b>Addition</b>	<b>35(1-A).</b> Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an

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**'MODIFICATIONS/ CLARIFICATIONS IN 'BSNL CDA RULES-2006'**

**Annexure**

S. No.	Rule No. of BSNL CDA Rule 2006.	Existing provisions in BSNL CDA Rules 2006	Approved modifications/clarifications
			employee, he should hold an inquiry in the manner laid down in sub rule (2) to(22) of Rule 36.
8	35(2)	The record of the proceeding shall include:  (a) a copy of statement of imputations of misconduct or misbehavior delivered to the employee.  (b) his defence statement if any; and  (c) the orders of the competent authority together with the reason thereof.	The record of the proceeding shall include:  (a) a copy of statement of imputations of misconduct or misbehavior delivered to the employee.  (b) his defence statement if any.  (c) <b>the evidence produced during the inquiry.</b>  (d) the orders of the competent authority together with the reason thereof.
9	36(14)	When the case for the <b>Inquiring Authority</b> is closed, the employee shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.	When the case for the <b>Disciplinary Authority</b> is closed, the employee shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.
10	37(5)	If the Disciplinary Authority having regard to its finding 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 Clause (f) to (j) of Rule 33 should be imposed on the 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	If the Disciplinary Authority having regard to its finding 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 Clause (f) to (j) of Rule 33 should be imposed on the 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

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**'MODIFICATIONS/ CLARIFICATIONS IN 'BSNL CDA RULES-2006'**

**Annexure**

S. No.	Rule No. of BSNL CDA Rule 2006.	Existing provisions in BSNL CDA Rules 2006	Approved modifications/clarifications
		proposed to be imposed.	proposed to be imposed.  Disciplinary authorities specified in BSNL CDA Rules 2006 can initiate major penalty proceedings but before imposing any major penalty prior approval of the appointing authority is necessary.
11	59	If any question arises relating to the Interpretation of these rules, it shall be referred to the BSNL Board whose decision thereon shall be final.	In case of any doubt in application of BSNL CDA Rules 2006, the relevant G.O.I. Decisions / Instructions in Model CDA guidelines issued by the DPE, Fundamental Rules / Supplementary Rules, Central Civil Service (Conduct) Rules 1964, and Central Civil Services (Classified, Control and Appeal) Rules, 1965 as amended/modified from time to time shall be referred to, so long as these are not in contradiction with BSNL CDA Rules 2006 as amended time to time . If any question arises relating to the Interpretation of BSNL CDA rules, it shall be referred to the BSNL Board whose decision thereon shall be final.
12	BSNL CDA Rules 2006	Enquiry/enquiry	The word "Enquiry" or "enquiry" be replaced by "Inquiry" or "inquiry" respectively in the Rule No. 30 to Rule 44 of BSNL CDA Rules-2006.

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