

Annexur-I



THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA

OFFICERS SERVICE RULES (1983)

(AMENDED UPTO 30/11/2006)



The Institute of Cost and Works Accountants of India
OFFICERS SERVICE RULES
(Amended upto 30/11/2006)

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The Institute of Cost and Works Accountants of India
OFFICERS SERVICE RULES
(Amended upto 31/11/2006)

CHAPTER 1

PRELIMINARY

Title and Commencement

1. The rules contained herein shall be known as "The Institute of Cost and Works Accountants of India, Officers Service Rules 1983", hereinafter called for brevity's sake 'Rules'.
2. The Rules shall come into force effective from 1st August, 1983.

Scope & Application

3. These Rules stipulate the conditions of service applicable to all the existing employees of the Institute in the rank of Section Officer or its equivalent and above at the time of enforcement of the Rules as well as to employees who may be appointed hereinafter in the above cadres, except –
 - (i) Those in part-time employment ; and
 - (ii) Those for whom special provisions have been/may be made from time to time by the Institute.
4. The Council of the Institute may change any or all these rules from time to time at its discretion and the right to interpret their meaning in the case of dispute shall rest finally with the Council.
5. For the purpose of these Rules, masculine gender shall include feminine gender, and singular number shall include plural, as may be applicable and vice versa.

Definitions

6. For the purpose of these Rules, the terms and expressions noted below will have the sense and meaning indicated against each unless there is something repugnant to the subject or context :
 - (i) *Active Service*: Time spent on duty including any kind of paid leave, duly sanctioned.
 - (ii) *Age*: The age of an individual shall be determined with reference to his date of birth as per the School Leaving Certificate, birth certificate issued by a local self-Government authority or any such other documentary evidence as may be acceptable to the Institute.
 - (iii) *Appointing Authority*: Authority empowered to make appointments to the grade or post in which the employee is for the time being placed.
 - (iv) *Basic pay*: The rate of substantive monthly pay receivable by an employee from the Institute but does not include any allowance such as dearness allowance, acting, officiating, personal or special allowance, holiday allowance, bonus in any form or manner, perquisites and other remuneration drawn by an employee.
- Amended as : Basic Pay Includes Dearness Pay.**
- (v) *Calendar Year*: The period starting from first day of January to thirty-first day of December of that year.
 - (vi) *Competent Authority*: The authority empowered by the Council or Executive Committee of the Institute for a specified purpose.
 - (vii) *Council*: Council of the Institute constituted under the Cost and Works Accountants Act, 1959.
 - (viii) *Employee*: A person in the employment of the Institute to whom these Rules apply according to Rule 3 of this Chapter.



- (ix) *Executive Committee*: The Executive Committee of the Council of the Institute.
- (x) *Family*: The employee and his spouse, other than the one separated by a decree or order of a competent court, legitimate sons/daughters, father, mother, minor brothers and unmarried and widowed sisters, wholly dependent on such employee.
- (xi) *Government*: Government of India or State Government, as the case may be.
- (xii) *Head of Department*: Secretary or Director or any other officer of the Institute who may be so designated by the Council.
- (xiii) *Institute*: The Institute of Cost and Works Accountants of India. The Council shall represent the Institute for all practical purposes.
- (xiv) *Medical Authority*: Any registered medical practitioner recognised by the Institute.
- (xv) *Month*: Calendar month according to the Christian Era.
- (xvi) *President*: President of the Institute.
- (xvii) *Probationer*: An employee who is on probation for the time being to fill any vacancy in a permanent post.
- (xviii) *Secretary*: The Secretary of the Institute.
- (xix) *Vice-President*: The Vice-President of the Institute.



CHAPTER 2

RECRUITMENT

Method of Recruitment

7. The posts in the Institute may be filled up either by direct recruitment or transfer or promotion of an existing employee, at the discretion and as per the guidelines issued by the Council from time to time.
8. In respect of each category of post, the guidelines with regard to vacancies to be filled by direct recruitment and/or by transfer or promotion shall be as may be laid down.

Age and Qualification

9. The age of a person at the time of initial appointment in any of the posts in the service of the Institute shall not be less than 25 years.
10. A candidate for direct recruitment to a post should conform to the educational qualifications, experience and age limit prescribed for the post by the Institute. The Council may relax the qualifications, age or experience for any particular post or candidate, if the candidate selected is otherwise considered by the Council as the most suitable for the post.

Direct Recruitment

11. When a post is to be filled in by direct recruitment, the governing principle shall be to secure the services of the candidates most suitable for the post(s). To achieve this objective, the method of recruitment shall be :
 - (i) to invite applications wherever necessary by an advertisement in the newspaper(s) or other media.
 - (ii) To invite applications from professional organisations and institutions which provide such services and also entertain unsolicited applications, received in the Institute from time to time.
 - (iii) To call for interview Candidates fulfilling the requisite qualifications and experience after preliminary screening as may be decided by the appointing authority. The number of candidates to be called for interview shall be decided by the appointing authority with reference to the vacancies, applications available etc.
 - (iv) To prescribe, where necessary, written competitive examination or test and/or oral examination by means of interview of candidates by a Selection Committee to be constituted under these Rules.
 - (v) To interview the candidates and place the names of the selected candidates in order of their merit, and
 - (vi) To make appointments in that order, unless for any special reasons, to be recorded and approved by the President, it is found necessary to vary that order in any particular case.
12. No candidate who has more than one spouse living or who, having a spouse living contracts another marriage which is void in law by which he is governed, shall be eligible for appointment to any of the posts in the Institute.
13. All local candidates shall normally be required to appear at interview(s) at their own expense. Outstation candidates may be given appropriate travelling expenses as the appointing authority may determine for such interview attended by a candidate. (introduced vide Office Order No. 25/2000-01 dated August 18, 2000)
14. Upon death of an employee while on service or becoming permanently disabled to work, one of his dependent relatives who will look after him/her and/or his/her family as the case may be, shall be



employed in the service of the Institute in a post (Trainee) befitting his/her qualification and ability. Minimum age of such candidate shall be 18 years.

Conditions of Employment

15. No person shall be appointed in the services of the Institute unless he is certified by a Medical Authority, to be medically fit to discharge his duties. This rule is, however, not applicable in the case of departmental candidates selected for appointment after competing with outside candidates, unless otherwise required.

16. A person who has been dismissed from service by the Institute, Central or State Government or any Public Sector Undertaking will not be eligible for appointment to the service of the Institute.

17. No person shall be eligible for appointment who has been convicted by a Court of Law for any offence involving moral turpitude, theft and immoral act.

Appointing Authority

18. The authority competent to make appointments shall be the President or his nominee who shall be either a member of the Council or the Secretary.

Liability for Service

// 19. A person appointed on any post under the Institute shall be liable to be posted or transferred to any other equivalent Post within the Institute or to any Office of the Institute anywhere in India, provided that no employee who has reached the age of 54 be transferred from one section to another. (Office Order No. 8/2006-07 dated May 22, 2006)

Amended as : A person appointed on any post under the Institute shall be liable to be posted or transferred to any other equivalent post within the Institute or to any office of the Institute anywhere in India.

20. All appointments including existing employees on promotion shall be on probation for a minimum period of six months .

21. During the period of probation, an employee shall be liable to be discharged from the service of the Institute or to be reverted to the permanent post which he was holding prior to his appointment on probation, without assigning any reason therefore, at the sole discretion of the Council on one month's notice.

22. The period of probation may be extended or curtailed by the Appointing Authority depending upon the probationer's performance subject to the prior approval of the President.

23. On satisfactory completion of the period of probation the employee shall be regularised in the post but shall not be regarded as having been automatically regularised, unless an order to this effect is issued to him in writing. On regularisation in the post under the preceding sub-clause, an employee will be eligible to count permanent service from the date of appointment to that post for all purposes.

24. *Fixation of Pay:* On initial appointment to a post, the pay of a person shall be fixed at the minimum of the scale of pay of the post. A higher start normally not exceeding five increments in the progressive scale applicable to the post may be given by the President on recommendation by the Selection Committee depending upon the experience, qualifications etc. of the candidate at the time of interview.

25. No member of the Council shall be in the Interview or Screening Committee for selection of candidates, if any candidate is related to him.



CHAPTER 3

PAY AND ALLOWANCES

General

26. The pay scales and allowances paid in the Institute for various categories of employees will be as may be announced by the Council from time to time.
27. The Council is empowered to create, alter or revise the pay scales grades and/or any allowances to a particular or a set of employees, provided the existing pay and allowances or benefits of any employee will not be reduced.
28. Rates of pay applicable to various grades of employees as on date of the Rules are set out in Appendix 1.

Seniority Based on Pay

29. Seniority in essence means length of service in a particular post or grade. The seniority shall be determined with reference to the date of appointment to a particular post or grade.
30. In case of more than one appointment on the same day, the seniority shall be determined according to the merit list drawn after the selection and person whose name appears first in the merit list will be senior to the one whose name appears next and so on.
31. The maximum pay of the pay scale shall determine the inter se seniority and ranking.

Dearness Allowance

32. Dearness Allowances shall be payable at the rates specified by the Council from time to time. The rates in force as on date of the Rules are given in Appendix 6.

Amended as : Dearness Allowance of the different categories of employee will continue to be same as per Fifth Pay Commission w.e.f 1.1.1996.

33. Additional Dearness Allowances shall be payable at the rate as decided by the Council from time to time. The rates in force as on date of the Rules are given in the Appendix 6. (since deleted)

House Rent Allowance

34. The House Rent Allowance of Officers in the rank of Officer on Special Duty (P) or equivalent and Assistant Director or equivalent will continue to be same as per Fifth Pay Commission w.e.f. 1.1.1996.

Puja Allowance

35. Puja Allowances shall be payable to the employees up to the rank of Asstt. Director on an annual basis at the rates sanctioned by the Executive Committee/Council for each year

Amended as :

Festival Allowance

Festival Allowance will be paid to the Officers at the rate of 12% of Basic and DA (average for last 12 month, i.e. September to August) subject to a ceiling of Rs. 6000/- payable at one time in a year. (Office Order No. 8/2006-07 dated May 22, 2006).

Modified as:

"Festival Allowance will be paid to the Officer at the rate of 12% of Basic, DP and DA (total for last 12 months ie. September to August) subject to a ceiling of Rs.6000/- payable at one time in a year. In case of offices, having part service during the year, the amount of ceiling will be proportionally reduced" (Office Order No: 34/2006-07 dated September 26,2006)

This clause has been modified to remove the mistake in earlier clause. The proportionate reduction of ceiling is also logical in case of officers having part service in any year. However payments already made as per earlier practice will not be recovered as approved by the President. This will be implemented from the next payment of festival allowance.

**Holiday Allowance**

36. Holiday allowances shall be paid at prescribed rate per day if an employee is required to work on holidays and Sundays.

Amended as : Allowance for extra time work / part-time work

Officers in the rank of OSD(P) or equivalent and in the rank of Asstt. Director or equivalent will be entitled to the following benefits for actually performing such extra-time work for a minimum duration of 8 hours at a stretch or in combination :

I. Refreshment Charges	---	Rs. 80.00
II. Cash Incentive in lieu of Compensatory Leave	---	Rs. 200.00

All deployment for holiday working or work beyond the normal working hours involving payment of monetary benefits as above will require prior approval of Secretary or authorized Director of the Institute.(Officer Order No. 8/2006-07 dated May 22, 2006).

For attending office on holidays, Sundays on the advice of the competent authority, Officers in the rank of Deputy Directors and above will be allowed reimbursement of incidental expenses to the extent of Rs. 280/- for each day of such work on receipt of individual claim in the prescribed format. (Office Order No: 34/2006-07 dated September 26,2006).

Conveyance-cum-attendance Allowances :

37. Conveyance-cum attendance Allowances shall be payable to the employees categorized below at the stage specified by the Council from time to time.

The rates in force as on the date of the Rules are as below :

Dy. Director – Rs. 200/- per month

Asstt. Director-Rs. 150 per month

Section Officer – Rs. 100 per month

Amended as :**Attendance linked Conveyance Allowance**

(Nomenclature changed vide Officer Order No. 4/97/98 dated April 8,1997)

In order to ensure regularity and punctuality in attendance, Conveyance Allowance will be paid @ Rs. 800/- per month up to the rank of OSD(P) or equivalent and @Rs.900/- per month up to the rank of Asstt. Director or equivalent with effect from April 1, 2003. (Officer Order No. 8/2006-07 dated May 22, 2006). This allowance will also be paid during the period of sanctioned leave. An Officer on leave without Pay shall not be eligible for this allowance.

For officers in the rank of Deputy Director/Deputy Secretary and above the following rates shall be applicable:

1. Deputy Director / Deputy Secretary	-	Rs.1000/-
2. Joint Director	-	Rs. 1300/-
3. Director	-	Rs. 1800/-
4. Secretary	-	Rs. 2400/-

In lieu of the above officers in the rank of Dy.Director/ Dy.Secretary and above may be allowed reimbursement of car expenses per month, subject to their owning a Car and attending office regularly by Car against declaration as under:

1. Deputy Director / Deputy Secretary	-	Rs.3000/-
2. Joint Director	-	Rs. 3500/-



- | | | |
|--------------|---|------------|
| 3. Director | - | Rs. 4500/- |
| 4. Secretary | - | Rs. 7000/- |

The Officer in the rank of Joint Directors and above may be allowed reimbursement of Driver's expenses against declaration as under :

- | | | |
|------------------------|---|------------|
| 1. Joint Director | - | Rs. 2000/- |
| 2. Director /Secretary | - | Rs. 2500/- |

These reimbursements will also be made during the period of sanctioned leave. Any officer of above categories on leave without pay shall not be entitled to above reimbursements. (Office Order No: 34/2006-07 dated September 26,2006)

City Compensatory Allowance

38. The City Compensatory Allowance of the different categories of employee will continue to be same as per Fifth Pay Commission.

Other Allowances

39. The Council/Executive Committee may at its discretion sanction such allowances, other than Dearness Allowance and such reimbursement of expenses as may be decided from time to time.

Pay Fixation

40. The initial basic pay of an employee newly appointed to a post in the Institute, including an employee holding a lower post and appointed to a higher post, shall be fixed at the minimum of time scale of the post to which he is appointed except when a higher start is sanctioned under the provisions of Rule 27, provided that if the existing pay of the employee in the lower post/grade is higher than the minimum of the higher post/grade to which he is appointed his pay in the new scale shall be fixed at the stage as specified in Rule 41.

41. If as a result of entering into a higher slab of pay scale on promotion or appointment, the total of basic pay, dearness allowance and any other monthly allowance paid in lieu of Dearness Allowance and not calculated as a percentage of the basic pay appropriate to that slab falls short of the total of the basic pay, dearness allowance and other allowances referred to above, the basic pay on such promotion or appointment shall be so fixed at a stage in the appropriate pay scale that the total pay and allowances in the higher post exceeds total in the lower post by at least Re. 1/-

42. If an employee had previously officiated in or had been promoted ad-hoc to a higher scale, the initial pay fixed on re-promotion to the same scale or another post having an identical scale of pay will not be less than that drawn on the last occasion in the higher scale and the period(s) for which it had been drawn shall count for the purpose of drawn of annual increment in the higher scale.

43. In case of reversion of an employee from a higher post/grade to a lower post/grade, his pay will be fixed in the lower grade in such a manner that he does not draw lower than what he would have drawn, had he continued in the lower scale but for this promotion to the higher scale.

44. Period of apprenticeship and the stipend paid during apprenticeship shall not count towards pay fixation on regular appointment of an employee after the completion of the period of apprenticeship and pay on regular appointment will be fixed at the minimum of the scale as in the case of initial appointment.

45. The first increment on appointment/promotion shall be allowed to be drawn on completion of one year in the grade. Subsequent increments will be given on the anniversary dates of promotion / appointment.

46. Annual increments other than the ones next above the efficiency bar shall be drawn as a matter of course unless it is withheld in accordance with relevant provisions under the Rules.



47. Reports for withholding annual increments of employees should be sent to the Secretary in writing by the Head of the Department concerned, stating the grounds on which the increments are proposed to be withheld or postponed.

48. The Council reserves to itself the right of withholding or withdrawing increments on account of inefficiency or misconduct. Increments shall not be granted to an employee against whom disciplinary action is pending.

49. Increments falling in any month shall take effect from the first of the month.

50. Leave without pay exceeding 3 months (if it is not on medical grounds), period of suspension, period of over-stayal of sanctioned leave and period of over-stayal of joining time shall not count for increment, provided, however, the Council may at its discretion determine the period of suspension of increment in exceptional cases.

51. An individual shall not be allowed to cross the efficiency bar unless a specific recommendation to this effect has been received by the Secretary from the Head of the Department concerned. While making such recommendations, the Heads of the Department must keep in view that crossing the efficiency bar is dependent upon continued good performance, regular attendance and proper conduct and behaviour as reflected in the annual confidential reports of the individual concerned.

Medical Re-imbursement Rules

52. Re-imbursement of expenses on doctor's fees and medicines shall be made to employees of the Institute under the conditions stipulated as under:

(i) For entitlement under this rule an employee should have been in continuous service of the Institute for a minimum period of six months and should have been confirmed in service.

(ii) Re-imbursement of medical expenses shall be made for doctor's fees actually paid, subject to the extent and scale stipulated in clause (iv) below and medicines actually purchased and consumed, for the treatment of the employee and his family. The reimbursement made under this rule shall be subject to an annual ceiling of Rs. 750/- (Rupees seven hundred fifty only) on the prescription of a Medical Authority.

(iii) All claims for re-imbursement of medical expenses, including doctor's fees and cost of medicines, shall be accompanied by appropriate vouchers and supported by prescriptions of the Medical Authority.

(iv) Fees paid to a doctor shall be reimbursed to the extent of Rs. 16 per visit.

(v) If, in any year, there is a balance of unutilized amount of the reimbursable expenses, this may be allowed to be carried over for a maximum period three subsequent years.

(vi) Re-imbursement shall not be admissible for expenses incurred on the following accounts :

- (a) For ordinary headaches or pains.
- (b) For medicines which are in the nature of general tonics.
- (c) For treatment of dental diseases or for the extraction or making of dentures.
- (d) For check up of eye-sight or making of spectacles.
- (e) For general medical check-up.

53. In special cases the Council may sanction the reimbursement of Medical Expenses incurred by an employee for treatment of Tuberculosis, Cancer or any other disease, which in the opinion of the Council is of a serious nature and for Hospitalization including fees paid to the Doctors, Charges for Operation and Cost of Medicine for each case of such ailment up to a maximum limit of Rs. 3000/- in addition to the amount reimbursable under Rule 52 above. The benefit of this Rule shall be available only to the employees and not to any member of his family.

Amended as : The ceiling of reimbursement of Medical expenses as per existing norms, including treatment of ailments relating to Dental and Eye will be enhanced to Rs. 6,000/- per annum with effect



from April 1, 2003 to each Officer from OSD (P) upto Assistant Directors and Rs. 9000/- from and above Deputy Directors.

For Pathological Test, CT Scan, Endoscopy and the like for the Officers or Members of his/her family, wholly dependent on the Officer, the Officers will be reimbursed the actual expenditure, if done on the advice of registered Medical Practitioner, to the Ceiling of Rs. 12,500/- per annum on production of required documents.

Medical attendance and treatment of the Officer including Maternity in a recognized Hospital/Nursing Home, reimbursement to the actual expenditure subject to a ceiling of Rs. 5000/- will be allowed on production of required documents.

Reimbursement of Medical / Hospitalization expenses at actual may be allowed upto a Ceiling of Rs. 50,000/- for officers upto the rank of Assistant Director and Rs. 1 Lac for officers above Assistant Director (Office Order No: 34/2006-07 dated September 26,2006).(in special cases, subject to the approval of the Executive Committee for the treatment or surgery of the Officer in case of Accident or major illness/Cancer, relating to brain, Eye, Heart, Liver and Kidney, Spleen and Gall Bladder, and Pancreas, Orthopedic, Neurological, replacement/transplantation of organs/Limbs, Gynecological etc.. However, past cases settled otherwise will not be re-opened.

For medical attendance and treatment of any member or members of the Officers' family, wholly dependent on him/her in a recognized Hospital/Nursing Home, reimbursement of actual expenditure, subject to a ceiling of Rs. 12,000/- per annum for entire family on submission of required documents.

Sick leave may be taken for a minimum 2 (two) days with Medical Certificate (Certificate of Fitness) as per normal practice, instead of existing minimum of 3 (three) days.



CHAPTER 4

Advances against Salaries

54. The several advances admissible to the employees of the Institute may be classified as under:

- (a) Festival Advance
- (b) Salary Advance
- (c) Advance on Tour
- (d) Advance for House-building

55. Advances referred to in Rule 54 shall be granted in accordance with the procedure laid down by the Institute from time to time for each class of advance and will in all cases be subject to the condition that the Secretary or the Council/Executive Committee, as the case may be, is satisfied that the employee will, in the normal exigencies of his services, continue in the service of the Institute until the expiry of the period within which the advance is recoverable.

56. All employees eligible to draw advance, shall be eligible for festival advances on not more than one occasion in a year. The festival advance may be sanctioned for such festivals which are actually observed in the locality or region and the amount of the advance shall not exceed the monthly basic pay of the employee. The festival advance shall be recovered in not more than 8 equal monthly installments following the month in which the festival advance was made. All festival advance shall be sanctioned by the Secretary.

Salary Advance

57. In special circumstances depending on the gravity and necessity of the case, the Secretary may, at his discretion, grant/advance to an employee up to a month's basic pay after 10th of any month if he is proceeding on leave for not less than 30 days. The amount grant shall be adjusted in full in the pay bill of the employee for the subsequent month.

Advance on Tour

58. When an individual is proceeding on tour he may draw as advance an amount not exceeding the amount of traveling expenses to which the employee would ordinarily be eligible for the proposed tour. The advance shall be sanctioned by the Secretary and shall be recovered in full against the traveling allowance payable within a period of 10 days from his return from tour. Any balance of advance in excess of the traveling allowance payable shall be recovered in full within 10 days of the return from the tour.

Advance on Transfer

59. Advance of upto three months' basic pay and travelling expenses to the extent likely to be incurred by employees on permanent transfer from one station to another may be sanctioned by the Executive Committee in specific case, to such extent and on such conditions as he may deem fit.

Advance for House-Building

60. The grant of advance for building/purchase of a house/flat is regulated by the rules framed in this regard by the council from time to time as laid down in Appendix 2.



CHAPTER 5

DISCIPLINARY PROCEDURE

Working Hours

61. The hours of work of the offices of the Institute shall be 35.1/4 (35 hours and 15 minutes) per week. The time of commencement of Office, the lunch interval (excluding Saturdays) and the time of closing the office on week days and on Saturdays shall be so fixed that the total working hours excluding the lunch interval are not less than the stipulated minimum of 35.1/4 hours.

Amended as : The hours of work of the offices of the Institute shall be 42.1/2 (42 hours and 30 minutes) per week. The time of commencement of Office, the lunch interval and the time of closing the office on week days other than Saturdays and on Sundays shall be so fixed that the total working hours, excluding the lunch interval, are not less than the stipulated minimum of 40 hours. (As amended)

Attendance

62. Suitable records of attendance of all employees shall be kept in the prescribed form. Suitable symbols will be used for marking in the attendance records to indicate attendance on time, late attendance, absence leave etc. of each individual employee.

Amended as :

(a) Working hours of the Institute's office will be from 10 A.M. to 6-30 P.M. with half an hour break for Tiffin (1 P.M. to 1.30 P.M.) on five working days in a week viz. Monday to Friday. All Saturdays and Sundays will be closed as holidays. The grace period for late attendance i.e. the period up to which an employee is not counted as late, will be 10.15 A.M. on every working day.

(b) Employees will be allowed to attend office late up to 11.15 A.M. on working days, after which an employee will be counted as absent.

(c) One day's leave will be deducted for each seven days' late attendance in a month, commencing from 16th day of a month ending 15th day of the following month. In case no leave is available, one day's salary shall be deducted at the above rate.

63. For every seven days' late attendance of an employee, one day's casual leave shall be debited to his casual leave account.

64. Habitual irregularity and non-punctuality in attendance shall entail disciplinary action against the erring employee over and above the action taken under the provision of Rule 63.

Annual Confidential Reports

65. Annual Confidential Reports in the prescribed form (given in Appendix 3) shall be written by the Heads of the Departments or by an Officer under whom the employee concerned had served for period not less than 3 months in respect of every employee serving under them and submitted to the Secretary by the 1st week of February every year. An Officer leaving the services of the Institute between May and October of a year, should, before leaving, write and submit to the Secretary, interim confidential reports in the usual form, on all employees serving under him. Confidential reports of the Directors and the Secretary shall be written by the President.

66. In case of adverse confidential reports, a copy of or extract from each such adverse report should be furnished to the employee concerned and his acknowledgement obtained on the original confidential report. This will give the employee concerned a chance to improve. His performance shall be kept under watch and another confidential report submitted to Secretary after a period of three months. If the second report is also adverse, disciplinary action against the employee shall be considered. (since discontinued).



Notwithstanding the above provisions, measures for Annual Performance Report by the employee concern and Performance Evaluation Report by the superior authorities may also be introduced.(since introduced – APPENDIX - 3).

General Conduct

67. (i) Every employee of the Institute shall maintain at all times absolute integrity and devotion to duty, do his best to achieve the objectives set by the Institute, and do nothing which is unbecoming of an employee of the Institute or which may tarnish the reputation of the Institute.
- (ii) Every employee of the Institute shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

Misconduct

68. Without prejudice to the generality of the term 'misconduct', the following acts of omission and commission shall be treated as misconduct :

- (i)Theft, fraud, misappropriation in connection with the property, resources or facilities of the Institute or any other person's property within Institute premises.
- (ii) Taking or giving bribes or any illegal gratification in course of official duty or within Institute premises.
- (iii) Furnishing false information regarding name, age, father's name, qualifications, or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- (iv) Wilful damage to Institute's property or wilful tampering with any safety device within Institute premises installed for security of Institute's property, premises or life of its personnels, students and members as well as members of public.
- (v) Wilful neglect of work calculated to cause or causing great financial damage, great disruption of work or great damage of reputation to the Institute.
- (vi) Commission of any criminal act or act amounting to an offence involving moral turpitude within Institute premises or conviction by a court of law for any offence involving moral turpitude.
- (vii) Insubordination or disobedience to any lawful and reasonable official orders of superiors of an employee (who is a superior of which employee whose official orders require to be obeyed by the latter being determined by the Institute's Organisational Chart).
- (viii) Gambling, drunkenness, riotous or disorderly or indecent behaviour or assulting an employee, member or council member within Institute premises.
- (ix) Wilful falsification, defacement or destruction of any records or documents of the Institute.
- (x) Bringing or using any lethal or dangerous weapons or any prohibited article within Institute premises without permission.

Prohibitions

69. Disclosure of interest :

- (i)No employee shall in discharge of his duties deal with any matter or give or sanction any contract to any person, firm or any other type of undertaking, if any member of his family is employed with that person, firm or undertaking, without referring every such matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.



(ii) No employee shall, except with the previous sanction of the Secretary, permit any member of his family to accept employment with any organisation with which he has official dealing or with any other firm or undertaking having official dealings with the Institute.

70. *Criticism of the Institute*: No employee shall, in any telecast or radio broadcast or in any document published in his name or under any pen-name or pseudonym or in the name of any other person, or in any communication to the press, or in any utterance in public, make any statement or pass an opinion:

- (a) which has the effect of adverse criticism of any policy or action of the Institute, or
- (b) which is capable of embarrassing the relations between the Institute and persons, institutions, organisations, the Government etc. with whom the Institute has official dealings.

71. Evidence before a Committee/Authority:

(i) No employee shall, except with the previous sanction of the Secretary in writing, give evidence in connection with any enquiry conducted by any person, committee or authority.

(ii) where any sanction has been given under the provisions of clause (i) of this Rule, no employee giving such evidence shall criticise the policy or any action of the Institute but should merely state the bare facts.

72 Acceptance of Gifts/Favours: (i) Save as provided for in these rules, no employee shall accept or permit any member of his family to accept any gift the value of which exceeds Rs. 250 without the previous sanction of the Appointing Authority.

Provided that when more than one gift has been received from the same, person or firm within a period of 12 months, the aggregate value of which exceeds Rs. 500, the employee shall report the matter to the Appointing Authority.

Note: The expression 'gift' shall include free transport board, lodging or other service or any other pecuniary advantage when provided without the specific knowledge of the Institute by any person other than a relative or a person a friend having no business dealings with the Institute but does not include a casual meal, car lift or other hospitality received as a matter of common courtesy or formal parties given by the Regional Councils or Chapters of the Institute or other recognised professional Institute and organisations.

(ii) No employee will have any personal dealing with any person or firm or undertaking with which the Institute has any official dealing and no employee shall ask for or solicit any favour from such person, firm or undertaking, either directly or indirectly through some other person.

Private Trade or Employment : (i) No employee shall, except with the previous sanction in writing of the competent authority, engage himself directly or indirectly in any trade or business or undertake any assignment having pecuniary benefit.

Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of an academic, literary, artistic or scientific character and accept payment therefor subject to the conditions that (a) he has not used the material acquired by him in his official discharge of duties, (b) his official duties do not thereby suffer, and (c) the assignment is not in the nature of a timebound or output employment, part time or otherwise, with an organisation other than the Institute.

(iii) No employee shall, without the previous sanction of the competent authority in writing, take part, except in the discharge of his official duties, in the registration promotion or management of any business which is required to be registered under any law for the time being in force.



73. Canvassing for Election :

- (i) No employee shall take part, directly or indirectly, either himself or through any other person, in issuing manifestoes, letters or circulars or canvassing support for any candidate in connection with selection to the Council, Regional Councils or Chapters of the Institute.
- (ii) No employee shall bring or attempt to bring any outside influence to bear upon any superior authority of the Institute to further his interest in respect of matters pertaining to his service in the Institute.

74. (i) An employee against whom any legal proceeding is instituted for the recovery of any debt due from him or who applies to be, or is adjudged or declared insolvent shall forthwith report the full facts of the proceedings to the competent authority.

- (ii) No employee shall, save in the ordinary course of business with a bank, the Life Insurance Corporation of India or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowings, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

Penalties

75. Notwithstanding anything contained in any other Regulations and law and without prejudice to such action to which an employee may become liable under any other regulation or law for the time being in force, any or all of the following penalties may be imposed on the employee as hereinafter provided for misconduct committed by him or for any other good and sufficient reasons :

Minor Penalties

- (a) Censure ;
- (b) Withholding of increment with or without cumulative effect ;
- (c) Withholding of promotion ;
- (d) Recovery from pay or from such other amount as may be due to the employee of the whole or part of pecuniary loss caused to the Institute by negligence or breach of orders.

Major Penalties

- (e) Reduction to a lower post or grade or to a lower stage in a time scale ;
- (f) Removal from service which shall not be a disqualification for future employment in the Institute ;
- (g) Dismissal.

76. The following shall not amount to a penalty within the meaning of these Rules :

- (a) Withholding or increment of an employee on account of his work being found unsatisfactory or not being of the required standard or for failure to pass the prescribed test or examination;
- (b) Stoppage of an employee at the efficient bar in a time scale on the ground of his not being suitable to cross the bar;
- (c) Non-promotion or non-appointment, whether in an officiating capacity or otherwise, of an employee to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (d) Reversion to a lower post or grade of an employee officiating in a higher post or grade on the ground that he is considered after trial, to be unsuitable for such higher post or grade or on administrative grounds unconnected with his conduct.



77. Reversion to the previous post or grade of an employee appointed on probation to another post or grade, during or at the end of the period of probation, in accordance with the terms of his appointment;

78. Termination of service :

- (i) of an employee appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment.
- (ii) of an employee appointed in a temporary capacity otherwise than on contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of the appointment.
- (iii) of an employee on reduction of establishment.

Suspension

79. The appointing authority or any authority to which it is subordinate or any other authority empowered on this behalf by the President of the Institute by general or special order may place an employee under suspension in the best interest of the Institute :

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

80. An employee shall be deemed to have been under suspension by an order of appointing authority :

- (a) with effect from the date of his detention, if he is detained in custody, on a criminal charge for a period exceeding forty-eight hours ;
- (b) with effect from the date of his conviction, if in the event of a conviction for an offence, on a criminal charge or otherwise, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

81. Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

82. Where an employee is suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any such proceedings.

83.. An order of suspension made or deemed to have been made under these rules may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Subsistence Allowance

84. . An employee under suspension shall be entitled to draw subsistence allowance equal to fifty percent of his basic pay provided the authority issuing the orders for suspension is satisfied that the employee is not engaged in any other employment or business or profession of vocation. In addition, the employee shall be entitled to Dearness Allowance at the rate appropriate to his basic pay which he was in receipt on the date of suspension.



85. Where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspensions, shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows :-

- (a) The amount of subsistence allowance may be increased to 75% of basic pay and 100% of Dearness Allowance and House Rent Allowance admissible on full basic pay, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee under suspension ;
- (b) The amount of subsistence allowance may be reduced to 25% of basic pay and dearness and house rent allowance thereon, if in the opinion of the said authority the period of suspension has been prolonged due to the reasons, to be recorded in writing, directly attributable to the employee under suspension.

86. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from date he is granted bail.

87. When an employee under suspension is re-instated, the competent authority may grant to him the following pay and allowances for the period of suspension :

- (a) if the employee is exonerated and not awarded any of the penalties mentioned in Rule 75, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance paid to him; and
- (b) if otherwise, such proportion of pay and allowances as the competent authority may prescribe.

Note: In a case falling under sub-clause (a) above, the period of absence from duty will be treated as period spent on duty. In a case falling under sub-clause (b) above, it will not be treated a period spent on duty unless the competent authority so specifically directs.

88. An appeal against any order of suspension shall lie to a higher authority next to the one issuing the order of suspension.

Imposition of Penalties

89. Appointing authority or any other authority designated by the Council who may be superior to the appointing authority, may impose on an employee any of the penalties specified in Rule 75.

90. Procedure for imposing minor penalties:

(i) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of Rule 75, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defense within a period not exceeding 15 days. The defense statement, if any, submitted by the employee shall be taken into consideration by the competent authority before passing orders.

(ii) The record of the proceedings shall include:

- (a) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee ;
- (b) his defense statement, if any; and
- (c) the orders of the competent authority together with the reasons therefor.

91 Procedure for imposing major penalties:

(i) No order imposing any of the major penalties specified in clauses (e), (f) and (g) of Rule 75 shall be made except after an enquiry is held in accordance with this rule.

(ii)Whenever the appointing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee it may itself



enquire into or appoint any other person(s) (hereinafter called the Inquiring Authority) to enquire into the truth thereof.

(iii) Where it is proposed to hold an enquiry, the appointing authority shall frame definite charges on the basis of the allegations against the employee. The charges, together with a statement of the allegations on which they are based shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the appointing authority not exceeding 15 days, a written statement whether he admits or denies any of or all the charges.

(iv) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the appointing authority itself, or by the Inquiring Authority under sub-clause (ii) above.

Provided that the appointing authority or the Inquiring Authority may decide not to hold an enquiry in respect of the charge(s) admitted by the employee in his written statement. The Inquiring Authority shall, however, record its findings on each such charge.

(v) If it is decided to hold an enquiry, an employee shall be permitted to cite and bring witnesses on his behalf and examine the relevant records but shall not be permitted to engage a lawyer at the enquiry.

(vi) Whenever any enquiring authority, after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction therein, is succeeded by another inquiring authority which has, and which exercises such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine and cross examine any such witness(s).

(vii) After the conclusion of the enquiry, a report shall be prepared and it shall contain

(a) gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour, including evidence in support of the charges;

(b) a gist of the defense of the employee in respect of each article of charge ;

(c) an assessment of the evidence in respect of each article of charge.

(viii) The appointing 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 fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of these rules as far as may be.

(ix) The appointing authority shall, if it disagrees with the findings of the inquiring authority on any charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(x) If the appointing authority having regard to it finds on all or any of the charges, is of the opinion that any of the penalties specified in Rule 75 should be imposed on the employee it shall make an order imposing such penalty.

(xi) If the appointing authority having regard to its findings on all or any of the articles of charge is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

92. Orders made by the competent appointing authority under the provisions of sub-clauses above (x) and (xi) shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.



93. Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings; and such authority may then function as the competent authority for the purpose of common proceedings.

94. Notwithstanding anything contained in Rule 90, 91, 92 and 93, the appointing authority may impose any of the penalties specified in Rule 75 in any of the following circumstances :

- (i) the employee has been convicted on a criminal charge, or on the strength of facts and conclusions arrived at by a judicial trial ; or
- (ii) where the appointing 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.

95. In all cases where the provisions of Rule 94 are invoked, previous approval of the Council shall be obtained except in emergent situation where it will not be in the interest of the Institute to wait till the Council meets, approval of the President shall be obtained.

Appeal

96. Every appeal received against the penalty imposed under these rules shall be submitted to the President within a period of one month from the date on which appellant receives a copy of the order imposing the penalty.

Provided that the President may extend or relax or condone the delay beyond one month in submission of an appeal by the appellant if he is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

- (i) Every appeal shall be submitted through the authority which passed the order appealed against and such authority shall transmit the appeal to the President, within 15 days of its receipt from the appellant.
- (ii) In cases where any major penalty specified in Rule 75 has been imposed under the orders of the President himself the appellant may submit an appeal for review of the case provided he can produce fresh facts or evidence which were not known earlier and which came to light only after the passing of the order imposing the penalty.
- (iii) The President may in consultation, with the Council ;
 - (a) set aside, reduce, confirm or enhance the penalty ;
 - (b) remit the case to the authority which imposed penalty or to any other authority with such directions as he may deem fit in the circumstances of the case ;

Provided that the President shall not pass any order imposing an enhanced penalty unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against imposition of such enhanced penalty.

- (iv) The decision of the President shall be final.



CHAPTER 6

HOLIDAY AND LEAVE

Holidays

97. The employees of the Institute shall be eligible for such holidays as are declared public holidays in West Bengal under the Negotiable Instruments Act .

Amended as : (excluding Half yearly and Yearly Closing days of Banks.)

98. The employees of the Institute shall be eligible for two days restricted holiday in a year, as per the list that may be issued from time to time.

99. The Secretary is vested with the powers to declare a day's holiday for the Institute on the death of a person closely connected with the Institute or with the Profession of Cost Accountancy and on occasions when holidays are declared by the Central Government on the death of a dignitary.

100. On any special occasion not covered under Rules 98, 99 the President may declare a day's holiday for the Institute for that occasion.

Right to Leave

101. Leave cannot be claimed as a matter of right. Discretion is reserved to the authority empowered to grant leave or to refuse, revoke or curtail leave at any time according to exigencies of services and work, but it shall not be open to that authority to alter the kind of leave due and applied for or granted, into another kind of leave, except at the written request of the employees.

102. The authority sanctioning leave shall have the discretion to recall an employee to duty before expiry of the period of leave granted to him.

103.. The competent authority to sanction all kinds of leave for all employees of the Institute is the Secretary. Powers to grant one or more or all kinds of leave to the employees working under them may be delegated to the Heads of the Departments.

The President shall be the authority to sanction leave to the Secretary.

Claim to leave

104. Unless the Council, in view of the exceptional circumstances of the case

- (i) otherwise determines, no employee shall be granted leave of any kind for a continuous period exceeding five years.
- (ii) An employee on leave, other than casual leave, may not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted his leave.
- (iii) An employee who has taken leave on medical ground may not return to duty until he has produced a certificate from the Medical Authority to the effect that he has recovered from his illness and that he is fit to resume duties.
- (iv) Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave, except Causal leave.
- (v) On a written request from the employee, the leave sanctioning authority may commute the whole or any portion of any leave granted under these rules retrospectively into any other kind of leave, other than casual leave, which was admissible when the original leave was granted.

The Council may, at its discretion commute periods of absence without leave into leave without pay.

- (vi) In the interest of the Institute and at the sole discretion of the Council, an employee may be directed to go on leave for any specified period.



- (vii) Unless specifically sanctioned by the Council, leave shall not be granted to an employee against whom any disciplinary proceedings are pending under the rules.

No leave of any kind is admissible to an employee under orders of suspension.

- (viii) Any claim to leave to the credit of an employee, who is dismissed or removed or resigns from the service of the Institute, ceases from the date of such dismissal, removal or resignation.

Provided that an employee who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to leave that lapsed on the date of such dismissal or removal, as the case may be, unless the authority competent to reinstate the employees decides to the contrary.

- (ix) Sundays and holidays, immediately preceding or immediately following any kind of leave shall not be treated as part of the leave, except in cases where for administrative reasons permission for prefixing and suffixing holidays to leave is specifically withheld.

Amended as:: Intervening Holidays should not be counted as leave if one applies for Casual Leave for the preceding or succeeding Holidays w.e.f . 7.1.1988.

- (x) An employee, while on leave, including leave preparatory to retirement, shall not take up any service or assignment outside, including setting up of a private professional practice as accountant, consultant or legal practitioner, without obtaining the prior sanction of the President.

- (xi) A leave account shall be maintained in a suitable form for each employee by the Secretary or any officer specifically authorised by him in this behalf from time to time.

Any leave granted to an employee shall be as per the leave account maintained under the sub-clause above.

- (xii) Application for the grant of leave or for extension of leave must be made in writing to the leave sanctioning authority. No employee should proceed on leave without obtaining prior sanction of such leave applied for.

Individuals already on leave and desirous of obtaining an extension must submit their applications sufficiently in advance of the date of expiry of original leave, so as to permit their joining by the due date, if the application is refused.

Failure to comply with these rules shall render an individual liable to be treated as absent without leave.

- (xiii) Whenever an employee is prevented by sickness or other unforeseen, reasons from attending office, he should invariably address the Secretary by letter or by postcard under record within three days explaining the cause of absence.

- (xiv) Before proceeding on leave, an employee shall intimate leave sanctioning authority, his address while on leave and shall keep the said authority informed of any change in the address previously furnished.

- (xv) Unless the authority competent to grant leave an employee who remains absent after the end of sanctioned leave or an employee who absents himself without obtaining proper leave, shall be deemed to be absent without leave and his case will be regulated as follows :

- (a) If absence from duty in an unauthorised manner is for period not exceeding fifteen consecutive days, the employee shall not be entitled to any pay and allowances for the period of such absence ;

And

- (b) If absence from duty in an unauthorised manner is for a period exceeding fifteen consecutive days, the employee shall be deemed to have left the services of the Institute of his own accord without notice from the date from which he has been absenting himself from duty in unauthorized manner.



Provided that if the employee in case of (a) or (b) above proves to the satisfaction of the Council that his absence from duty was on account of serious sickness or other valid reasons, the leave sanctioning authority shall convert his absence from duty into leave without pay, or with pay, as ordered by the Council.

Kinds of Leave Admissible

105. Casual Leave

- (i) An employee who is on the rolls of the Institute on the 1st January of a year shall be eligible to the grant of 12 days casual leave during that calendar year. Employees joining the services of the Institute during the course of a year shall be eligible to the grant of casual leave for that calendar year at the rate of one day for each completed month of service.

Amended as : The Officer who would be not in a position to avail of casual leave during a particular calendar year due to exigencies of office work would be allowed to carry forward maximum 3 days unavailed Casual leave as refused leave to the next calendar year with the approval of the Secretary or authorized Director of the Institute. w.e.f. 2006.

- (ii) Normally casual leave shall not be granted for more than four days at a time.
- (iii) Any casual leave not availed of on or before 31st December of a year shall lapse and casual leave shall not be carried over to the subsequent calendar year (except as 105 (i) above).
- (iv) Casual leave shall not be granted in combination with any other kind of leave, excepting leave on medical when no other kind of leave is available.
- (v) Casual leave may be available for urgent personal requirement or for inability to attend office for circumstances beyond control of the employee or on grounds of minor ailments or sickness. Except in case of casual leave on grounds of sickness or due to reasons beyond the control of the employee, prior sanction of such leave shall be obtained.
- (vi) Casual leave in terms of half day, if applied for by an employee, may be granted to him either for the forenoon or afternoon of the day. Subject to the overall limit of casual leave admissible during a calendar year, casual leave for half day basis may be combined with full days' casual leave.

106. Earned Leave

- (i) An employees shall be entitled to 30 days in a Calendar Year. Leave account of each employee shall be credited with Earned Leave at the rate 15 days on June 30 and December 31 every Calendar Year on the basis of six month of completed service.

- (ii) The earned leave at the credit of an employee at the close of the previous period shall be carried forward to the next period, subject to the total of leave so carried forward, plus the credit for half year does not exceed 180 days.

Amended as : Nomenclature of Earned Leave changed as Privilege Leave. Privilege may be accumulated upto a maximum of 300 days and employee will cease to earn privilege leave when the accumulated privilege leave at their credit amounts to 300 days.

- (iii) The credit of the half year in which an employee is due to retire or resigns from the service of the Institute, or is removed or dismissed from the service or dies while in service, credit of Earned Leave shall be allowed at the rate 2.1/2 days per completed Calendar month up to the end of the Calendar Month preceding the month in which the employee retires, resigns is removed or dismissed from the service or dies in service as the case may be.

While affording the credit of Earned Leave under this provision of this sub-clause, fractions of days shall be rounded off to the next higher day.

- (iv) Earned Leave that may be granted at a time on one occasion, whether combined or not combined with any other kind of leave, shall not exceed 180 days.



(v) If an employee has been granted leave without pay in a half year, the credit to be afforded to his Earned Leave account at the commencement of the next half year shall be reduced at the rate of 1 day per 10 days leave without pay or part thereof, subject to a maximum of 15 days.

(vi) An employee proceeds on Earned Leave shall be entitled to "Leave Salary". Leave Salary for a period of Earned leave is equal to the Basic Pay, Dearness Allowance, House Rent Allowance and other Allowance, payable in accordance with the Provision of Rule 26, which the employee was drawing before proceeding on leave. Leave Salary does not include Overtime Pay and any duty or other Allowance, which is paid for work of special nature, while on duty.

Amended as : Encashment of Leave: The Officer will continue to be entitled for encashment of Earned Leave subject to minimum of 15 days and maximum of 30 days once in a Financial year with a condition that at the end of utilization of Leave at one point of time there must be a balance of 30 days to his/her credit as per exiting norms.

107. Half-pay Leave

(i) An employee shall be entitled to half-pay leave of twenty days in a calendar year, which may availed of on medical ground or on private affairs.

(ii) Half-pay leave is not admissible for the calendar year in which an employee joins the Institute on first or initial appointment, or in which he retires or resigns from service or is dismissed or removed from service or dies while in service.

(iii) Half-pay leave shall not be granted to an employee while he remains on probation but on the successful completion of the probationary period, his entitlement to half-pay leave shall, subject to the restriction imposed under sub-clause (ii) above, be regulated as if he had not remained on probation.

(iv) If an employee has been granted leave without pay in calendar year, the credit to be afforded to his half-pay leave account at the commencement of the next calendar year shall be reduced at the rate of one day for every 15 days or part thereof, of leave without pay, subject to a maximum of 10 days.

(v) An employee on half-pay leave shall be entitled to draw leave salary equal to half the amount specified in sub-clause (vi) of Rule 106.

108. Commuted Leave

At his option, an employee may have the half-pay leave due to him converted into commuted leave on full pay, subject to the conditions specified below :-

- (a) Not more than half the amount of half-pay leave due to any time can be converted leave ;
- (b) Half-pay leave upto a maximum of 240 days may be allowed to be commuted during the entire service of the employee;
- (c) Commuted leave shall be granted only medical grounds on the production of certificate from the Medical authority ;
- (d) When commuted leave is granted, twice the amount of such leave availed of shall be debited against the half-pay leave account of the individual concerned.
An employee on commuted leave will be entitled to leave salary.
(Since discontinued)



109. Leave not Due

When no other kind of leave is admissible, a permanent employee may be granted 'leave not due' subject to the following conditions :

- (a) Such leave shall be granted only on medical grounds on production of certificate of illness from the medical authority ;
- (b) Leave not due shall not be granted for more than 30 days at a time and total period of such leave shall not exceed 180 days during the entire service of the employee ;
- (i) An employee on 'leave not due' will be entitled to draw leave salary equal to the amount admissible for half-pay leave in accordance with the provisions of sub-clause (v) of Rules 107.
- (ii) The number of days for which 'leave not due' is granted shall be debited against the half-pay leave which the employee may earn subsequently. No commutation of leave not due into leave on full pay is permissible.
- (iii) Only the Council is empowered to grant 'leave not due'. Such leave shall be granted only if the Council is satisfied that there is a reasonable prospect of the individual returning to duty on the expiry of the leave and earning an equal amount of half-pay leave thereafter.

(Since discontinued)

110. Leave without pay

- (i) Leave without pay may be granted to an employee in the following special circumstances ;
 - (a) When no other leave is by rule admissible; or
 - (b) When other kind of leave is available but the employee concerned applies, in writing, for the grant of leave without pay.
- (ii) No pay and allowances of any sort is admissible for the period of leave without pay.
- (iii) The period of leave without pay shall not exceed 90 days on any one occasion, other than on grounds of illness.
- (iv) On grounds of study or illness, leave without pay may be granted upto six months on any one occasion subject to the exception that when required for undergoing treatment for tuberculosis, leprosy, mental illness, cancer or such other long drawn disease, the period of leave without pay granted on any one occasion may, at the discretion of the Council, extend upto two years.
- (v) The period spent on leave without pay shall not count for increment in the time scale of pay.
- (vi) The authority competent to sanction leave may commute retrospectively periods of absence without leave into leave without pay.

111. Maternity Leave

- (i) Maternity leave of absence from duty may be granted to female employees, who have been confirmed in the Institute's service on satisfactory completion of the probation period, for a period which may extend upto the end of 90 days from the date of its commencement or to the end of 42 days from the date of confinement, whichever is earlier.
- (ii) Maternity leave shall be admissible for not more than two occasions during the entire service of the employee concerned.



- (iii) Such leave shall be granted only on the production of a medical certificate from the medical authority.
- (iv) Maternity leave may also be granted to a permanent married female employee, on the production of requisite medical certificate from the medical authority, in case of miscarriage including abortion, for a maximum period of 36 days. Such leave under this clause may be availed of only once in the entire service of the employee.
- (v) An employee who proceeds on maternity leave will be entitled to leave salary as admissible during earned leave as specified in Rule 106.
- (vi) Any leave (but not casual leave) for a period not exceeding sixty days, applied for in continuation of maternity leave, may be granted without production of medical certificate.
- (vii) Leave of any kind applied in further continuation of the leave granted under sub-clause (vi) above, may be granted on production of a medical certificate for the illness of the female employee. Such leave may be granted in the case of illness of the newly born baby subject to the production of medical certificate to the effect that the condition of the ailing baby warrants the mother's personal attention and that her presence by the baby's side is absolutely necessary.
- (viii) Maternity leave shall not be debited against the leave account of the employee.

112. Special Leave

The Executive Committee may at its discretion, grant special leave in the nature of Casual Leave to any employee for participating in sports events of national or international importance in a representative capacity or for undergoing vasectomy or tubectomy or such other contingencies in connection with family planning, or for regularizing the inability of the employee to attend office due to serious disturbances, Curfew or Riots for such period and on such condition, as it may be decided in each individual case for such period and on such conditions, as it may be decided in each individual case.

113. Study Leave

Study Leave without pay not exceeding 2 years at a time may be allowed to a confirmed employee for undertaking higher study whether in India or abroad provided that he has put in at least 5 years in the Institute.

114. Leave Encashment

On retirement or death of an employee accumulated leave credited to his leave account (maximum upto 300 days) shall be encashable. For every day of leave encashed an amount equal to average daily gross salary (including Basic Pay and other allowances) shall be paid.

115. Medical Leave

(a) An Officer shall be entitled to Medical Leave as follows :

(i) During first year of service – 5 days with full pay and 10 days with half pay.

(ii) From 2nd year of service – 10 days with full pay and 20 days with half pay.

(b) Medical Leave may be accumulated upto a maximum of 60 days with full pay and 120 days with half pay (ceiling of accumulation has been removed) .

(c) Medical Leave may be availed of for not less than 3 days at a time and only on grounds of sickness which must be supported by a certificate from the medical authority.

Amended as : (c) Sick Leave may be taken for minimum of 2 (two) days with medical certificate (Certificate of Fitness) as per normal practice instead of existing minimum of 3 (three) days.



CHAPTER 7

TRAVELLING ALLOWANCE

General

116. The types of travel in connection with the Institute's work for which travelling allowance is admissible to the employees of the Institute are :

- (a) Travels on tour
- (b) Travels within the Headquarters station-outstation, and
- (c) Travels on transfer

117. For the purpose of determining their entitlement to travelling allowance, the employees of the Institute covered by these rules are classified into the following two grades :

Grade I Employees in the time scale of Rs. 1450-2650 and Rs. 2050-3050 (both inclusive) *i.e.* Dy. Director, Editor, Jt. Director, Director and Secretary.

Amended as : Employees in the time scale of Rs. 12750-375-17250 and Rs. 14300-400-18300 and Rs. 18400-500-22400 *i.e.* Joint Director, Director and Secretary.

Grade II Employees in the time scales between Rs. 650-1350 and Rs. 900-2000, *i.e.* Section Officer, Accountant, Senior Education Officer, Executive Officer, Research Officer and Asstt. Director. .

Amended as : Employees in the time scales between Rs. 8000-275-13500 , Rs. 10000—325-15200 , and Rs. 12000-375-16500 *i.e.* Section Officer/ Accountant/OSD (P) or equivalent and 'Asstt. Director.or equivalent and Dy. Director/ Dy.Secretary/ Editor.

118. (i) In respect of travel within the Headquarters station/outstation and travels on tour of a purely routine nature relating to the work of the Institute, the controlling Officer, *i.e.* authority competent to sanction the travel, shall be the Secretary.

(ii) For any travel abroad, the Council shall be the sanctioning authority.

119. An employee of the Institute is authorised to draw travelling allowance for any journey undertaken for attending seminars, lectures or training or development programmes, conference and other meetings of this nature, whether organised by the Institute or the Regional Councils or the Chapters of the Institute or outside bodies unless specific sanction of the President is obtained in each case.

120. Travelling allowance will normally be admissible by the shortest route unless the controlling officer waives this condition where justified.

121 An employee entitled to travel in a higher class may travel in a lower class but in such a case he will be entitled to claim the fare for the class in which he (or any member of his family, in case of transfer) actually travels.

Travel on Tour

122. Travel on tour refers to the journey performed by an employee to any outstation from the usual or permanent place of duty, termed as Headquarters for the purpose of these rules, on official duty by air, sea, rail or road. This also includes halts at outstation.

123. Individuals travelling on tour are eligible for reimbursement of the travelling expenses incurred by them on account of fares paid, and incidental during journey periods at the scale mentioned here-in-below :

**Grade***Air Journey*

For Grade I only Actual fare plus and allowances for incidental expenses at one fifth of the standard air fare limited to a maximum of Rs. 30/- each day.

Journey by Rail

For Grade I Actual single fare each way by A.C.G. plus incidental expenses at the rate of 3 paise per Km.

For Grade II Actual single fare by 1st Class or AC 2-Tier plus incidental expenses at the rate of 3 paise per Km.

Road Journey

For Grade I Re. 1/- per Km.

For Grade II Re. 0.60 per Km.

Note:

1. Charges for reservation by the entitled class for rail journey, if charged by the Railway are admissible.
2. Non-availability to reservation by the entitled class is not an acceptable reason for not performing the joining connected with official work.
3. Journey by road includes journeys by steam launch or other sea bound vessels.
4. Where journeys are performed by road between places connected by rail, the road mileage as calculated in these rules shall be limited to rail fare as applicable. The controlling authority may, however, relax these limits in special circumstances.
5. No reimbursement shall be admissible for road journeys performed by an employee in a transport belonging to or hired or otherwise obtained by the Institute.

Amended as :**Grade****Entitled mode of Journey**

For Grade I {Secretary/Director/Jt. Director}

-Air/AC 1st Class.

For Grade II {Dy. Director/Deputy Secretary /Editor,
Asstt. Director and OSD(P) }

-AC II Tier/1st Class

**Daily Allowance**

124. Daily allowance is a uniform allowance intended to cover expenses incurred by an employee who travels on tour, on account of travelling and staying at places other than the headquarters.

125. Daily allowance is to be calculated for the period of absence of the employee from headquarters on calendar day basis period being reckoned as the period between the date and time of arrival at the outstation and the date and time of departure from the outstation for journeys on tour from one outstation to another outstation, the first outstation shall be deemed to be the headquarters for the purpose of this rule.

126. Full daily allowance at the rates specified in Rule 127 below shall be granted to an employee on tour for each completed calendar day of absence from mid-night to mid-night. For absence from headquarters on any day for less than 24 hours, the daily for that day shall be regulated as follows : -

D.A. admissible for the part calendar day

- | | | |
|-----|---|------------------|
| (1) | Arrival at outstation in the forenoon | At full rate |
| (2) | Departure from outstation in the afternoon | At full rate |
| (3) | Arrival at the outstation in the afternoon | At half the rate |
| (4) | Departure from the outstation in the forenoon | At half the rate |

Provided that if arrival at and departure from outstation happens to fall on the same calendar day daily allowances shall be admitted at the full rate for that day.

Amended as ..allowance for that day shall be regulated as follows w.e.f. 18.08.2000;

D.A. admissible for the part calendar day

- | | | |
|-----|--|--------------|
| (1) | For absence not exceeding six hours | Nil |
| (2) | For absence not exceeding six hours but not exceeding twelve hours | 70% |
| (3) | For absence exceeding twelve hours | At full rate |

Daily Allowance when Free Board and/or Lodging are provided:

- | | |
|------------------------------------|--------------|
| If Free Board and Lodging provided | One fourth |
| If Free Board alone provided | Half |
| If Free Lodging provided | Three fourth |

127. The rates of daily allowance admissible to employees on tour shall be as follows :

- | | |
|-----------|----------------|
| Grade I - | Rs. 75 per day |
| Grade II- | Rs. 50 per day |

Amended as :

- | | |
|----------------------------------|--|
| OSD(P) or equivalent | Rs 600 per day w.e.f 22/5/06 |
| Assistant Director or equivalent | Rs. 700/- per day w.e.f 22/5/06 |
| Dy. Director/Dy.Secretary | Rs. 1,100/- per day w.e.f. 26/9/2006 |
| Joint Director | Rs. 1,200/- per day w.e.f. 26/9/2006 |
| Director & Secretary | As per norms applicable to the Council Members |



The employees on official tour will be covered under Travel Insurance of Rs 1.00 lakh and the modalities will be finalized with General Insurance Company

128. Leave including casual leave may be allowed to an employee on tour under exceptional circumstances by the controlling authority. No daily allowance or other charge shall be admissible for such period of absence on leave. The entitlement for fare where an employee makes a tour for his own convenience and with the approval of the controlling authority, may be determined in each case, exceed the amount admissible by the shortest route from the point of detour to headquarters.

Travels within the headquarters station/outstation

129. All journeys on official duty undertaken within a radius of 50 kilometers of the headquarters station or beyond 50 kilometres if the employee returns to the headquarters station on the same calendar day on which he started his journey shall be regulated in accordance with the provisions contained in Rules 130 and 131.

130. For such journeys as specified in Rule 129, the employee shall be eligible to the reimbursement of actual conveyance charges subject to the limits of actual rail fare for the rail portion of the journey in the class to which he is entitled to travel under Rule 109 and of the amount admissible to him at the rates specified in Rule 123 for the road portion of his journey. (Since deleted).

Provided that the controlling authority may, in the exigencies of service or in cases of hardship to the individual, allow the reimbursement of the full actual amount incurred for the road journey.

131. For journeys undertaken by road at outstations, conveyance charges shall be reimbursed to an employee as per scale specified in Rule 123. (Since deleted).

Travel on Transfer

132. In case of transfers involving change of stations, travelling allowance shall be admissible with reference to the grade and pay of employee at the new station of posting. Travelling allowance shall be admissible from the old posting to the new station of posting subject to the proviso that if any member of the family of the employee travels to a station other than the old station to the new station of posting, travelling allowance for the journey actually undertaken shall be paid but the amount thereof shall be restricted to the amount admissible had the journey been performed from the old station to the new station of posting.

133. The entitlement for journeys undertaken on transfer shall be as follows :

- (i) *Rail Journey:* Employee and members of their families shall be entitled to travel by the same class of accommodation as on tour and the employee shall be entitled to actual single fare for himself and for each member of his family.
- (ii) *Road Journey:* For journeys by road between places connected by rail, actual expenses limited to rail fare shall be reimbursed. For places not connected by rail, the employee may be reimbursed actual expenditure against reasonable evidence of expenditure for mode of conveyance appropriate to his category of the employee, to the rates applicable to his grade under Rule 123. (Since deleted)
- (iii) *Incidentals:* An employee shall draw one daily allowance, at the rate appropriate to his grade as specified in Rule 127, for self, and each adult member of his family and at half the appropriate rate for each child member of his family below 12 years of age, for every completed calendar day occupied in the journey from residence to residence, as incidentals. For the broken period of a day, the daily allowance shall be admissible as per Rule 126.
- (iv) *Transfer Grant :* An employee shall be entitled to the following lump sum payment to cover the expenses for winding up and setting up establishment etc. including transport to and from Railway Station and/or Air Port,



Grade I -	Rs. 600/-
Grade II-	Rs. 500/- (Amended as : given in APPENDIX – 7)

- (v) *Baggage allowance:* Employees may draw the actual cost of transportation of personal effects by goods train upto the following maxima:-

Grade I-	3000 kilograms
Grade II-	2200 kilograms

If an employee carried his personal effects by Passenger train or by road, instead of goods train, between points connected by rail, he shall be allowed to claim actual expenditure incurred restricted to his entitlement by goods train under this sub-clause.

In addition the employee would also be entitled to the cost of transportation of his motorcar, or motor cycle or scooter provided the conveyance is registered in his name.

134. Notwithstanding the provisions of these rules, an employee may, in the exigency of service and in special circumstances, be permitted to travel by air or in a higher class in rail to which he is not entitled to travel under these rules, by the Secretary. When so permitted, the actual air fare or rail fare, as the case may be, shall be reimbursed to the employee concerned but his other allowances such as daily allowance; incidental expenses etc. shall remain unaffected as if he had traveled in the class or by the modes of transport to which he is entitled under these Rules.

135. The Executive committee is empowered to allow, in specific cases and in special circumstances, traveling allowances at rates higher than those provided in these Rules, at its discretion.

When Tickets and reservations are not arranged by the Institute, actual Remuneration paid to Traveling Agents who have arranged the same for the employee concerned shall be reimbursable in full on production of appropriate receipt.

Leave Travel Allowance

136 The objective of the grant of Leave Travel Allowances is to provide, as a welfare measure, travel assistance to the employees of the Institute and their families for journeys from their place of posting to any other place in India and back during leave subject to the condition herein provided.

(i)The allowance will be admissible to all employees once in a block of two years for journeys to any place in India. The employee shall have the option of drawing double the amount once in a block of 4 years.

(ii)The allowance is admissible only if the employee takes leave, other than causal leave, for a minimum period of ten days indicating his intention to proceed on journey to any place in India, either himself alone or with the members of his family.

Amended as: LTA may be availed of by taking minimum 4 days of consecutive leave of any nature in place of minimum period of existing 10 days (iii) The allowance shall be paid in one lump sum, in advance at the time the employee proceeds on leave for this purpose, at the rate of Rs 1500/- irrespective of the place of visit, the class in which the employee is entitled to travel under the Rules and whether he with any member(s) of his family is undertaking the journey.

Amended as: An Officer in the rank of OSD(P) or equivalent and Asstt. Director or equivalent will be paid Rs. 11,000/- and for officers in the rank of Deputy Directors and above will be paid Rs. 14,000/- for a block of 4 years as LTA. (commencing from the block years 2003-2007)

If an employee is unable to avail of LTA within a block period ending 31st March due to some valid reasons or in exigency of office work, he/she may be allowed grace period of four years from 1st April in the following year for availing of the LTA of the earlier block at the earlier rate with the approval of Secretary or authorised Director.



CHAPTER 8

PROVIDENT FUND, GRATUITY, RETIREMENT

Employee' Provident Fund

137. In matters of P.F., employees of the Institute shall be governed by the rules specified in 'The Institute of Cost and Works Accountants of India Employee's Provident Fund Rules' as in Appendix-4.

Retirement

138. Every employee of the Institute shall be required to retire from the service of the Institute effective from the afternoon of the last day of the calendar month in which he attains the age of fifty years..

Amended as : Retirement age has been raised to sixty years.(as per recommendation of Fifth Pay Commission).

139. The Council shall have the discretion, in specific cases, to require an employee to retire from the service of the Institute any time after he has attained the age of fifty five years, after giving him three months notice or salary in lieu thereof, if the Council is of the opinion that his retirement is necessary in the interest of the Institute.

An employee may also, on or after attaining the age of 55 years, opt to retire voluntarily from the service of the Institute of giving three months' notice and shall be eligible for the retirement benefits, as admissible on the date of his voluntary retirement.

140 In exceptional circumstances and only if it is in the Institute, extension in service, not exceeding one year at a time, may be granted to an employee after he attains the age of 58 years, at the discretion of the Council but in any case, no extension shall be granted to any employee beyond the age of 60 years. (Since discontinued)

141 Nothing contained in Rule above, shall effect the right of the Council to retire an employee at any time on medical grounds.

Provided that before retiring an employee under this rule, it shall be open to the Council to require the employee to undergo a medical examination by such medical authority as the Council may nominate for the purpose.

Encashment of earned leave

142. (i) In case of retirement on superannuation or death in service or resignation or termination of service of an employee for any reason whatsoever, cash equivalent of the leave salary in respect of the period of earned leave at his credit, subject to a maximum of 180 days of earned leave shall be paid to the employee in one lump sum as one time settlement.

Amended as : Maximum number days has been raised to 300 .(w.e.f. 31.3.1998)

(ii) Cash payment under this rule will be equal to the leave salary as admissible for earned leave as specified in Rule 106 at the rates in force on the date of retirement or death or resignation or termination of service.

(iii) In the case of an employee who is given extension of service after superannuation, the provisions of this Rule shall apply after the expiry of the period of extension, as on the date of normal retirement.



Travelling allowance on retirement or death

143. Air/Rail fare and cost of transportation of baggage will be admissible to a retiring employee from the headquarters to his home town or to the place where he wants to settle down after retirement on the same terms as for serving employees on transfer. Those benefits will also be admissible to the family of an employee who dies while in service.

Termination of service and discharge

144. The services of a temporary employee may be terminated by the Council by giving such employee one month's notice or pay in lieu thereof or as per conditions laid down in the letter of appointment given to the employee.

Resignation

145. (i) A permanent employee can resign from service on giving one month's notice or as mutually agreed upon or as specified in the letter of appointment. A temporary employee can leave service on giving 24 hours notice.

Provided that it shall be open to the appointing authority to waive such notice in individual cases.

(ii) Resignation of an employee may be accepted by the appointing authority with immediate effect or at any time before the expiry of the period of notice, in which case, the employee shall be paid pay in respect of the unexpired portion period of notice given by him. In case a shorter period of notice is accepted at the request of the employee, he shall be entitled to receive his pay and allowances only in respect of actual period spent on duty in the Institute.

Gratuity

146. Gratuity shall be payable as a reward for approved service to a permanent whole time employee of the Institute, on the termination of his employee due to retirement, resignation, death or disablement, or termination of service for any other reason except dismissal or discharge on grounds of misconduct, on satisfaction of the conditions laid down in the rules which follow hereinafter.

147. For entitlement to gratuity the employee must have rendered a continuous service for not less than five years.

Provided that in case of death of an employee while in the service of the Institute or in the event of his becoming permanently physically or mentally incapacitated while on the service of the Institute, the physical or mental incapacitation being certified by medical authority, duly constituted, gratuity shall be admissible if the employee concerned had rendered continuous service for not less than two years.

Continuous service shall for the purpose of this rule, mean uninterrupted service during the period commencing from the date an employee last joined the service of the Institute (or the dissolved companies defined under Section 2(1) (d) of the Cost and Works Accountants Act, 1959), to the date of termination of his service and shall include period on probation and service which is interrupted by leave, lay off strike, lockout or cessation of work not due to any fault of the employee concerned but shall not include any period of leave without pay and any period of service rendered as casual or as an apprentice.

148. Gratuity shall not be payable to re-employed personnel.

149. The amount of gratuity payable to the employee shall be equal to one 15 days of salary for each completed year of continuous service or part thereof in excess of six months, subject to a maximum of 20 months salary or Rs. 36,000/- whichever is lower.



For the purpose of this rule,

(i) a month will comprise of 26 days.

(ii) salary shall mean basic pay and dearness allowance of the employee concerned for the calendar month immediately preceding the date of termination of his employment but shall not include any other payment including allowance, perquisites, ex-gratia payment bonus or commission.

Amended as : Gratuity amount has been raised to Rs. 3.50 lakhs. (Salary shall mean Basic Pay, Dearness Pay & Dearness Allowance of the employee concerned).

150. The Institute shall have no liability whatsoever in respect of any income tax, super tax or other that may be payable in respect of the amount of gratuity payable to an employee and if so required under any statute or regulation for the time being in force, the Institute shall have full rights to deduct such taxes from the amount of gratuity and remit the taxes so deducted to the appropriate Government or authority.

151. Any amount due to the Institute from an employee at the time of termination of his employment for any reason, may be adjusted at the discretion of the Council against the amount of gratuity which may be payable to him under these rules.

152. No employee shall be entitled to transfer, assign, mortgage or charge his claim for gratuity or any part thereof and any such transaction shall be deemed to be void. The Council shall not recognise nor shall it be bound by any notice of such transfer, assignment, mortgage or charge and on receipt by the Institute of any such notice, the employee concerned shall be liable to disciplinary action which may entail the forfeiture of his eligibility to receive such gratuity.

153. Every employee of the Institute on becoming a permanent employee shall nominate a beneficiary to whom the gratuity amount shall be payable in the event of his death. An employee can, thereafter, change the beneficiary by submitting a fresh nomination form.

In the event of death of the employee, the amount of gratuity payable shall be paid to the beneficiary nominated by him. In case, no nomination was made by the employee, the amount of gratuity due shall be paid to the legal heir of the employee, on production of succession certificate.



CHAPTER 9

PROMOTION

154. The Promotion as approved by the Executive Committee of the Council in consultation with the recognized Association/Union will continue to remain effective concurrently with Memorandum of Settlement pending any revision by the Executive Committee/ Council in consultation with recognized Association/Union from time to time.

155 The Basic principles according to which Promotion will be given to the various Posts in the Institute from time to time, are given in APPENDIX – 5.



APPENDIX- I

PAY SCALES(SUBJECT TO CHANGE FROM TIME TO TIME)

- | | | | |
|----|----------------------------|---|--|
| 1. | Rs 650-40-50-1350 | { | Section Officer |
| 2. | Rs. 900-50-1400-EB-75-2000 | | Accountant |
| | | { | Sr. Education Officer, Research Officer,
Executive Officer, Asstt. Director |
| 3. | Rs. 1459-75-2050-100-2650 | | Editor
Dy. Director |
| 4. | Rs. 1600-80-2000-100-2800 | | - Jt. Director |
| 5. | Rs. 1850-2450-125-3200 | | -Director |
| 6. | Rs. 2050-100-2750-125-3500 | | - Secretary |

Amended As :

PAY SCALES (W.E.F 1.1.1996)

- | | | | |
|----|---------------------|---|---|
| 1. | Rs 8000-275-13500 | { | Section Officer |
| 2. | Rs. 10000-325-15200 | | Accountant/OSD(P) or equivalent |
| | | { | Asstt. Director or equivalent |
| 3. | Rs. 12000-375-16500 | | Editor, Dy. Director
Dy. Secretary or equivalent |
| 4. | Rs. 12750-375-17250 | | - Jt. Director or equivalent |
| 5. | Rs. 14300-400-18300 | | -Director or equivalent |
| 6. | Rs. 18400-500-22400 | | - Secretary |



APPENDIX - 2

**THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA
"OWN YOUR OWN HOME"
SCHEME FOR ADVANCE TO EMPLOYEES
FOR
RESIDENTIAL ACCOMMODATION ON OWNERSHIP BASIS**

1. Object

- 1.1. Special Credit Scheme has been formulated to achieve the objective of assisting the permanent employees of the Institute of Cost and Works Accountants of India with an advance for the acquisition of residential accommodation on ownership basis.

2. Definitions

- 2.1 The Institute means the Institute of Cost and Works Accountants of India constituted under the Cost and Works Accountants Act, 1959.
- 2.2 Management means the Council of the Institute or such person or persons as may be authorised in this behalf by the Council of the Institute.
- 2.3 The term "acquisition" means only
- (a) extension of an existing building owned solely and absolutely by an employee ; or
 - (b) outright purchase or obtaining a lease for a term not less than 51 years of a ready built house (with land or flat by him solely); or
 - (c) construction of a house upon premises owned solely and absolutely by him.

3. Eligibility

- 3.1 Any person who is and has been in the permanent employment of the Institute for a continuous period of at least 5 years and is ordinarily yet to be in such employment for a further minimum period of 10 years counted from the date of application for advance ending with the 58th year of age of such person shall be eligible to apply for the benefit of this scheme upon fulfillment of the other terms and conditions under the scheme.

Amended as: minimum continuous year of service being reduced to 1 year and age of retirement being raised to 60 years.

Provided, however, that the management may grant an advance under this scheme to a permanent employee who will be in such employment for a period shorter than 10 years as aforesaid on such special terms as to repayment and security as the management shall deem fit.

Provided further that no person shall be eligible to apply for the benefit of this scheme if he has any loan outstanding from his provident fund or the Institute.

Provided also that all persons applying for such benefit shall declare and undertake in writing that till the advance, if any, made under this scheme is repaid in full with interest, cost and charges they shall not obtain any loan or other advance from their Provident Fund or the Institute.



- 3.2 Nothing herein shall prejudice and/or be contrary to or inconsistent with but everything herein shall be in consonance and accordance with the Standing Order and/or the general terms and conditions of service of the employees of the Institute insofar as the same relate to this status, pay, the date of recruitment, length of service and age of retirement and any other matter or matters incidental to his employment.
- 3.3 The Management shall have absolute discretion in granting or refusing the benefit under the Scheme. In exercising the discretion the management may take into consideration the factors like the size of the applicant's family and his financial commitments, location, type, valuation condition and marketability of the property under consideration. Provided that in disallowing the benefit to an employee the management shall record the reasons in writing for doing so, but the decision of the Management in this behalf shall be final. No benefit under this Scheme shall be claimed as a matter of right.
- 3.4 At the time of applying for advance, the employee concerned shall satisfy the management that:
- 3.4.1 Save in the case of extension of an existing building he is not at the time of making the application owner of any house or flat, either in his own name or in the name of wife or minor child.
- 3.4.2 The acquisition shall be only for the residential purpose of the employee and the members of his family. In no case any non-residential purpose will be permissible.
- 3.4.3 The cost of acquisition shall not be more than 200 times the applicant's basic pay as on the date of application or Rs. 1 lac whichever is lower and shall not be less than Rs. 10,000/-.
- 3.4.4 In the case of extension of existing building or construction of a house, the existing building or the land or premises on which the extension is to be made or the house is to be constructed, as the case may be, shall be owned solely and absolutely by the applicant free from encumbrances, charges, attachments, liens and lispendens and he shall have a good marketable title thereto.
- 3.4.5 In the case of acquisition of a ready built house or flat the vendor or the lessor of the house or flat must have good marketable title to such house or flat free from all encumbrances or an absolute right to grant the lease, as the case may be, and the transfer to the employee shall be by way of an outright sale absolutely and for ever or grant of a lease for a term not less than 51 years from the date of such lease, not terminable at the option of the lessor.
- 3.4.6 The valuation of the property involved in this scheme, and the assessment of the costs of acquisition shall be made by such valuer or other persons who may be appointed by the Management and his valuation or assessment shall be accepted by the employee. The employee shall render all possible assistance to the said valuer or person and if so required by the Management produce document of title plans and other necessary papers for the purpose of such valuation or assessment.

4. Limit

- 4.1 The amount of advance will not ordinarily exceed 50% of the value of the property involved.
Amended as : The amount of advance will not ordinarily exceed 85% of the value of the property involved.



- 4.1.1 For the extension of an existing building the advance on account of estimated cost of such extension may be upto 72 times the employee's monthly basic pay as on the date of application or Rs. 30,000/-, whichever is lower.

Amended as: For the extension of an existing building the advance on account of estimated cost of such extension may be upto 180 times the employee's monthly basic pay as on the date of application or Rs. 75,000/-, whichever is lower.

- 4.1.2 For acquisition of a ready house or flat as aforesaid or for construction of a house as aforesaid the advance on account of the actual price or premium or cost of construction may be upto 120 times the employee's monthly basic pay as on the date of application or Rs. 60,000/-, whichever is lower.

Amended as: For acquisition of a ready house or flat as aforesaid or for construction of a house as aforesaid the advance on account of the actual price or premium or cost of construction may be upto 180 times the employee's monthly basic pay as on the date of application or Rs. 3,00,000/-, whichever is lower.

- 4.1.3 In fixing the amount of advance the discretion of the management shall be absolute.

- 4.2 An employee shall be entitled to only one advance during the entire tenure of his employment.

- 4.3 In sanctioning advances the Management shall usually entertain application in order or the dates on which they are made but the management may in special circumstances depart from such usual practice and sanction an advance against any application or applications in preference to application or applications made on earlier date or dates.

5. Terms of Advance

The maximum term of which the advance will be made is ordinarily 15 years.

Repayment

- 5.1 The amount of advance, along with interest, shall be repaid by not more than 144 monthly instalments commencing from the third Calendar month after the date on which the advance is made.

Amended as: The amount of advance, along with interest, shall be repaid by not more than 180 monthly instalments commencing from the third Calendar month after the date on which the advance is made.

- 5.2 (a) the monthly instalments may not essentially be equal but may comprise such amount or amounts as the management may think fit and proper and congenial to the adjustment of the amount of advance with interest

(b) The monthly instalments will be deducted by the Institute from the total monthly emoluments of the employee.

- 5.3 If an employee shall die, or be adjudged insolvent or for any reason whatsoever cease to be an employee or the absolute owner or occupier of the property involved or the lease aforesaid is determined sooner before the entire amount of advance with interest is repaid or the employee commits any breach of any of the terms and conditions contained by the employee in connection with the advance then the total amount then remaining unpaid shall become forthwith repayable and unless the employee or his heirs, executors or administrators or successors, as the case may be, tender payment of such entire amount with interest within 60 days from the date on which such payment is demanded by the management it shall be lawful for the management in its absolute discretion to enforce the securities hereinafter mentioned for repayment and also to appropriate the Institute's contribution to the employees' Provident Fund



and any other amount or amounts payable by the Institute to the employee towards realisation of such amount of advance with interest.

6. Security

- 6.1 The employee shall subject to the satisfaction of the management furnish one or more of the following securities as may be required by the management.
- 6.1.1. The employee will execute in favour of the Institute a Promissory Note payable on demand for the entire amount of advance, to be renewed from time to time as the management may require.
- 6.1.2 He will create in favour of the Institute a first mortgage by deposit of the title deeds of the property for which the advance is obtained and execute, if required by the management and register the requisite Memorandum of Deposit of such title deeds; the mortgage at the discretion of the management may be in any other form.
- 6.1.3 He will obtain a surety Guarantee Bond in favour of the Institute executed by at least one surety who shall, subject to the approval of the management be a person (not being an employee of the Institute) not below the rank of a permanent Government employee drawing a salary of not less than Rs. 1000/- per month.

7. Loan Application

Application for Advance shall be made only in the prescribed form of Annexure to this Scheme.

8. Disbursements

- 8.1 Subject to the limit of sanction the amount of such sanction shall ordinarily be disbursed in the following manner:
- 8.1.1 In the event of extension of an existing building or of a construction of house upon completion of the foundation if any, 25% of sanctioned amount; upon completion of construction upto plinth level a further 25% of the sanctioned amount; upon completion of the construction of upto lenthil a further 25% of the sanctioned amount and upon completion of the construction of the building balance 25% of the balance amount.
- 8.1.2 In the event of acquisition of a ready built house or flat the entire sanctioned amount of advance upon the execution of the Deed of Sale by the Vendor or of the Deed of lease, as the case may be, and presentation therefor registration and the execution by the employee of a deed of mortgage to received the said advance and presentation thereof for registration.

9. Documents and Title Deeds

- 9.1 All documents and Title Deeds shall be accepted by the management only if approved by the Institute's lawyer, the cost of preparation and approval thereof being borne by the employee
Amended as : The words 'being borne by employee' be replaced by the words ' being borne by Institute'.
- 9.2 The employee shall bear all incidental expenses like those for stamp and registration.
- 9.3 The employee shall also bear all the usual charges of valuer or other persons making the valuation or assessment as aforesaid.

10. The Management reserves the absolute right to amend, alter, delete, cancel or withdraw or any of the provisions of this Scheme at its own discretion.



APPENDIX - 3

THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA
12, SUDDER STREET, KOLKATA – 700 016

CONFIDENTIAL

PERFORMANCE APPRAISAL FORM

Report for the year
(From 1st January to 31st December)

PART – I: PERSONAL DATA:

1. Name :
2. Qualifications :
3. Date of Birth :
4. Whether Member of ICWAI :
5. Position held :
6. Date of Assigned to Present Position :
7. Brief Description of Job :
8. Previous Position with period :
9. Date of Employment :
10. Evaluation Period :
11. Appraised by : Signature:
Date:
12. Reviewed by : Signature:
Date:

OVERALL APPRAISAL



PART – II

(A) What have been the important accomplishments of the employee during the evaluation period?

ONLY FOR DIRECTORS:

- (1) Academic / Professional achievements
- (2) Specific Quantitative / Qualitative Performance targets / objectives set for him and achievements

(B) How has the employee failed to achieve or should have accomplished in a more satisfactory manner?

(C) Unforeseen circumstances that made employees task in performing his job easier or more difficult.



PART – III : PERFORMANCE APPRAISAL

- A) ACCOMPLISHMENT – Effectiveness in producing Results
(Quality and Timeliness of work / Cost Effectiveness /
Delegation & Developing People / Decision Making) _____
- B) THINKING – Calibre of thinking and initiative (Planning /
Resourcefulness / Vision / Innovation / Intelligence) _____
- C) RELATIONSHIP – (Internal / External / Team-work / Co-
operation) _____
- D) KNOWLEDGE – (Own work / Professional Environment) _____
- E) Overall Appraisal (based on table given in ANNEXURE – A)
- F) Particulars of current performances — Give specific instances in
support of rating especially for other than good ratings. _____

NOTE:

- 1) Please write the following letters for your rating for each performance category
- a. O – For Outstanding
 - b. E – For Excellent
 - c. G – For Good
 - d. A – For Acceptable
 - e. U – For Unsatisfactory
- 2) Brief Description of performance categories is given in ANNEXURE– B



PART – IV: DISCUSSION OF PERFORMANCE WITH EMPLOYEE

A) List out any written or oral warning or counseling given by his superiours during the year and had the employees reacted to it.

B) Reactions of Employees on Appraisal

PART – V: Forecast of potential and need of training

Signature:

Date:



ANNEXURE - A

OVERALL PERFORMANCE RATING

Overall performance rating will be determined with the help of following table.

	U	A	G	E	O
A. ACCOMPLISHMENTS	0	13	25	37	48
B. THINKING	0	5	10	15	20
C. RELATIONSHIP	0	4	8	12	16
D. KNOWLEDGE	0	4	8	12	16
TOTAL	0	26	51	76	100

Based on the total points obtained, the overall rating will be:

OUTSTANDING	:	If total points are 89 and above
EXCELLENT	:	If total points are 63 to 88
GOOD	:	If total points are 38 to 62
ACCEPTABLE	:	If total points are 16 to 37
UNSATISFACTORY	:	If total points are 15 and less



ANNEXURE – B

DEFINITIONS OF PERFORMANCE CATEGORY

A – OUTSTANDING:

Extremely high level of performance that is rarely attained. Unusually high quality of work that definitely excels in all important aspects of the job which is often done innovative way and in less than normally required time. Employee does not require guidance and assistance.

B – EXCELLENT:

Performance distinctly more than required for the job. Quality and quantity of output are definitely high especially in some important aspects of the job. Employee requires little guidance or assistance in performing assigned duties. He occupies key role in motivating others.

C – GOOD

Performance generally meets the requirements of the job. Employee produces results at least in all important aspects of the job. Completes assigned duties on time. No notable deficiency in important work aspects. Normally, requires guidance or assistance for complex non-recurring work. Such performance is generally attained by a majority of employees.
Employee may or may not be promoted.

D – ACCEPTABLE:

Employee's performance is lacking in one or more important aspects. Employee may be managing the job with some efforts. Employee normally requires guidance, follow-up and / or strict supervision.

Normally a small minority of employees are in the performance category.

E – UNSATISFACTORY:

Employee with clear evidence of inadequate and poor performance.



APPENDIX - 4

**THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA
EMPLOYEES' PROVIDENT FUND**

(Recognised under Section 588 (1) of the Indian Income Tax Act with effect from 31st May, 1959 by the Commissioner of Income Tax, West Bengal and the Andaman and Nicobar Islands, Calcutta vide Registration No. PF 58/58-59 dated 17th December 1979)

RULES AND REGULATIONS

1. These Rules and Regulations shall take effect as from the 1st day of January, 1956.
2. These presents shall constitute a trust, which trust shall be irrevocable save with the consent of all the beneficiaries; and save in the cases prescribed by Section 58C (1) (f) of the Indian Income Tax Act, no monies belonging to the Institution in the hands of the Trustees shall be recoverable by the Institute under any pretext whatsoever, nor shall the Institute have any lien or charge of any description on the same.
- 3.(a) "INSTITUTE" means the Institute of Cost and Works Accountants of India, as is at present or may hereafter be constituted;
- 3.(b) "MEMBER" means any employee of the Institute who has been elected to become a member of the Fund;
- 3.(c) "TRUSTEES" means the Trustees of the FUND for the time being appointed as hereinafter provided ;
- 3.(d) "WAGES: means only the fixed monthly wages and salaries received by each employee from the Institute and does not include any acting, officiating or personal allowance, bonus, commission or other remuneration or profit whatever, derived by any employees by any means outside his fixed ascertained salary ;
- 3.(e) "DEPENDENT" means any of the following relatives of a subscriber, namely, a wife, husband, parent, child, minor brother unmarried sister and deceased son's widow and child and, where no parent of the subscriber is alive a paternal grandparent;
- 3.(f) "EMPLOYEE" shall mean an officer or servant in the service of the Institute who is in receipt of pay as proposed to allowance, honorarium, fee or stipend;
- 3.(g) "MONTH" means a calendar month and "YEAR" means the period commencing on the 1st day of APRIL of any year and ending on the 31st day of March of the succeeding year, according to the English Calendar.
4. The Management of the Fund shall be vested in the Trustees for the time being and the necessary expenses of management shall be borne out of the fund.
5. There shall be five Trustees of the Fund consisting of 4 representative of Council, two representatives of officers and two from staff who shall be appointed by a Resolution at a Meeting of the Council of the Institute and if and whenever any Trustee shall die, resign, refuse to act or become incompetent or incapable of acting or shall permanently leave India the Council may appoint any other person or persons to be a new Trustee or new Trustees and on every such appointment the Fund shall be vested in the new Trustee or Trustees together with continuing Trustees or Trustee. Pending such appointment, the remaining Trustee or Trustees shall carry on the work of Fund. In this regard the Trustees may take decisions from time to time in meetings, the proceeding of which should be recorded in a minute book and the quorum for such meeting shall be three.
- 6.(a) Every employee of the Institute in the whole-time and permanent service of the Institute on 1st January 1956, and every employee who will so join the service of Institute on or after that date shall be a member of this Fund, and shall submit to these Rules and Regulations and sign an Agreement and execute a nomination in the forms annexed to these Rules and Regulations.



- 6.(b) Every subscriber shall nominate, at the time of joining the Institute, any person or persons to whom the whole or a part of the amount payable to him shall be paid in the event of this death, the amount payable to each such person being a specified share or percentage of the total amount due to the subscriber. But if the nominee be a minor the subscriber shall, at the time of nomination, also appoint a person of full age and free from any legal disability to whom, in the event of the subscriber dying before the minor nominee attains majority, the amount is to be paid on behalf of the minor nominee. When a nominee suffers under any legal disability to give a valid discharge, the subscriber must appoint in the nomination paper some other person to receive payment and give valid discharge on behalf of such nominee. No nomination in favour of a minor or of a person suffering under any other legal disability shall be valid without such appointment.

A nominee need not be a dependant of the subscriber.

If the person nominated be a dependant, the amount payable to him under these rules shall vest in and be payable to him on the death of the subscriber.

If a nominee predeceases the subscriber, the nomination, so far as it relates to such a nominee, shall be treated as null and void and payment in the case shall be regulated according to rule 15.

- 6.(c) Every whole-time and permanent employee shall remain a member till such time as he leaves the employment of the Institute. Any such employee will cease to be a member of the fund when his such employment with the Institute is terminated, and he shall be entitled to a return in full of his own compulsory and voluntary contributions as well as the Institute's contribution, including all interest, forfeitures etc. standing to the credit of the member's account upto the date of resignation, notwithstanding any contrary provision that may be contained in any other rules of the Fund, provided however that his membership ceases after 5 years from the date of his entry to membership. In case of cessation of membership on account of dismissal for misconduct or voluntary resignation of employment otherwise than on account of ill-health to be confirmed by a medical certificate or other unavoidable cause accepted by the Trustees before completion of 5 years of membership, he will be entitled to the refund of his own compulsory and voluntary contributions only together with the accrued interest thereon, if any.

- 6.(d) Before a member retires from service, he may change his nomination as often as he likes.

7. The Contribution of each member to the Fund shall be with effect from 1st January 1963 a sum equal to 8 1/3 per cent, with effect from 1st April 1975 a sum equal to 10 per cent of the amount of basic salaries and with effect from 1st April 1983 10 per cent of basic and Dearness Allowance earned by each employee calculated on each completed month of service, which contribution shall be known as "COMPULSORY SUBSCRIPTION" and shall be deducted by the Institute monthly from such salaries or wages before payment of same, and such contribution shall be placed to the credit of each employee with the Provident Fund forthwith. The rates or compulsory subscription may be revised and altered from time to time by the Trustees with the sanction of the Commissioner of Income-tax having jurisdiction over the Fund, but any change in the rate of compulsory contribution shall be given effect to from the beginning of the accounting year of the Fund.

Provided, however, that a member during any particular year may at his option contribute a sum not exceeding 20 per cent (including his compulsory subscription) of the amount of his basic salaries and Dearness Allowance, calculated on each completed month of service from the beginning of the accounting year of the Fund. The difference between the actual contribution of a member and his compulsory subscription shall be known as "VOLUNTARY SUBSCRIPTION", and such voluntary subscription shall be placed to his credit with the Fund forthwith, Voluntary subscription, if opted for by a member, shall be paid each month from the beginning of and to the end of the accounting year of the Fund and the rate of voluntary subscription shall not be changed by a member during the currency of the accounting year of the Fund.

8. The Institute shall month by month deduct from any salaries or wages payable by it to any employee who is a member of the Fund, such sum as may be required to pay any compulsory and voluntary



subscriptions due from him to the Fund, and shall from time to time deal with the sums so deducted in the manner prescribed in Rule 10.

9. For and in respect of each employee and of each completed month, the Institute shall contribute to the Fund a sum equal to the amount of the member's compulsory subscription.
10. The trustees shall, from time to time, pay into a Post Office Savings Bank Account all such monies as are received by them or at their discretion invest such monies in the Securities mentioned or referred to in clause(a) to (e) of Section 20 of the Indian Trusts Act, 1882 (II of 1882). Provided that where one-tenth part of the whole amount of the monies belonging to such Fund exceeds the maximum amount which may be deposited in a Post Office Savings Bank Account under the rules regulating such deposits for the time being in force, the amount of such excess may be kept or deposited in a special account to be opened for the purpose in a Scheduled Bank to be selected by the Trustees from time to time. The accounts shall be opened and investments made and maintained in the names of the Trustees. All monies to the credit of such accounts or investments shall be dealt with only in accordance with these Rules and Regulations, and all or any portion of such monies shall be withdrawn from such accounts only by cheque bearing the signatures of two Trustees. The trustees shall have powers at their discretion to vary or transpose the above investments subject to the restrictions mentioned above.
11. The Trustees shall, from time to time, draw such sum or sums as may be required for the purpose of these Rules and Regulations, and may, if necessary, raise monies required for same by sale of the securities held by them or of a sufficient part thereof or by a loan on the security of the same.
12. As soon as may be after the 31st of March of each year, the Trustees shall prepare a Balance Sheet and an Income and Expenditure Account showing the amount available on the 31st day of March, for division among the subscribers arising from the interest accrued on the Securities, any sums forfeited to the Fund under these Rules, any donations or monies given to the Fund including the Institute's contribution and all other monies being interest on investments and interest on loans, if any that should properly be brought into account, and shall ascertain and fix the value as on the said 31st day of March, of the investments and Securities representing the monies belonging to the Fund upon the basis of the actual cost or market value thereof for the time being, whichever be the lower, and shall forthwith debit to credit the same Income and Expenditure Account with the difference, if any, between the value at which such investment and Securities stand in the books of the Fund and the value so ascertained, and shall in the care of each subscriber debit or credit "Own Compulsory Contribution Account", "Own Voluntary Contribution Account" and "Institute's Contribution Account" in the books of the Fund in portion to the total amount standing to the credit of each subscriber on such 31st day of March in the said three last mentioned accounts with his proportionate share of the balance of such Income and Expenditure.

Provided, however, that any sums forfeited to the Fund, which may accrue during the year shall be divided amongst the members in proportion to the total amount standing to the credit of each subscriber with the Fund excluding the total amount of his voluntary contributions and the interest accrued thereon.
13. The books of the Fund shall at all reasonable times be open to the inspection of any subscriber and as soon as may be after the 31st day of March in each year, the Trustees shall send to each subscriber a memorandum showing the balance at his credit in each of his two accounts.
14. Except as is by those Rules and Regulations expressly provided, no member or any person or persons on his behalf, in respect of the employee's interest in the Fund, shall be entitled to claim any payment of money to him or them.
15. On the death of any member the Trustees shall pay to his nominees or to his executors or administrators on the production, to the Trustees, of probate of the will or letters of Administration of other Legal representation to the Estate of such member, the whole of the amount inclusive of Employee's compulsory and voluntary contributions, Employer's contributions -regular and contingent, interest, share of forfeitures etc. standing to his credit in the books of the Fund at the time of his death, and the Institute shall also contribute to the Fund for payment to such deceased



member's nominees, etc., a sum being the Institute's contribution for and in respect of the then current year subsequent to the 31st March preceding the death of the member which shall be not more than the amount of the deceased member's compulsory and voluntary subscriptions for the above mentioned current year. Nevertheless, if the total amount payable to the deceased member be less than Rs. 500/-, then on production of such evidence as may satisfy the Trustees they will be at liberty to pay such sum to the heirs, legal representatives or nominees of the deceased member.

16. The Institute's contribution including the interest thereon and the amount of the lapses and forfeitures added thereto shall, subject to the provisions contained in Rule 17, in the following cases lapses and be forfeited to the Fund, viz. , (1) when a member is dismissed from service for misconduct or (2) when a member, not entitled under the conditions of his employment to resign earlier, voluntarily leaves the service otherwise than on account of ill-health or other unavoidable cause accepted by the Council of the Institute within five years of his having become a member of the Fund.

Provided that the interpretation of the Council of the Institute in respect of "misconduct" in (1) above shall be final and binding.

Provided also that the Council of the Institute may at their discretion in the special circumstances of any case order payment of the whole or any part of the amount ordinarily liable to forfeiture under this rule.

17. When a member leaves the service of the Institute under the circumstances referred to in Section 58C(1)(f) of the Indian Income Tax Act, 1922, the Institute shall have a first and paramount charge upon the contributions made by it to the individual account of such member and to all interest credited in respect of such contributions in order to recoup all losses, damages, costs, and expenses which the Institute may at any time pay, sustain or be put to by reason of any act of embezzlement or default of or by such member, and all such monies as aforesaid for this but no other purposes, shall be deemed or treated as if they were deposits made by him for his fidelity and be dealt with accordingly and in the event of any claim arising against any such member the amount thereof shall be paid to the Institute to the extent that the aforesaid sums for the time being standing to his credit shall be sufficient.

18. In all cases wherein a certificate shall be required of the amount standing in the books of the Fund to the credit of a deceased member, for the purpose of obtaining free of stamp duty a grant of probate or Letters of Administration or any other purpose, such certificate shall be in the following form :-

THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA
EMPLOYEES' PROVIDENT FUND
12, Sudder Street, Kolkata – 700 016

Name

Dated

Address

It is hereby certified that the amount as stated below was standing to the credit of the above-mentioned member.

Own Voluntary Contribution upto ..	..	...	....
Own Compulsory Contribution upto	..	...	....
Institute's Contribution upto	..	....	....
Interest, etc. earned upto	...	....	....

Rs. P.

Total Rs. _____

N.B. – On the dismissal of a member from the service of the Institute, Institute's contribution and interests, etc. are liable to be deducted according to the provisions under Fund Rules Nos. 16 and 17.



- 19.(1) Members may be allowed, subject to the discretion of the Trustees, to take loans from the Fund, but withdrawals by employees shall not be allowed by the Trustees except on special grounds in the following circumstances or circumstances of a similar nature :-
- (a) To pay expenses incurred in connection with the illness of a subscriber or of his dependant;
 - (b) To pay expenses in connection with marriages, funerals or other ceremonies which by the religion of the subscriber it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred.
 - (c) To pay premia on policies of the Insurance on the life of the subscriber or of his wife provided that the policy is assigned to the Trustees of the Fund or at their discretion vested with them and that the receipts granted by the Insurance Company for the premia are from time to time handed over to the Trustees for inspection by the Income Tax Officer;
 - (d) To meet the expenditure on building or purchasing a house or a site for a house, provided that such house or site is assigned to the Trustees of the Fund,
- 19.(2) (a) Where a withdrawal is allowed for a purpose specified in (c) or (d) of sub-rule (1), the amount withdrawn need not be repaid.
- (b) Where a withdrawal is allowed for any other purpose the amount withdrawn shall be repaid within a period of not more than 24 equal monthly instalments or before the member's service is terminated, whichever is earlier. Provided that the withdrawal in connection with marriages as specified in (b) of sub-rule (1) shall be repaid within a period of not more than 48 equal monthly instalments.
- 19.(3) Except for the purpose specified in (d) or sub-rule (1) no withdrawal shall exceed (i) the pay of the employee for three months, or, in the case of withdrawal in connection with marriage as specified in (b) of sub-rule (1) or for the purpose specified in (c) of sub-rule (1), six months, at the time when the advance is granted, or (ii) the total of the accumulation of exempted contributions and exempted interest contained in the balance to the credit of the employee, whichever is less.
- 19.(4) (a) The withdrawal for the purpose specified in (d) of sub-rule (1) shall be permitted upto one-half of the amount standing to the employees' credit or the actual cost of the house and/or site, whichever is less and shall in addition be subject to the following conditions:
- (i) that the employee should have completed the prescribed years of service as per provisions of P.F. Act or is due to retire before another 5 years;
 - (ii) that the construction of the house should be commenced within 6 months of the withdrawal and should be completed within one year from the date of commencement of construction. If the advance is taken for repayment of loan previously raised for the purpose, the repayment of the loan should be made within three months of the withdrawal of the advance;
 - (iii) that in the case of construction of a house, withdrawal should be permitted only in two or more equal instalments (not exceeding 4), one instalment being permitted only after verification by the Institute or the trustees about the actual utilisation of the earlier withdrawal;
 - (iv) that the advance shall be payable only if the house site and/or house is free from encumbrances. No advance shall be payable for purchasing a share in a joint property or building or house or land whose ownership is divide



- (v) that if the amount withdrawn exceeds the actual cost, the excess shall be refunded to the trustees forthwith in one lump sum, together with interest at the rate prescribed in these bye-laws from the month of such withdrawal by the employees for being credited to the employee's account in the Provident Fund.
- 19.(4) (b) The final withdrawal of employees contribution standing at the credit of his a/c may be made for the purpose of House Building in accordance with the provisions of PF Act.
- 19.(5) In respect of a withdrawal which is repaid in not more than 12 monthly instalments, an additional instalment of 4 per cent of the amount withdrawn shall be paid on account of interest and in respect of a withdrawal which is repaid in more than 12 monthly instalments, two such additional instalments of 4 per cent of the amount withdrawn shall be paid on account of interest.
- 19.(6) (a) Save as hereinafter permitted in (b), (c), (d) and (e) of this sub-rule, a second withdrawal shall not be permitted until the sum first withdrawn shall be fully repaid.
- (b) A withdrawal may be permitted for the purpose specified in (c) of sub-rule (1) notwithstanding that the sum withdrawn for any other purpose has not been repaid.
- (c) Subsequent withdrawals for the purpose specified in (c) of sub-rule (1) may be permitted notwithstanding that the sums previously withdrawn for the same purpose have not been repaid.
- (d) A withdrawal for any one of the purposes of sub-rule (1) other than those specified in (c) of that sub-rule may be permitted notwithstanding that the sums withdrawn for the purpose of (c) the same sub-rule have not been repaid.
- (e) A withdrawal for any one of the purpose of sub-rule (1) other than those specified in (c) and (d) of that sub-rule shall be permitted notwithstanding that the sum withdrawn for the purpose of (d) of the same sub-rule has not been repaid.
- 19.(7) The Institute shall deduct such instalments from the employees' salary and pay them to the Trustees. These deductions shall commence from the second monthly payment made after withdrawal or in the case of an employee on leave without pay, from the second monthly payment made after his return to duty.
- 19.(8) In case of default of repayment of instalment under sub-rules (5) and (7), the Commissioner of Income Tax having Jurisdiction over the Fund may at his discretion order that the amount of the withdrawal or the amount outstanding shall be added to the total income of the employee for the year in which the default occurs and the Income Tax Officer shall assess the employee accordingly.
20. Except in so far as is provided in Rule 19, no member shall be entitled to draw money on the Fund against his interest in it or also, subject to the provisions of Rule 19(I) (d) above, to transfer or assign whether by way of security or otherwise his interest or any part thereof in the Fund and no such transfer or assignment shall be valid and the Trustees and the Institute shall not recognise or be bound by notice to them respectively of any such transfer or assignment and all monies standing in the books of the Fund to the credit of the member so transferring or assigning his interest as aforesaid shall be forthwith forfeited as from the date of that transfer or assignment to the use of the Fund, and be dealt with accordingly. Provided that the Trustees shall be at liberty, if the Trustees in their uncontrolled discretion shall think fit, at any time thereafter, to give such monies or any part thereof for the benefit of such member, or his wife, children or relation, and the Trustees shall deal with such monies accordingly. Further if any prohibitory order or attachment or process of a Civil Court be served upon the Trustees, or the Institute or any of them or any person on their behalf by which any monies standing to the credit of any member in the books of the Fund shall be attached, or be ordered to be paid to a Civil Court, or be ordered to be withheld from such member, such monies shall be withdrawn from the credit of the member's account and be dealt with accordingly.



21. The Institute undertakes to hold every Trustee indemnified against all proceedings, costs and expenses, occasioned by any claim in connection with the Fund not arising from his negligence or fraud.
22. Subject to the prior approval of the Commissioner of Income Tax having jurisdiction over the Fund, it shall be lawful for the Trustees from time to time, and at any time thereafter, in writing under their hands, to alter, vary, modify, remake, rescind, or add to these Rules and Regulations, or any of them, but so that no such alteration, variation, modification, remaking, rescission, or addition, shall affect adversely the right of any member with respect to the fund.
23. Subject to the first proviso under Rule 16, if any dispute shall at any time arise between the Trustees for the time being of the Fund, on the one hand, and any member or any Executor, Administrator, or next of kin of any member or any person claiming as such next of kin, or in any other capacity, on the other hand, regarding these Rules and Regulations and the interpretation thereof, or any matter arising thereout or connected therewith, then and in every such case the matter in dispute shall be referred in writing to two Arbitrators, and such reference shall be deemed to be submission to arbitration with the Indian Arbitration Act, 1899, or any statutory modification or re-enactment thereof, for the time being in force, the provisions whereof shall apply as far as applicable.

Provided, however, that in all matters relating to Income Tax the decision of the Commissioner of Income Tax having jurisdiction over the Fund or any higher authority shall be final.
24. The Institute shall at any time an accumulated balance due to an employee is paid, deduct therefrom in accordance with Section 58H of the Indian Income Tax Act, 1922, any income tax payable under the provisions of the Indian Income Tax Act, 1922 and also maintain an account for each member of the Fund in accordance with Section 581 (1) read with Rule 6 of the Indian Income Tax (Provident Fund Relief) (Central Board of Revenues) Rules as shown in Form No.4.
25. The Provident Fund shall not be closed except when the Cost and Works Accountants Act No. 23 of 1959 is repealed. In the event of the repealing of the said Act. No. 23 of 1959, the Fund shall be closed and the moneys, effects, etc. of the Fund shall be divided amongst the Members of the Fund then existing by payment to each of them a sum which shall bear the same proportion to the aggregate market value or proceeds of the securities and uninvested cash then constituting the Fund as the amount then standing to the credit of the Member in his individual account bear to the aggregate of the amounts then standing to the credit of the individual accounts of all such members.



APPENDIX - 5

PROMOTION POLICY

A uniform Promotion Policy was laid down for the Officers of the Institute to generate sense of involvements, high morale and the resultant efficiency of all the officers. The details of the policy are given below (Compilation of the decisions of the Council /Executive Committee held on 24.8.86, 18.3.1991, 17.5.1997)

1. Appointment in the lowest grade of Officers, viz.. Section Officers/Accountants will be made by - internal promotion in accordance with the policy laid down in the ICWAI Staff Service Rules, 1983.)
2. Appointment to the next higher grade, i.e. Assistant Director and equivalent positions as indicated in Appendix I of the ICWAI Officers Service Rules, 1983, will be made by direct recruitment through proper advertisement when internal candidates possessing the prescribed qualifications may also be permitted to apply and compete for selection on merit.

In pursuance of the Rule 7 of the ICWAI Officers' Service Rules 1983 and in partial modification of earlier guidelines the Council at its 141st Meeting held on 18th March, 1991 approved the following guidelines:

- 1) The vacancies in the post of Deputy Director may also be filled up by direct recruitment through advertisement. Internal candidates fulfilling the minimum requirements will be eligible to apply for consideration on merit against such advertisements.
- 2) One of the essential qualifications for direct recruitment to the post of Assistant Director and above will be a good Post Graduate degree. Membership of ICWAI will be an advantage. For direct recruitment to the post of Assistant Director, essential qualification may be relaxed in exceptionally meritorious cases at the discretion of the Executive Committee.
- 3) The vacancies in the post of Assistant Director should continue to be filled up by direct recruitment through advertisement and the Section Officers or equivalent fulfilling the minimum requirement will be eligible to apply for consideration on merit against such advertisements.

In order to provide career development opportunities, the Section Officers or equivalent not fulfilling the minimum requirement for direct recruitment, may be considered for promotion to the post of Assistant Director or equivalent, on supernumerary basis, on fulfillment of such terms and conditions as may be prescribed by the Executive Committee from time to time.

In accordance with the decision of the Council, as aforesaid, the Executive Committee of the Council of the Institute at its 209th Meeting held on 22nd April, 1991, 210th Meeting held on 18th May, 1991 and 211th Meeting held on 1st July, 1991 prescribed the terms and conditions and the guidelines to provide career development opportunities in respect of Section Officers or equivalent of the Institute. These guidelines are given in the (ANNEXURE – I)



ANNEXURE – I

(A) Guidelines to provide career development opportunities in respect of the Section Officers or equivalent

- 1) The Section Officers or equivalent will be eligible to apply for consideration on merit for appointment to the post of Assistant Director against advertisement subject to fulfillment of prescribed condition.
- 2) Subject to the condition that during the period of reckonable service as provided here under—
 - a. There is no record of unsatisfactory performance, dereliction of duty or misconduct or any other similar charges;
 - b. There is no penalty of pay cut;
 - c. There is no adverse report such as—
 - i. Frequent unauthorized absence even after issue of memos;
 - ii. Frequent late arrivals even after issue of memos;
 - iii. Creating indiscipline in office;
 - iv. Assaulting or attempting to assault any employee of the Institute;
 - v. Insubordination ;
 - vi. Any other against them.

the Executive Committee may consider the cases of Section Officers or equivalent for promotion to the post of Assistant Director or equivalent, as may be decided, on supernumerary basis on completion of 6 complete years of service as Section Officer or equivalent, on the recommendation of the Secretary, on merit after due assessment. While making the assessment, special consideration will be given to the employees having outstanding reports during this period or having Post Graduate Degree and/or Membership of ICWAI. On such promotion the pay of the concerned employee will be fixed as per normal rules.

- 3) Number of persons to be promoted and/or up gradation of posts to be made to give effect to such promotions will be decided by the Executive Committee.
- 4) The promotees will carry out the duties of their existing positions as also any other duties and higher responsibilities as may be assigned from time to time by or under orders of the Secretary.
- 5) Promotions under these revised guidelines will be effective from 1st July, 1991 and will continue until further revision. The Supernumerary promotion cases, as indicated above, will be considered once in a year as on 1st July.

Note:

Assistant Director – equivalent positions:

- 1) Assistant Public Relation Officer
- 2) Assistant Programme Officer
- 3) Assistant Development Officer or the like.

- (B) Appointment to the grade of Deputy Directors will be made by internal promotion on merit from the grade of Assistant Directors and equivalent position's subject to *their* possessing the prescribed qualifications for the specific posts of Deputy Directors and having a minimum of 5 years experience as Assistant Director/equivalent position In the Institute.

However, for the qualifications for promotion to the post of Deputy Director the proscribed period of experience should be three years in case of member of the Institute. Relaxation of two years' experience may be given to those possessing Institute's membership qualification. The vacancies in the post of Deputy Director may also be filled up by direct recruitment through advertisement. Internal candidates



fulfilling the minimum requirements will be eligible to apply for consideration on merit against such advertisements.

Provided that officers with six years or more satisfactory experience an Assistant Director/equivalent position in the Institute but failing to, obtain promotion on merit to the grade of Deputy Director due to lack of sufficient number of vacancies may be eligible for consideration for promotion to supernumerary position by temporary up gradation of the position of Assistant Director/equivalent position held by them.

The vacancies in the post of Deputy Director may also be filled up by direct recruitment through advertisement. Internal candidates fulfilling the minimum requirements will be eligible to apply for consideration on merit against such advertisements.

One of the essential qualifications for direct recruitment to the post of Assistant Director and above will be a good Post Graduate degree. Membership of ICWAI will be an advantage. For direct recruitment to the post of Assistant Director, essential qualification may be relaxed in exceptionally meritorious cases at the discretion of the Executive Committee

- (C) Appointment of Joint Director may be made in a department only a preliminary step towards appointment of a Director as Head of the Department in due course which should normally be a period of three years. Such appointment of Joint Director may be made by internal promotion from the grade of Deputy Director subject to fulfillment of proscribed qualifications for a specific post failing which by direct recruitment through press advertisement.
- (D) Appointment of Directors may be made in accordance with 3 above or by direct recruitment through press advertisements.
- (E) Appointment of Secretary shall be made by direct recruitment through press advertisement.
- (F) Appointment to any other post of different designation in a scale not covered by the aforesaid principles will be according to specific decisions of the Executive Committee/Council of the Institute from time to time.

In this connection, the Executive Committee emphasized the following guidelines in the matter of appointment to the grade of Officers as envisaged above:

- (a) Merit should be the basic criteria for promotion/recruitment to the Officers' cadre.
- (b) For all posts of Officers internal candidates should be considered subject to their possessing prescribed qualifications.
- (c) Possessing the Final ICWAI Examination pass qualification shall be a special consideration for increments/promotion.
- (d) A 3-tier system of Annual Confidential Report should be introduced to evaluate the performance of the Officer.

Modified Rules for promotion/up gradation as applicable to the existing officers at the level of Assistant Director and above upto the level of Joint Director who were recruited prior to 1995 without professional qualification of ICWA/IICAI/ICSI

1. Officers at the level of Assistant Director/Deputy Director or equivalent who do not possess the prescribed qualification and were recruited before prescription of such qualification as the minimum qualification will be considered for promotion/up gradation treating their existing qualification as the approved qualification as the minimum qualification as a special case, on



completion of six years of satisfactory services in the Institute in the same grade, on *merit only* to the next higher post on personal promotion basis after due assessment by the Executive Committee upon recommendation of the Secretary of the Institute subject to availability of vacancy. Such assessment will be made once in a year i.e. on 1st July each year.

2. *In* case an employee is due to retire from the Institute's services without having the opportunity of getting promotion after putting five years service in a particular grade, he/she may be considered by the Executive Committee for promotion/up gradation to the next higher post/grade on *merit only* after due assessment as indicated above on personal promotion basis during last year of his/her services.
3. *In* the case of existing Joint Directors who are not having professional qualification of ICWAI/ICAI/ICSI and were recruited before 1995, they will be considered for promotion/up gradation to the next higher post of Director on personal promotion basis on *merit only* after due assessment as indicated above on completion of three years satisfactory services in their post/grade subject to availability of vacancy.
4. While promotion/up gradation in the case of Assistant Director or Dy. Director for the next higher post will be decided by the Executive Committee, the case of promotion/up gradation of Joint Director to the post of Director, as per revised norms mentioned above will require approval of the Council as per existing procedures.
5. This will take immediate effect and will remain effective till the new promotion rules which are in the process of finalization are implemented with the approval of the Executive Committee and the Council of the Institute. Past cases decided otherwise including those cases where the employees have already retired from the Institute services will not be reopened.



APPENDIX- 6

[Since discontinued]

DEARNESS ALLOWANCE RULES

Dearness Allowance linked with the Middle Class Cost of Living Index, shall be payable to all employees at the rate of 5% on first Rs. 200, 2.5% on next Rs. 100 and 1.25% on the Balance of basic pay for every ten-point increase in the Cost of Living Index beyond the Index No. 480 (Base year 1939 = 100) subject to such ceiling as may be laid down by the Council from time to time.

ADDITIONAL DEARNESS ALLOWANCE

An additional Dearness Allowance at the rate of 2% of basic Pay upto the basic pay of Rs. 1000/- per month for every 10 Points rise in the Middle Class Consumer Price Index over 1250 points (Base year 1939 = 100) will be allowed effective from 1st April 1983. The Additional Dearness Allowance payable as aforesaid shall be subject to a minimum payment of Rs. 60/- per month and a maximum of Rs. 200/- month for all categories of staff.



APPENDIX- 7

W.e.f. 2.2.1988, in case of Travel on Transfer, involving change of station, Travelling allowance shall be admissible with reference to the gradation of Basic Pay at the following rates :

Travelling Allowances on Transfers:

Pay Range (Rs.)	Lump-sum Transfer Grant (Rs.)	Packing Allowance (Rs)
5,100 and above	4,300	1,500
2,800 and above but less than 5,100	3,000	1,200
1,900 and above but less than 2,800	1,500	900
1,400 and above but less than 1,900	1,000	600
1,100 and above but less than 1,400	600	600
Below 1,100	450	450