

**WORKMEN APPOINTMENT, PAY AND ALLOWANCES
REGULATIONS, 1988.**



NATIONAL DAIRY DEVELOPMENT BOARD
ANAND - 388001

**THE NATIONAL DAIRY DEVELOPMENT BOARD
WORKMEN (APPOINTMENT, PAY AND ALLOWANCES)
REGULATIONS, 1988.**

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NATIONAL DAIRY DEVELOPMENT BOARD

NOTIFICATION

New Delhi, the 24th April, 2007

The National Dairy Development Board Workmen (Appointment, Pay and Allowances)
(Amendment) Regulations, 2007

No. DEL : NDDB.—In exercise of the powers conferred by Section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling them in that behalf, the Board of Directors hereby make the following amendments, namely :—

1. Short title and commencement

- (1) These regulations may be called the National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Amendment) Regulations, 2007.
- (2) Save as otherwise, provided in these regulations, the provisions, thereof shall come in to force on the date of their publication in the Gazette of India.

2. Amendments to the National Dairy Development Board Workmen (Appointment, Pay and Allowances) Regulations, 1988

Regulation No. 14 shall be deleted and the following shall be substituted, namely :—

“14. Re-employment in the NDDB's service

- (i) No person who has been dismissed or has otherwise terminated from the services of NDDB or retired on attaining the age of superannuation or compulsorily retired under regulations, shall be re-employed. A person who has resigned or retired from the service of NDDB under regulation No. 20 may be re-employed with the specific sanction of and on such terms and conditions as may be prescribed by the Managing Director.
- (ii) Except as otherwise provided by the Managing Director at the time of his re-employment, these regulations shall apply to a person, who is re-employed in the NDDB's service, as if he had entered the service for the first time on the date of his re-employment.”

DEEPAK TIKKU, Managing Director

[ADVT. III/IV/Exty/132/2007]

अधिसूचना

नई दिल्ली, 24 अप्रैल, 2007

राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन एवं भत्ते) (संशोधन) विनियमन, 2007

सं. दि. : राडेवि बोर्ड.—राष्ट्रीय डेरी विकास बोर्ड अधिनियम, 1987 (1987 का 37) की धारा 48 द्वारा प्रदत्त शक्तियों एवं इस ओर से प्राप्त अन्य सभी शक्तियों का प्रयोग करते हुए, निदेशक मंडल एतद्वारा निम्नलिखित संशोधन करते हैं :

1. संक्षिप्त शीर्षक एवं आरम्भ

- (1) इन विनियमनों को राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन एवं भत्ते) (संशोधन) विनियमन, 2007 कहा जाएगा।
- (2) जब तक कि इन विनियमनों में अन्यथा न कहा जाए, इसमें वर्णित प्रावधान भारत के राजपत्र में प्रकाशित तिथि से लागू होंगे।

2. राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन एवं भत्ते) विनियमन, 1988 में संशोधन।

विनियमन सं. 14 को हटाया जाएगा तथा निम्नलिखित को प्रस्थापित किया जाएगा :

“14. एनडीडीबी की सेवाओं में पुनःनियोजन

- (i) जिस व्यक्ति को विनियमनों के अधीन एनडीडीबी की सेवाओं से निकाल दिया गया है अथवा जिसकी सेवाएं अन्यथा समाप्त कर दी गई हैं अथवा जो अधिवर्षिता की उम्र होने पर सेवानिवृत्त हुआ है अथवा जिसे जबरदस्ती सेवानिवृत्त कर दिया गया है, उसे पुनःनियोजित नहीं किया जाएगा। जिस व्यक्ति ने विनियमन सं. 20 के अधीन एनडीडीबी की सेवाओं



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग III—खण्ड 4
PART III—Section 4

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 101] नई दिल्ली, शनिवार, जून 24, 2006/आषाढ़ 3, 1928
No. 101] NEW DELHI, SATURDAY, JUNE 24, 2006/ASADHA 3, 1928

NATIONAL DAIRY DEVELOPMENT BOARD

CORRIGENDUM

New Delhi, the 1st June, 2006

Corrigendum in respect of English version of The National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Amendment) Regulations, 2006 notified in the Gazette of India, Part III—Section 4 (Extraordinary) No. 75, dated May 4, 2006/Vaisakha 14, 1928 (page No. 2).

Description	As appeared in the Gazette	May be read as
Clause No. 1(1)—in the second line after the words “and allowances”	(Workmen)	(Amendment)
Clause No. 2—in the second line of title, after the words (Appointment, Pay and Allowances)—to omit	(Workmen)	—
Clause No. 2(1)(y)—in the fourth line after the words “to a permanent”	Workmen	Workman
Clause No. 2—in the first line of title 18A, after the words “service of”	Workmen	Workman

Amrita Patel
AMRITA PATEL, Chairman

[ADVT. III/TV/132/2006/Ext.]

NATIONAL DAIRY DEVELOPMENT BOARD

NOTIFICATION

New Delhi, the 4th, May, 2006

The National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Amendment) Regulations, 2006

No.DEL:NDDB .—In the exercise of the powers conferred by Section 48 of the National Dairy Development Board Act, 1987 (37 of 1987), the Chairman performing the functions of the Board of Directors in accordance with Section 11(2) of the said Act, hereby makes the following regulation, namely :

1. Short title and commencement :

- (1) These regulations may be called the National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Workmen) Regulations, 2006.
- (2) Save as otherwise provided in these regulations, the provisions thereof shall come into force on the date of their publication in the Gazette of India.

2. Amendment to the National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Workmen) Regulation, 1988:

- (1) In Sub-regulation 3, the following definition may be inserted after definition of "workman", thus:—

- (y) "Fixed Term Employment Workman" means a workman who is engaged on the basis of contract of employment for a fixed period. However, his working hours, salary, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent Workmen proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.

The following sub-regulation may be inserted after sub-regulation 18, thus:

18A. Termination of service of Workmen appointed on fixed term

No Workmen appointed on fixed term employment basis as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated.


AMRITA PATEL, Chairman

[ADVT. III/IV/Ext/132/2006]

अधिसूचना

नई दिल्ली, 4 मई, 2006

राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन और भत्ते) (संशोधन) विनियमन, 2006

सं. दिल्ली : एनडीडीबी .—राष्ट्रीय डेरी विकास बोर्ड अधिनियम, 1987 (1987 का 37) की धारा 48 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए अध्यक्ष उक्त अधिनियम की धारा 11 (2) के अनुसार निदेशक मंडल के कार्यों का निष्पादन करते हुए निम्नलिखित विनियमन बनाते हैं, अर्थात् :—

1. संक्षिप्त शीर्षक एवं आरंभ :

- (1) इन विनियमनों को राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन और भत्ते) (संशोधन) विनियमन, 2006 के नाम से जाना जाएगा।
- (2) जब तक कि इन विनियमनों में अन्यथा न कहा जाए, ये उपबंध भारत के राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन और भत्ते) विनियमन, 1988 में किया गया संशोधन :

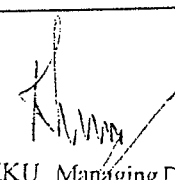
- (1) उप-विनियमन 3 में, "अस्थायी अधिकारी" की परिभाषा के बाद निम्नलिखित परिभाषा को सम्मिलित किया जाए, अतः :—
(मक) "नियत अवधि रोजगार अधिकारी" का आशय है कि वह अधिकारी जिसको रोजगार के लिए संविदा के आधार पर नियत अवधि के लिए रखा गया है। यद्यपि; उसका कार्य-समय, वेतन, भत्ते, तथा अन्य लाभ स्थायी अधिकारी से कम नहीं होंगे।

CORRIGENDUM

New Delhi, the 23rd October, 2002

The National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Amendment) Regulations, 2002 notified in the Gazette of India, Part III-Section 4 (Extraordinary), No.183 dated September 10, 2002/Bhadra 19, 1924.

Details of Notification published	Details of Notification to be rectified/ corrected/added
Regulation 1 (1) : These regulations may be called the National Dairy Development Board Workmen (Conduct, Discipline & Appeal) (Amendment) Regulations, 2002.	Read Regulation 1 (1) : These regulations may be called the National Dairy Development Board Workmen (Appointment, Pay and Allowances) (Amendment) Regulations, 2002.
Title of Regulation 2 : Amendments to the National Dairy Development Board Workmen (Conduct, Discipline & Appeal) Regulations, 1988.	Read Title of Regulation (2) : Amendments to the National Dairy Development Board Workmen (Appointment, Pay and Allowances) Regulations, 1988. Add : Regulation 2(3) : The clause (c) of Sub-regulation (1) of Regulation 63 shall be deleted.


DEEPAK TIKKU, Managing Director

[ADVT III/XV/132/2002/Ext'y.]

THE NATIONAL DAIRY DEVELOPMENT BOARD WORKMEN (APPOINTMENT, PAY AND ALLOWANCES) REGULATIONS, 1988.

In exercise of the powers conferred by section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling him in that behalf, the Chairman performing the functions of the Board of Directors in accordance with section 40 of the said Act, hereby makes the following regulations, namely:

CHAPTER I

PRELIMINARY

1. Short title and commencement

- (1) These regulations may be called the National Dairy Development Board Workmen (Appointment, Pay and Allowances) Regulations, 1988.
- (2) They shall come into force on the date of their publication in the Gazette of India.

2. Application

- (1) Save as otherwise expressly provided by the terms of contract, agreement or order of appointment, deputation or secondment, these regulations shall apply to every workmen of the National Dairy Development Board.
- (2) For the removal of doubts, it is hereby declared that every –
 - (a) Managed Unit, or
 - (b) subsidiary Unit, or
 - (c) Pilot Project,shall continue to have their respective separate identity, and that these regulations shall not apply –
 - (i) to any person employed in any of them unless otherwise decided by the Board in relation to each of the Units or Projects, or
 - (ii) to any person employed in any Subsidiary Company, of which NDDB is a participant.
- (3) Notwithstanding anything contained in sub-regulation (2), every workman of the NDDB who is on assignment to a Managed Unit, Subsidiary Company, subsidiary Unit or Pilot Project, shall be governed by the provisions of these regulations.

3. Definition

- (1) In these regulations, unless the context otherwise requires –
 - (a) “Act”, means the National Dairy Development Board Act, 1987 (37 of 1987);
 - (b) “Appointing Authority”, in relation to any workman, means the authority or officer, for the time being, competent to make appointment to the post held by the workman, or to the grade applicable to the said workman;

- (c) "Authority", includes the Chairman, Managing Director or any other officer designated for the purpose;
- (d) "Board", means the Board of Directors of the National Dairy Development Board;
- (e) "Chairman", means the Chairman of the NDDB, being the full-time Chief Executive thereof, and so long as the post is continued to be held by the Chairman who held the same on the appointed day, (being a person not in receipt of any salary) it shall be deemed to be an honorary post for which the salary payable shall be nil and all the other conditions including allowances and perquisites shall be such as may be determined by the Central Government;
- (f) "Competent Authority", in relation to any workman or other employee or with respect to any matter, means the Board or the Chairman or any other Authority to whom the Board or Chairman has delegated the power in relation to the workman or other employee, or in respect of the matter, as the case may be;
- (g) "employee", means an officer or workman of the National Dairy Development Board;
- (h) "Government", means the Central Government or any State Government;
- (i) "Government Servant", means a person who is a member of a service or who holds a civil post under the Central or a State Government and includes any such person on foreign service;
- (j) "lien", means the right of a workman to hold substantively, either immediately or on the termination of a period or periods of absence, a post which he has been holding in a permanent capacity;
- (k) "month", means a month reckoned according to the British calendar;
- (l) "Managing Director", means an officer of the NDDB holding a post designated as Managing Director thereof;
- (m) "Managed Unit", means an organisation managed by NDDB but not owned by it and includes the following, namely:
 1. Sabarmati Ashram Gaushala;
 - *2. Sugam Dairy;
 - *3. Mother Dairy, Calcutta;
 - *4. Patna Dairy Project;
 - *5. Bhavnagar Vegetable Product Unit;
 - *6. Rohtak Dairy Project;
 - *7. Rashtriya Vriksha Mitra Sahyog;
 - *8. Surat APS;
- (n) "National Dairy Development Board", or "NDDB" means the body corporate constituted under section 4;
- (o) "organisation", includes a Firm;

* No more managed Units of NDDB

(p) "Pilot Project", means a project which is undertaken by the NDDB to demonstrate alternate innovative strategies and includes the projects known at the commencement of these regulations as hereunder, namely:

- **1. Fruit and Vegetables Unit,
- **2. Tree Growers Cooperative Project;
- **3. Salt Project;
- **4. Rural Electricity Cooperative Project;
- **5. Fisheries Project;

(q) "permanent workman", means a workman who is employed against the permanent post and who has been duly confirmed;

(r) "personal pay", means additional pay granted to a workman—

- (a) to save him from a loss of substantive pay in respect of a permanent post due to a revision of pay, or to any reduction of substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other special considerations;

(s) "section", means the section in the Act;

(t) "Subsidiary Company", means a subsidiary Unit or Project of the NDDB registered as a Company under the Companies Act, 1956 (1 of 1956), and includes the following namely:

*Hindustan Packaging Company Limited;

(u) "Subsidiary Unit", means a subsidiary or a Unit owned by NDDB whether managed by it or not, and includes the following, namely:

- *** 1. Mother Dairy, Delhi;
- *** 2. Indian Dairy Machinery Company;
- *** 3. Indian Immunologicals;

(v) "trainee", means a learner, by whatever name called, who is engaged to undergo training, whether with or without stipend, in terms of a special agreement and who will not be regarded as an employee of the NDDB;

(w) "temporary workman", means a workman —

- (i) who is engaged temporarily for doing work which is likely to be completed within a limited period; or
- (ii) who is employed temporarily as an additional workman in connection with the temporary increase in workload;

(x) "workman", means any person (including an apprentice) employed in the NDDB to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—

** No more Pilot Projects of NDDB.

* No more Subsidiary Company of NDDB.

*** No more Subsidiary Units of NDDB.

- (i) who is employed mainly in a managerial or administrative capacity; or
- (ii) who –
 - (a) being employed in a supervisory capacity, draws wages, exceeding one thousand six hundred rupees per mensem, or
 - (b) exercises functions mainly of a managerial nature, either by the nature of the duties attached to the office or by reason of the powers vested in him.

Explanation : In this clause the term “wages” shall have the same meaning as it has under the Industrial Disputes Act, 1947 (14 of 1947) for the time being in force.

- (2) All words and expressions used and not defined in these regulations but used in the Act, shall have the meanings respectively assigned to them under the Act.

CHAPTER II

APPOINTMENTS, PROBATION AND TERMINATION OF SERVICES

4. Creation of posts and appointments

- (1) All posts in the NDDB shall be created by the Board, and the Board may, by order, delegate, subject to such general or special conditions as it may deem fit to impose, the powers of appointment of any workman or class of workmen, to a Managing Director or to such other officer as it may specify ;
- (2) Without prejudice to the generality of the powers of the Chairman under the Act, for the removal of doubts, it is hereby declared that the Chairman shall be competent to perform the functions of the Board for the purpose of sub-regulation (1) and where he does so, the same shall be reported to the Board ;
- (3) Every delegation of powers of appointment, made after the appointed day, and before the commencement of these regulations by the Board, or by the Chairman exercising the powers of the Board, shall be deemed to be a delegation made under this regulation and be as valid and effective as if these regulations were in force on that day ;
- (4) In respect of all posts in the NDDB, whether existing at the commencement of these regulations or created by the Board thereafter, it shall be competent for the Board to specify the educational or other qualifications that are necessary or desirable:

Provided that, in relation to posts held by workmen at the commencement of these regulations, the specification of qualifications under this sub-regulation shall not be deemed to affect the continuance in the posts by the workmen holding them.

5. Verification of character and antecedents

The Appointing Authority as to its discretion, shall verify the character and antecedents of a person selected as a workman in such manner as he may deem fit.

6. Pay and appointment

All first appointments shall ordinarily be on the minimum basic pay of the grade applicable to the post to which the workman concerned is appointed:

Provided that the Chairman or the Managing Director authorised by him in that behalf, may, having regard to the circumstances of any case, authorise the fixation of starting basic pay at any stage in the grade.

7. Age limit

- (1) The age of a person at the time of his first appointment to the service of the NDDB shall not be less than eighteen or more than thirty years.
- (2) The Chairman may, having regard to the circumstances attendant thereto, declare that in any particular case or any class or category of cases, there shall be no age limit.

8. Commencement of Service

Save as otherwise provided under these regulations, service of a workman appointed to any post shall be deemed to commence on the working day on which a workman reports for duty at the place and time intimated to him by the Appointing Authority, provided that such reporting is in the forenoon, and where the reporting is thereafter, the service shall commence on the following day.

9. Probation on appointment

- (1) Every person appointed to a post as a workman shall, on his first appointment, be on probation for a period of not less than one year from the date of his appointment and the period of probation shall continue unless he is confirmed in writing by the Appointing Authority.
- (2) The Managing Director may, at his discretion, dispense with or reduce the probationary period.
- (3) It shall be a condition of the appointment and of the commencement of service that, during the period of probation, the workman shall be liable to be discharged from the service without any reason being assigned by giving one month notice or pay in lieu thereof.

10. Appointment by promotion

- (1) Appointment to any post by the promotion of a workman already in service, shall be made only after having regard to the number of vacant positions, the needs of the NDDB quality and length of service and suitability of the workman to hold the higher post, and for the purpose of ascertaining the suitability, it shall be competent for the management to hold any test.
- (2) A workman to be eligible for promotion to a post shall be within the age limit and possess the qualification specified for the post and shall have to put in at least five years of service in the lower post and this limit may be relaxed by the Managing Director.
- (3) The educational qualifications, experience, age etc. stipulated for any post may be relaxed, in the case of a workman for the purpose of his promotion, by the Managing Director.
- (4) Nothing in this or any other regulation shall be deemed to imply that a workman is entitled to promotion as a matter of right or to enable him to assert any claim in respect thereof.

11. Probation on promotion

- (1) Every workman who is promoted to a higher post shall be deemed to be on probation in the higher post for a period of not less than one year from the date of his appointment on promotion and the period of probation shall continue unless he is confirmed in writing in the higher post by the Appointing Authority, and during that period, the workman shall retain his lien on the lower post and the period shall count as confirmed service in that lower post for all purposes.
- (2) The Appointing Authority may, at its discretion, dispense with or reduce the period of probation.

- (3) It shall be the implied condition of every promotion to a higher post that, during the period of probation in the higher post, the workman shall be liable to be reverted to the lower post without any reason being assigned or notice being given.

12. Certificate of health

No person shall be appointed to any service or post of the National Dairy Development Board unless he has been certified to be of sound constitution and medically fit to discharge his duties by a qualified medical practitioner approved by the Chairman and the expenses towards such examination shall be borne by NDDB.

13. Temporary workmen not to claim permanency as of right

Any person appointed as a workman against a temporary vacancy cannot claim permanency or have a prior claim in relation to any employment of a permanent nature on the ground –

- (a) that he has been discharging duties of a permanent nature or of a permanent post; or
- (b) that he has been employed temporarily against a permanent post; or
- (c) that his term of engagement has been extended beyond the period originally fixed.

14. Ex-employee normally ineligible

No person –

- (i) who was dismissed from the service of NDDB shall be eligible for appointment to any post;
- (ii) who resigned or was retired from the service of NDDB or whose service was terminated by NDDB, shall be eligible for appointment to any post.

15. Record of age

- (1) Every workman shall declare on his first appointment, and on his being required at any time so to do by the Competent Authority, his date of birth according to the Christian era and he shall produce evidence thereof to the satisfaction of such Authority, by providing the birth certificate, school leaving certificate or any other document acceptable to the Authority.

- (2) A workman, who is unable to produce the evidence as required under sub-regulation (1), may be permitted by the Appointing Authority, on being satisfied that the difficulty is genuine, to file an affidavit sworn before a Magistrate or an Oath Commissioner making a declaration that the age as stated by him is correct provided that in the event of the statement being found at any time to be false, his employment shall be liable to be terminated at anytime and every such termination shall be without prejudice to any other legal action that may be taken against the workman:

Provided that in every such case an opportunity to show cause shall be given to the workman concerned, before making an order of termination.

- (3) Any person aggrieved by an order of termination under sub-regulation (2) may file an appeal to the Managing Director within thirty days of the order and the Managing Director may make such enquiry (or cause such enquiry to be made) as he may deem fit and pass such orders thereon as may be appropriate, and every such decision of the Managing Director shall be final.
- (4) In the case of a workman who is unable to swear to his exact date of birth, but can give approximately the year or month, the first of July in the former case and the first of the month in the latter case, may be treated as the date of birth for the purpose of the records of the NDDDB if the age is duly certified by a medical officer authorised by the Board, and the opinion of the medical officer as to the age of the workman shall be final and binding on the workman.
- (5) No workman shall thereafter be allowed to alter or question the age declared by him at the time of his employment or the age determined and accepted by the NDDDB.

16. Consequence of particulars being false or suppressed

- (1) If any of the particulars given by a workman before or at the time of appointment, are subsequently found to be false or incorrect, or it is found that any of the material particulars have not been disclosed by him, the appointment shall be deemed to have been obtained on misrepresentation and liable to be terminated summarily by the Appointing Authority, and every such termination shall be without prejudice to any other action that may be taken in respect thereof:

Provided that in every such case an opportunity to show cause shall be given to the workman concerned, before making an order of termination.

- (2) Any person aggrieved by an order of termination under sub-regulation (1) may file an appeal to the Managing Director within thirty days of the order and the Managing Director may make such enquiry (or cause such enquiry to be made) as he may deem fit and pass such orders thereon as may be appropriate and every such decision of the Managing Director shall be final.

17. Relinquishment of service by workmen and discharge of probationers.

- (1) Every workman who is holding a permanent post shall be bound to give three months notice in writing to the Appointing Authority, of his intention to leave or to discontinue the service before he can be relieved from the post he is holding, and where such notice has been received it shall be open to the Appointing Authority to dispense with the service of the workman forthwith and in every such case the workman shall be eligible to receive an amount equivalent to the salary for the unexpired period of notice aforesaid.

- (2) Every workman on probation may-

- (i) request for his discharge from service by giving notice of one month or pay in lieu thereof:

Provided that, in relation to any workman who is holding a permanent post and is on probation in a higher post, the provisions of sub-regulation (1) shall apply;

- (ii) be discharged from service during the period of probation with notice of one month or pay in lieu thereof and without assigning any reason:

Provided that in the case of a workman who is holding a permanent post but is on probation in a higher post, he shall not be discharged but may be reverted to his permanent post without any reason being assigned or notice being given.

- (3) It shall be competent for the Appointing Authority to direct that the period of notice may be reduced by adjustment against eligible leave or payment in lieu of notice period or otherwise.

18. Termination of service of confirmed workman

- (1) The services of a workman who has been confirmed in a post in the NDDB shall not be terminated except in accordance with the provisions contained in these and other regulations of the NDDB applicable to him.

- (2) Where the Managing Director is satisfied, on receipt of information or otherwise, that the continuance in service of any workman who has been confirmed, would adversely affect the security of the establishment in which he is to function or is functioning, or is detrimental or hazardous to the public interest, he may, notwithstanding anything contained in these or other regulations, terminate the service of the workman for reasons to be recorded (which shall be communicated to him at the time of discharge) on giving him three months' pay in lieu of notice:

Provided that in every case where it is practicable the workman shall be given an opportunity to show cause before directing the termination:

Provided further that where the Managing Director is satisfied that the disclosure of reasons would be prejudicial to the NDDB or to the workman and expose either of them to civil or criminal proceedings, such information may be withheld for reasons to be recorded in writing.

- (3) In every case where the service of a workman has been terminated under sub-regulation (2), the workman shall be paid such amounts (not exceeding the amounts to which he may be entitled if he had retired on the date of termination) as may be determined by the Managing Director.
- (4) Every order under sub-regulation (3) making a determination of the amount payable to a workman whose service has been terminated shall be appealable within thirty days of the communication of the order of determination, to the Chairman and every such decision shall be final.

19. Superannuation and retirement

- (1) Save as otherwise provided in this regulation, every workman in the service of the National Dairy Development Board shall retire on attaining the age of fifty eight:

Provided that the Chairman may, in the case of any workman, who has attained the age of fifty eight direct his continuance in service for such period and on such terms as the Chairman may deem fit, if in his opinion it is necessary so to do in the interest of the NDDB.

- (2) Notwithstanding anything contained in sub-regulation (1), the Appointing Authority shall, on being satisfied that it is in the interest of the National Dairy Development Board so to do, have the absolute right, in respect of any workman in service who has attained the age of fifty years or has completed thirty years of service –

- (i) to retire him by giving him notice in writing of not less than three months or salary for three months in lieu thereof ; or
 - (ii) to give him the option of continuing in a lower post and if he accepts, give directions accordingly, subject to the workman giving in writing that he has accepted the retirement from service, waiving the period of three months notice required for the purpose, and that he requests to be continued in service in the lower post.
- (3) Every workman who has opted to be retired from the permanent post and for continuance in a lower post shall not be eligible for promotion to the higher post from the period for which he continues in service, and he shall also be liable to be discontinued from the service altogether at any time if the Appointing Authority considers it necessary so to do in the interest of the NDDB.
- (4) Every person who has been retired under sub-regulation (2) (other than a workman who has opted to be continued in a lower post) may appeal to the Board in writing within thirty days against the decision and the Board may, after making enquiry or causing enquiry to be made, pass such orders thereon as it may deem fit :

Provided that for the period for which the Board has not been constituted in accordance with section 8 of the Act, the orders of the Chairman shall be final.

20. Option to retire in certain cases

- (1) A workman of the National Dairy Development Board who has attained the age of fifty years or who has completed twenty years of service, may, by giving notice of not less than three months in writing to the Appointing Authority, retire from the service of the National Dairy Development Board.
- (2) In the case of a workman who retires from service in accordance with sub-regulation (1), a weightage of upto five years may be added to the qualifying service for the purpose of gratuity subject to the condition that, by so doing, the workman does not get qualifying service in excess of the qualifying service he would have got had he retired on superannuation and that the qualifying service together with the weightage does not exceed thirty years.
- (3) Every workman who retires under these regulations or opts for retirement will be entitled to benefits under Provident Fund and Superannuation, Gratuity, Leave Encashment, travelling allowance and other benefits as normally admissible.

21. Requirement of medical examination

- (1) The Managing Director may, having regard to the nature of the duties and other attendant circumstances, require any workman or class of workmen to undergo medical examination at such interval and before such medical practitioner or institution as the Managing Director may deem fit and it shall be competent for the Managing Director to act on the report of medical practitioner or institution, as the case may be.
- (2) The expenses for the medical examination under sub-regulation (1) shall be borne by the NDDB.

22. Retirement on medical grounds

- (1) A Managing Director after considering the report of the medical practitioner referred to in regulation 21 and after making such other enquiry as he may deem fit, if satisfied that the workman is incapacitated or otherwise medically unfit, by order, retire the workman from service by giving him notice of three months or pay in lieu thereof:

Provided that where the workman fails to undergo medical examination as required under regulation 21, the Managing Director may act on the information available.

- (2) Before passing an order of retirement in accordance with sub-regulation (1), the Managing Director shall give the workman concerned a copy of the report (wherever available) of the medical practitioner or of the institution, and an opportunity to show cause.
- (3) The workman who is retired under this regulation shall be entitled to proportionate retirement benefits, even in cases where he would not have put in adequate service or has not been able to comply with the normal eligibility conditions for the receipt of proportionate retirement benefits.
- (4) Any workman who has been retired under this regulation may file an appeal, within thirty days of the order of retirement, to the chairman and the chairman may pass such orders thereon as it may deem fit, and every such order shall be final.

23. Date of Retirement

In the case of an workman who completes the age of retirement on any day of month, he shall retire on the afternoon of the last day of that month.

24. Privilege Leave on Retirement and encashment

- (1) Where a workman has not been able to avail of the privilege leave earned by him before the date of his retirement in spite of his having applied for it in advance before that date on account of leave having been refused by the Competent Authority he may be permitted to avail of the leave after the normal date of retirement, and in every such case the workman shall retire from the service on the date of expiry of the period of such leave.
- (2) Where a workman has accumulated privilege leave previous to his retirement which he did not avail of before retirement, he may be allowed encashment of leave subject to a maximum of 300 days which shall be equivalent to the salary drawn immediately before retirement, calculated for the period for which such encashment was admissible.

25. Postponement of retirement pending disciplinary action

Notwithstanding anything contained in the foregoing regulations, it shall be open to the Competent Authority to postpone the retirement or to refuse permission for the retirement of a workman in respect of whom disciplinary proceedings are impending or initiated.

26. Voluntary retirement

- (1) It shall be competent for the Board or for the Chairman with the previous approval of the Board, to formulate any arrangement to facilitate the retirement of any class or category of employees, if the Board or the Chairman, as the case may be, is satisfied that in the interest of the institution it is necessary so to do.
- (2) In evolving the formulation for retirement under this regulation, the Board or the Chairman, as the case may be, shall have due regard to the need for carrying out of its varied functions more effectively and the promotion of the interest of the institution in general.

27. Abandoning duty after period of leave or otherwise

If any workman remains absent beyond the period of leave originally granted or subsequently extended or remains absent without leave or permission or fails to return to his post after his outside assignment within the period allowed for the purpose, he shall lose his lien on his appointment :

Provided that in a case where the workman returns within eight days of the period aforesaid and furnishes an explanation to the satisfaction of the Competent Authority, he may be permitted by that authority to rejoin the post.

28. Specifying date of birth in certain cases

- (1) Where there is reason to believe that the date of birth furnished by any workman to the NDDB, in his application for appointment or any other official records of the NDDB, has to be substantiated, the Manager (Administration) may, by order, call upon the workman to produce satisfactory evidence to establish the date of birth as given and if the workman concerned is unable to produce documentary evidence to the satisfaction of the Manager (Administration), he may be called upon to undergo examination before a medical practitioner specified for the purpose.
- (2) A copy of the report (if available) of the medical practitioner shall be given to the workman concerned.
- (3) The Manager (Administration), may after consideration of the report of the medical examiner, if available, any other evidence that may be produced and the representation made by the workman, if any, on the medical report specify the date of birth or the month or year in relation thereto, as the case may be, and pass such orders thereon as he may deem fit determining the date of birth of the workman.
- (4) A copy of the order made under sub-regulation (3), shall be served on the workman in respect of whom the order is made.
- (5) Any workman, aggrieved by the order under sub-regulation (3), may appeal to a Managing Director and the Managing Director may, after giving the workman an opportunity to represent his cause, pass such orders as he may deem fit and every such order shall be final.

29. Length of service of existing workman

For the purpose of computation of service of any workman, who was already in service immediately before the appointed day, in the NDDB as it stood then, or in the erstwhile Indian Dairy Corporation (dissolved company), his earlier admissible service in the relevant corresponding grade in the respective organisations shall also be taken into account.

CHAPTER III

PAY AND ALLOWANCES

30. Scale of pay

The scale of pay, dearness allowance and any other allowance (wherever payable) to the workman shall be such as may be specified by the Board, from time to time, and different pay and allowances may be specified in relation to different class or category of workmen.

31. House Rent Allowance

The House Rent Allowance payable to a workman shall be such as the Chairman may determine from time to time, and the Chairman shall be competent to specify different rates in relation to different class or category of workmen.

32. Site Allowance

A workman who is assigned to work on a project site may be paid such site allowance as the Chairman may, from time to time, specify and the payment of the allowance shall be subject to such terms and conditions as may be stipulated by the Chairman.

33. Project Allowance

A workman who is assigned to any work which necessitates his taking up residence in the project area where the living conditions are difficult, he may be allowed a project allowance by the Chairman subject to such terms and conditions as may be stipulated by the Chairman.

34. Commencement and Cessation

A workman shall draw the salary of the post to which he is appointed from the date he assumes charge of the post, and shall continue to draw the same as eligible upto the date he relinquishes charge :

Provided that in the case of a workman who dies while in service, the salary shall cease to be payable with effect from the day following that on which the death occurs.

35. Workmen on transfer

When a workman is transferred from one post to another, he shall, during the period of the joining time, draw salary and allowances as applicable at the time of availing the joining time.

36. Provisions on increment

(1) Save as otherwise provided in these or other regulations, the following service shall count as service for the purpose of increments ;

- (a) Service (excluding any period spent on extraordinary leave but including any period spent on medical grounds) in a post on a scale of pay counts in that scale ;
- (b) Service (excluding periods spent on extraordinary leave but including any period on medical grounds) in a higher post counts for increment in a lower post;

- (c) Period spent on foreign service counts for increments in the post in which the workman holds a lien;
 - (d) Service in another post of the same rank, service on deputation and, where the Managing Director so directs, any leave other than extraordinary leave, shall count for increments in the pay scale in which the workman has been confirmed.
- (2) On or after the commencement of these regulations, dates on which increments shall fall due shall be confined to the first of January and the first of July in every year.
- (3) In the case of workmen who are in service at the commencement of these regulations,
- (a) if the increment falls due between first of July and first of January thereafter, he shall be eligible for increment on the first of July and on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar, the maximum in the scale;
 - (b) if the increment falls due between first day of January and first day of July, he shall be eligible for increment on the first day of January and on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar, the maximum in the scale.
- (4) In the case of workmen appointed after the commencement of these regulations, the first increment shall fall due on the first of January or the first of July whichever comes earlier after the expiration of minimum of six months, and he shall be eligible for increment thereafter on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar until he reaches the maximum in the scale.
- (5) The granting of first increment under sub-regulation (3) shall not be taken in support of satisfactory completion of probation or be deemed to imply his confirmation in the service.
- (6) A workman shall not be entitled to draw an increment.
- (i) beyond the stage of efficiency bar in a grade until he is given a positive certificate of efficiency to make him eligible to cross the efficiency bar by the Competent Authority :
 Provided that the Competent Authority shall give the positive certificate of efficiency only where the Authority is satisfied about the past satisfactory performance of the workman ; or
 - (ii) if it is withheld as a disciplinary measure.
- (7) Every order withholding an increment of a workman shall state the period for which it is so withhold and declare whether the withholding shall have the effect or postponing future increments:
- Provided that it shall not be necessary to make any such declaration where the withholding of increment of any workman is at the efficiency bar stage.

37. Special increment for outstanding performance.

The Chairman may grant special increment to any workman for outstanding performance in his duties or for some such reason, if he is satisfied that it is proper to grant the same under the circumstances.

38. Efficiency bar

Where there is an efficiency bar in any scale of pay, the increment next above the bar shall be granted only on the basis of the performance of the workman from the date of his commencement of service in that scale of pay, and if a positive certificate of efficiency is not granted to a workman at the efficiency bar, his case shall be reviewed annually and the workman shall be allowed to cross the bar if and when he is subsequently granted the positive certificate.

39. Refixation of salary on promotion

On appointment to any post on promotion in a higher grade, the basic pay of a workman shall be initially fixed at the minimum of the scale or at the stage in the scale which is next above his pay in the old scale, whichever is higher.

Explanation :

- (a) For the purpose of this regulation, special pay, if any, drawn in the immediately previous post shall be treated as part of his basic pay.

40. Grants

If the Managing Director is satisfied, having regard to the circumstances relevant thereto that it is necessary or appropriate to make any adhoc or other grant outright or repayable, to any workman, he may, for reasons to be recorded in writing, by order, allow the same and shall place the details before the Chairman for his information.

CHAPTER IV

JOINING TIME

41. Joining time

- (1) Joining time may be granted to a workman to enable him to assume duties in the new post after relinquishing charge of his earlier post except in a case where the post held and the new post are in the same station.
- (2) Joining time shall be regarded as duty for the purpose of these regulations and the salary shall be payable in respect of the joining time calculated in accordance with regulation 42.
- (3) Joining time cannot be claimed as a matter of right and it may be curtailed at the discretion of the Competent Authority:

Provided that in a case where the joining time has been curtailed, the Competent Authority may permit the workman to avail of the joining time not availed on any subsequent date.

42. Calculation of Joining time

The joining time in the case of all transfers involving change of station, shall be limited to six days for preparation and this shall be in addition to the period required to cover the actual journey.

43. Overstay after joining time

- (1) A workman who does not join his post within the joining time allowed to him, except under circumstances beyond his control (certified as such by the Competent Authority), shall not be entitled to any pay or leave salary after the expiry of the joining time.
- (2) Wilful absence from duty after the expiry of joining time shall be deemed to be a misconduct and punishable as such.

CHAPTER V

MISCELLANEOUS

44. Deputation of workman to and from NDDB

- (1) No workman shall ordinarily be sent on deputation to Government or any other organisation and where any workman is so sent on deputation, it shall be with the previous approval of the Managing Director and with the consent of the workman.
- (2) No workman shall be sent ordinarily on deputation unless-
 - (a) the workman holds a permanent post in the NDDB; and
 - (b) the duties to be performed are such that they can only be performed by a workman of the NDDB or that the duties to be performed require a expertise, which is not readily available from any other source.
- (3) Where a workman of the NDDB is sent or placed at the disposal of the Government or any other organisation on deputation, it shall be a condition of the deputation that the new employer shall, during the period of such deputation, bear the entire cost of the service of the workman including the following, namely :
 - (a) Salary during the joining time;
 - (b) traveling allowance payable to the workman to enable him to join his appointment under the new employer and to return to his appointment in the NDDB on the termination of his deputation;
 - (c) leave travel concession benefits as applicable to him and his family;
 - (d) leave salary of the workman for the leave earned during the period of deputation;
 - (e) the employee's contribution to the workman's account in the Provident Fund, Superannation Scheme or any other scheme of NDDB, for the time being applicable: and
 - (f) any other sum, such as contribution towards any gratuity, for which the workman may become eligible, the scale and quantum of which may be determined by the NDDB.
- (4) Nothing in sub-regulation (1) to (3) shall be deemed to prevent the right of the NDDB to transfer any of its workmen or give any assignment to any workman in relation to an organisation financed or promoted by the NDDB, and where the order of appointment or any agreement relating thereto so provides, the consent of the workman shall not be required for the purpose.
- (5) Notwithstanding anything contained in these regulations it shall be competent to the Chairman or the Managing Director to appoint on deputation any person in the services of the Central Government or the State Government or public sector institution or cooperative organisation to any post in the NDDB on such terms and for such period as he may deem appropriate if in his opinion it is necessary to do in the interest of the organisation.

- (6) Where any person has been appointed on deputation to NDDB under sub-regulation (5), it shall be competent to the Chairman or a Managing Director, as the case be, where he considers that it is in the interest of the organisation to absorb him as a workman of the NDDB on permanent basis, it shall be competent for him to do so and with the concurrence of the previous employer, and he may decide the terms.

45. Entry, exit and search

- (1) Every workman shall enter or leave the premises of the NDDB by the gate or gates provided for the purpose.
- (2) Any workman may, while entering or leaving the premises of the NDDB or at any time whilst on the premises, be searched by any security personnel or any other person authorised in this behalf.
- (3) Any workman having in his possession, any article belonging to him the type of which is also being used in the establishment, shall on entry, deposit the same with the security agency personnel or to any person duly authorised in that behalf and if any such article is found in his possession while in the establishment it will be presumed that the same belongs to NDDB.

46. Identification, attendance and entry

- (1) Every workman shall be given an identity card bearing his name, designation and photograph or any other means of identification.
- (2) The identity card shall be shown on demand to any person authorised by the Competent Authority to inspect.
- (3) The mode and means of entry and exit into and from the premises of NDDB or its groups, limits or sections, shall be regulated in accordance with the directions issued or orders given by the Competent Authority from time to time.
- (4) For the purpose of facilitating the checking of attendance, the attendance register will be conveniently positioned in the respective groups unless otherwise instructed by the Competent Authority.
- (5) Any workman who loses his identity card or gate pass should report the loss immediately to the Administration Division in writing and for the replacement of the identity card or gate pass, shall be charged the cost of replacement.
- (6) The identification card shall be surrendered by every workman on his ceasing to be in employment of the NDDB, or on his transfer or deputation to any Government or other organisation, failing which such sum as the Manager (Administration) may specify in this behalf, shall be recoverable from the workman, and this shall be without prejudice to any other action that may be taken against him.

47. Provident Fund

Every workman of the NDDB (other than a workman appointed on a temporary basis) shall contribute to the Provident Fund as per the rules or regulations or orders, for the time being in force, applicable thereto.

48. Gratuity

Every workman shall be eligible for Gratuity as per the rules, regulations or orders governing the matter, for the time being in force.

49. Superannuation Scheme

Every confirmed workman shall contribute to the superannuation scheme of the NDDDB in accordance with the rules or regulations or orders governing the matter for the time being in force.

50. Leave

Every workman shall be eligible for leave as per rules, regulations or orders governing the matter for the time being in force, applicable thereto.

51. Tours and Travelling Allowance

- (1) Tours on official business of any workman may be sanctioned by the Managing Director or any authority authorised by him in this behalf, by general or special order.
- (2) The rates of travelling allowance and halting allowance and the conditions under which they become payable shall be such as the Board may, from time to time, specify.

52. Duty Period

- (1) The Chairman may, by general or special order, fix the period of duty for the workmen, and he shall be competent to fix different periods of duty in relation to workmen in different offices or in different establishments or in relation to different class or category of workmen;

Provided that where the workmen are required to work beyond the limits so fixed, the Chairman may, in relation to any class or category of workmen or in relation to any workman in any office or establishment, specify such amount as he may deem fit as overtime allowance payable in respect of the workmen and specify the conditions subject to which it is payable and the limitation in respect of the same.
- (2) In no case shall overtime be payable to a workman in terms of sub-regulation (1), unless there is specific written authorization by the competent authority to the workman to work overtime and same shall be reported to the Chairman in such manner as he may direct.

53. Transfers

- (1) Notwithstanding anything contained in any other regulations, the Competent Authority may transfer a workman from department of NDDDB to another in the same office or from one office of the NDDDB to any other office or operational area thereof, or as envisaged in the regulations, or to any other organisation, and every workman so transferred shall be bound to serve in any part of India.
- (2) Every workman transferred under sub-regulation (1) shall strictly comply with the orders of transfer and shall be bound to report for duty at his new posting as directed.

*** 53A. Transfer of services of Workman to other institutions**

- (1) Where a company is formed in pursuance of Section 43 of the Act to take over the ownership or management of any undertaking of the National Dairy Development Board, notwithstanding anything contained in these or other Regulations, services of every workman employed to or working therein on a continuous basis immediately previous to the takeover of that undertaking, shall stand transferred to the concerned company, and thereafter be governed by the rules of the company :

Provided that :-

- (a) every such workman shall be entitled to receive from the company pay, allowances, gratuity and such like terms and conditions, which are not less favourable than what was applicable to the workman immediately previous to the transfer, and full credit shall be given to the earlier service for the purpose as if the service had not been interrupted.
- (b) The company to which the workman shall stand transferred, shall be liable to pay to the workman concerned in the event of his retrenchment, compensation in accordance with law and for the purpose taken into account his earlier service with the Board giving full credit for the same.

- (2) In a case where any such workman as referred to in sub-regulation (1), reports in writing, within ten days of notice, not to serve the company referred to therein the services of that workmen shall stand terminated forthwith as if the workman concerned has been retrenched from the service, subject only to an entitlement of fifteen days pay and dearness allowance, if any, for every completed year of service, together with three months pay in lieu of notice in the case of a confirmed workman and one month pay in any other case.

- (3) The provisions of sub-regulations (1) and (2) shall *mutatis-mutandis* apply to every case where the Board deems it appropriate to transfer, by written agreement, the management of any of its undertaking to any other institution.

Explanation : the expression "undertaking" in this Regulation will include any division or business of the Board which has been treated by it as a separate entity by maintaining separate account or otherwise.

54. Conveyance facilities

- (1) The conveyance facilities or allowance may be provided for any workman or class or category of workmen in such manner and to such extent as the Chairman may, from time to time, determine.
- (2) The Managing Director may, for the purpose of enabling any workman to purchase a transport vehicle, grant a loan of such amount as may be specified by the Chairman.
- (3) It shall be competent for the Chairman to adopt different norms, for the purpose of this regulation, in relation to different workmen or different class or category of workmen.

* Amended by the Gazettee of India : Extraordinary dated 16.02.2001

55. Service Record

The service record of every workman shall be maintained for the purposes specifying the basic starting salary, grade, scale of pay etc.

56. Address for communication

- (1) It shall be incumbent on every workman to furnish his correct address for communication (including the residential address) to the Competent Authority, and address so given shall form part of the personal records of the workman.
- (2) Where there has been any change in the address furnished in accordance with sub-regulation (1), the workman shall forthwith intimate in writing to the Competent Authority of the change giving the new address and obtain an acknowledgement to that effect.
- (3) Every communication sent to a workman at the last given address shall be deemed to be proper service.

57. Recall from leave

- (1) If the Competent Authority considers it necessary in the interest of the NDDB to obtain the services of any workman who is on leave, urgently, recall the workman from leave and he shall be bound to report for duty in compliance thereof.
- (2) Every workman recalled from leave in pursuance of sub-regulation (1), shall be eligible to draw travelling allowance for the journey from the place of leave to the place of duty.

58. Leave Travel Concession

- (1) Every workman may be granted such leave travel concession as is admissible to him under any general or special order made by the Board, from time to time.
- (2) In case where the disciplinary authority arrives at the conclusion that there is a prima facie case against a workman in respect of misuse of the leave travel concession facility or the furnishing of false particulars in respect thereof, the workman shall not draw the leave travel concession during the period of pendency of the departmental proceedings and –
 - (a) in a case where the misuse or misrepresentation has been established in the disciplinary proceedings, the workman shall forfeit the leave travel concession admissible for the period of the pendency of the proceedings and two sets of LTC falling due thereafter;
 - (b) in a case where the misuse or misrepresentation has not been established in the disciplinary proceedings, the workman may avail of the leave travel concession not withheld during the pendency of the proceedings as an additional set in future blocks of years subject to the same being utilized before the normal date of superannuation.

59. Shift working

- (1) The Competent Authority, as its discretion, may introduce shift working or alter any existing shifts, and the workmen are liable to be transferred from one shift to another or from one working schedule to another.

- (2) Every workman, in respect of whom a direction is given under sub-regulation (1) by the Competent Authority, shall be bound to comply with the same.

60. Absence of Workmen under special circumstances

The Competent Authority may, if satisfied that any of the workman or group of workmen could not attend office due to any grave circumstance beyond the control of the workman (such as riots, public disorder, etc.) preventing him from reaching the place of work, grant special casual leave for the period of absence.

61. Scope of duty

Every workman shall be bound to perform such duties as are assigned to him from time to time the Competent Authority, having regard to the exigencies of the office, project or operation, irrespective of the post to which he is appointed.

62. Provision for Tests

It shall be competent to the Managing Director, if he is satisfied that in the interest of the organisation it is necessary so to do, to direct the holding of such tests, by such person or organisation, as he may deem appropriate for the purpose of -

- (a) ascertaining the suitability of persons to be recruited as workmen;
- (b) to ascertain the suitability of any person (including a workman) for holding higher post;
- (c) to ascertain the suitability of workman for the purpose of repositioning him in other areas, specialties, or posts.

63. Retention of lien

- (1) Every workman holding a permanent post-

- (a) who has been assigned to post in the Government or any other outside organisation, may be allowed by the NDDB to retain a lien against his regular post with NDDB subject to such conditions, limitations or restrictions, as the Competent Authority may, having regard to the circumstances of the case, deem fit, and it may include a condition that if the workman does not return on the expiry of such period, as the Competent Authority may, from time to time specify, the said lien shall stand terminated; and
- (b) who has been assigned to a post in an organisation connected with or promoted by the NDDB and who requests for retention of lien on his post in NDDB, may be allowed to retain his lien with the NDDB;
- (c) who secures appointment with any organisation connected with or promoted by the NDDB and who requests for retention of lien on his post in NDDB, may be allowed to retain his lien for a maximum period of one year.

64. Employees Welfare Scheme

- (1) It shall be the policy of the NDDB to encourage the adoption of small family norms amongst its employees.

- (2) With a view to achieve the objective mentioned in sub-regulation (1), special casual leave may be granted to workmen who undergo sterilization operation or IUCD insertion, as the case may be, as per the Government of India policy formulated in this regard, from time to time.
- (3) Over and above the grant of special casual leave under sub-regulation (2), every workman who does not have more than three living children and is within the reproductive age group (or spouse of the workman) and who undergoes sterilization operation, shall be granted a personal pay (not to be absorbed in future increase in pay) equal to the amount of the next increment due and in the case of any workman drawing pay at the maximum, the grant of personal pay shall be the amount equal to the increment last drawn.
- (4) The benefits of personal pay shall be granted to any eligible workman under sub-regulation (3) subject to the workman producing a certificate from the doctor who conducted the sterilization operation to the effect that the operation has been done and was successful.
- (5) The Board may implement any scheme for housing and other requirements or activities for workmen and other employees and promote institutions like school, club, co-operative credit and supply society, etc. to carry out welfare activities of the workman and shall be entitled to participate in its management.

65. Disciplinary Action not affected

Nothing contained in these regulations shall be deemed to affect the right of the Competent Authority to retire, discharge, remove or dismiss any workman in exercise of the powers conferred on the Authority under the NDDDB workmen (Conduct, Discipline and Appeal) Regulations, 1988.

66. Repeal and Savings

- (1) Save as provided herein, every rule, regulation or order or any matter applicable to the workman as defined in these regulations shall cease to be in force in respect of matters included herein.
- (2) Every departmental proceedings commenced or initiated by the Management or appeal by an workman which is pending at the commencement of these regulations, shall be proceeded with the orders passed thereon in accordance with these regulations and the disciplinary, enquiry or appellate authorities shall be deemed to have been appointed under these regulations.
- (3) Nothing in these regulations shall be construed as depriving any workman to whom these regulations apply, of any right of appeal which has accrued to him under any provision which has ceased to be in force by virtue of these regulations and he may appeal in respect thereof in accordance with the provisions contained in these regulations.
- (4) Nothing contained in these regulations shall be deemed to affect -
 - (a) the powers of the Board to make any order or to determine any matter or to give any direction or to take any action in exercise or powers conferred on it by or under the National Dairy Development Board Act, 1987 (37 of 1987) and in particular those contained in Chapter V read with clause (k) of section 3 thereof;
 - (b) the powers of the Board to alter the terms and conditions applicable to any workman as envisaged in the provisions of the said Act ;

- (c) the powers of the Chairman under section 40 of the said Act until the constitution of the Board.
- (5) In relation to sub-regulation (4), the Board may adopt separate standards, make separate orders or give separate directions in respect of different class or category of workmen.
- (6) On every matter on which the Board is required to issue any order or make any direction specifying or determining a particular subject under these regulations, every rule of order or direction or instruction as it existed immediately before the commencement of these regulations, and applicable to the concerned workman on any subject, shall mutatis mutandis continue to apply and be in force until a corresponding order is made or action taken or decision made by the Board or by the Chairman, as the case may be.
- (7) The provisions of sub-regulation (6) shall equally apply in relation to every matter on which corresponding rules or regulations have not been made under these regulations, or orders, directions or guidelines have not been issued, or on which necessary particulars covering them have been left to be made by the Board or by the Chairman.
- (8) For the removal of doubts it is hereby declared that nothing in these regulations shall be deemed to affect the continuance in force of the rules, regulations and orders (including all those relating to conditions of service of workmen) applicable to the workmen of subsidiary Unit, Pilot Project or Subsidiary Company until the Board or, as the case may be, the Concerned Authority of the respective organisation, otherwise decides.

67. Relaxation under special circumstances

The Chairman may, where he is satisfied that the application of any regulation would cause undue hardship, having regard to the circumstances of any particular case, by order, exempt any workman or class of workmen from the application of any particular regulation or direct that the regulation shall apply in such modified form as he may determine.

68. Guidelines on details

The Chairman may, from time to time, make orders spelling out guidelines on matters on which the norms and details have to be spelt out and every such norm or guideline shall be deemed to be part of these regulations.

69. Interpretation

- (1) In case of any divergence between the Hindi version of these regulations, and the English version thereof, the provision in the English text shall prevail.
- (2) If any question of interpretation or doubt arises in relation to these regulations, the matter shall be referred to the Chairman whose decision thereon shall be final and binding.

(V. KURIEN)
CHAIRMAN

NATIONAL DIARY DEVELOPMENT BOARD

7.3.1988

Notification No. DEL:NDDB in Gazette of India dated 9th March, 1988.