

**CANARA BANK SERVICE CODE
CHAPTER XI**

DISCIPLINARY ACTION

**HUMAN RESOURCES WING
INDUSTRIAL RELATIONS SECTION
#112, J.C. ROAD, HEAD OFFICE
BANGALORE**

**CANARA BANK SERVICE CODE
CHAPTER XI**

DISCIPLINARY ACTION

1. (1) Disciplinary action means imposing on an employee punishment as hereinafter provided with a view to punish or correct any misconduct on his part. Such action is said to be taken when an order imposing punishment is passed and the punishment imposed shall take effect on the date of the order unless the order specifies a different date for the purpose.
- (2) Pointing out or correcting any mistake in the work done by or in the conduct of any employee, tendering to any employee, whether orally or in writing any advice or admonition, requiring any employee whether orally or in writing to explain any work done by him or any conduct on his part, or warning an employee that if he does not correct himself disciplinary action may have to be taken against him, or such or similar action is not disciplinary action.
2. “Misconduct” may be either “gross misconduct” or “minor misconduct”.
- 2A This clause was included in terms of VI Bipartite Settlement dated 14/2/95 and vide settlement dated 10/4/2002 the same was deleted.¹
3. By the expression “gross misconduct” it shall mean any of the following acts and omissions on the part of an employee:
 - a. [Knowingly making the false statement in any return, report declaration, statement, bill or information submitted or given in the course of his employment in the Bank;]²
 - b. engaging in any trade or business outside the scope of his duties except with the written permission of the bank;
 - c. [unauthorized disclosure of information regarding the affairs

¹ Deleted as per settlement dated 10.04.2002 details provided in Annexure 1.

² Deleted as per settlement dated 10.04.2002

of the bank or any of its customers or any other person connected with the business of the bank which is confidential or the disclosure of which is likely to be prejudicial to the interests of the bank;]³

- d. willful insubordination or disobedience of any lawful and reasonable order of the management or of a superior;
- e. willful slowing down in performance of work;
- f. giving or taking a bribe or illegal gratification from a customer or an employee of the bank;
- g. gambling or betting on the premises of the bank;
- h. speculation in stocks, shares, securities or any commodity whether on his account or that of any other persons;
- i. Gross negligence i.e. to say negligence involving or likely to involve the Bank in serious loss;
- j. willful damage or attempt to cause damage to the property of the bank or any of its customers;
- k. drunkenness or riotous or disorderly or indecent behavior on the premises of the bank;
- l. habitual doing of any act which amounts to “minor misconduct” as defined below, “habitual” meaning a course of action taken or persisted in, notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him;
- m. Doing any act which is prejudicial to the interest of the bank;
- n. abetment or instigation of any of the acts or omissions above mentioned;
- o. knowingly making a false statement in any document

³ Added as per settlement dated 10.04.2002 in the place of [c. Breach of obligation of secrecy imposed on him by Regulation 4 of Chapter VI of this Code, or the disclosure of any secret or confidential information in contravention of the said Regulation;]

pertaining to or in connection with his employment in the bank;

- p. resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank and where the employee is caught in the act of resorting to such unfair practice and a report to that effect has been received by the bank from the concerned authority.
- q. resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank in cases not covered by the above sub-clause (p) and where a report to that effect has been received by the bank from the concerned authority and the employee does not accept the charge.
- r. [remaining unauthorisedly absent without intimation continuously for a period exceeding 30 days] ⁴
- s. [misbehaviour towards customers arising out of bank's business] ⁴
- t. [contesting election for parliament/ legislative assembly/ legislative council/local bodies/municipal corporation/panchayat, without explicit written permission of the bank.] ⁴
- u. [conviction by a Criminal Court of Law for an offence involving moral turpitude] ⁵
- v. [indulging in any act of 'sexual harassment' of any woman at her workplace.

Note: Sexual harassment shall include such unwelcome sexually determined behaviour (whether directly or otherwise) as

- (i) Physical contact and advances;

⁴ Added as per settlement dated 14.02.1995 Sixth Bipartite Settlement.

⁵ Added as per settlement dated 10.04.2002

- (ii) Demand or request for sexual favours;
- (iii) Sexually coloured remarks;
- (iv) showing pornography; or
- (v) any other unwelcome physical verbal or non-verbal conduct of a sexual nature.]⁵

4. ⁶ An employee found guilty of gross misconduct may:
- a. be dismissed without notice; or
 - b. be removed from service with superannuation benefits i.e. Pension and / or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
 - c. be compulsorily retired with superannuation benefits i.e. Pension and / or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
 - d. be discharged from service with superannuation benefits i.e. Pension and / or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
 - e. be brought down to lower stage in the scale of pay up to a maximum of two stages; or
 - f. have his increment/s stopped with or without cumulative effect; or
 - g. have his special pay withdrawn; or
 - h. be warned or censured, or have an adverse remark entered against him; or
 - i. a. be fined.

⁵ Added as per settlement dated 10.04.2002.

5. By the expression “minor misconduct” shall be meant any of the following acts and omissions on the part of an employee:
- a. absence without leave or overstaying sanctioned leave without sufficient grounds;
 - b. unpunctual or irregular attendance;
 - c. neglect of work, negligence in performing duties;
 - d. breach of any rule of business of the bank or instruction for the running of any department;⁶
 - e. committing nuisance on the premises of the bank;
 - f. entering or leaving the premises of the bank except by an entrance provided for the purpose;
 - g. attempt to collect or collecting moneys within the premises of the bank without the previous permission of the management or except as allowed by any rule or law for the time being in force;
 - h. holding or attempting to hold or attending any meeting on the premises of the bank without the previous permission of the management or except in accordance with the provisions of any rule or law for the time being in force;
 - i. canvassing for union membership or collection of union dues or subscriptions within the premises of the bank without the previous permission of the management or except in accordance with the provisions of any rule or law for the time being in force;
 - j. failing to show proper consideration, courtesy or attention towards officers, other employees or customers of the bank;
 - k. Unseemly or unsatisfactory behavior while on duty;

⁶ Added as per Settlement dated 10.04.2002 in the place of [d. breach of any of the bank’s rules of business, or any of the instructions contained in the bank’s manuals of instructions or any of the orders, circulars or directions in force in the Bank regarding the manner of conducting business or the maintenance of books, registers etc.]

- l. marked disregard of ordinary requirements of decency and cleanliness in person or dress;
 - m. incurring debts to an extent considered by the management as excessive;
 - n. resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank in cases not covered by sub-clause (p) under “Gross Misconduct” and where a report to that effect has been received by the bank from the concerned authority and the employee accepts the charge;
 - o. [refusal to attend training programmes without assigning sufficient and valid reasons;]⁷
 - p. [Not wearing, while on duty, identity card issued by the bank;]⁷
 - q. [Not wearing, while on duty, the uniforms supplied by the bank, in clean condition.]⁸
6. An employee found guilty of minor misconduct may be awarded any of the following punishments;
- a. he may be warned;
 - b. he may be censured;
 - c. he may have an adverse remark entered against him;
 - d. he may have his increment stopped for a period not longer than six months.

A workman found guilty of misconduct, whether gross or minor, shall not be given more than one punishment in respect of any one charge.⁹

⁷ Added as per Settlement dated 14.02.1995 Sixth Bipartite Settlement.

⁸ Added as per Settlement dated 10.04.2002 .

⁹ Added as per Settlement dated 10.04.2002 .

7. Except as otherwise provided in Regulation 9(1)(f) and Regulation 21 Clause (4) of this Chapter, no disciplinary action shall be taken unless an enquiry has been conducted as hereinafter provided in this chapter.
 8. (1) The Deputy General Manager of Circle Office/ International Division/ Inspection Department/ the Assistant General Manager of Personnel Wing, Head Office, may enquire into any misconduct on the part of any employee and impose on him any of the punishments set out in Regulation 4 or Regulation 6 as the case may be of this Chapter.
 - (2) Subject to the conditions hereinafter specified:
 - (a) A Branch Manager may enquire into any misconduct on the part of any employee including an Assistant Manager working under him at his Branch, Office or Section as the case may be;
 - (b) Any Officer may enquire into the misconduct of any employee other than an officer of the same or higher rank;

“ The Disciplinary Authority, taking into consideration the gravity of the charges levelled against an employee, may appoint the Presenting Officers to represent the Management”
 - (3) Officer competent to conduct an enquiry under this Chapter may impose any of the following punishments, namely, warning, censure or entering an adverse remark.
 9. (1) following procedure shall be observed in conducting an enquiry into any alleged misconduct of an employee:
 - (a) The enquiry shall be commenced by delivering to the employee a chargesheet in writing setting forth clearly the circumstances appearing against the employee and the misconduct alleged against him, and calling upon him to
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submit within a reasonable time to be specified in the chargesheet not being less than three days from the receipt of the chargesheet by the employee a statement in writing signed by the employee setting forth his defence and showing cause why disciplinary action should not be taken against him and why appropriate punishment should not be imposed on him. The time for submitting such written statement may be extended by the Enquiring Officer.

(b) If the employee fails to submit his written statement within the time specified or extended, the Enquiring Officer shall deliver to the employee a further notice in writing stating that employee's written statement has not been received and that if the employee fails to submit his written statement within three days of the receipt of the notice, it will be presumed that he has no such statement to submit in the matter. If the employee fails to submit the written statement as required in the notice, the Enquiring Officer shall proceed with the enquiry as hereinafter provided.

(c) If the employee submits his written statement, or if the employee fails to submit his written statement as required by the notice referred to Sub-Clause (b) above, the Enquiring Officer shall fix the place, date and time for the enquiry and communicate the same to the employee by a notice in writing. Such notice should also state that if the employee does not appear at the place, date and time specified, the enquiry will be held in his absence. The Enquiring Officer may from time to time adjourn the enquiry.

(d) The employee shall be permitted to appear before the Enquiring Officer, to cross-examine any witnesses on whose evidence the charge against him rests, and also to produce evidence, if any, whether oral or documentary in his defence. Witnesses produced by the employee may be cross-examined on behalf of the Bank. The employee shall, if he so desires, be permitted to be defended by any employee of the bank or by a representative of a registered union of bank employees, but a stranger or a lawyer shall not appear for the employee without previous permission in writing of the concerned Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office.

(e) The enquiring officer shall record in writing all the evidence produced in support of the charge as well as the evidence if any, produced on behalf of the employee. If the enquiring officer thinks fit or expedient to do so, he may require the employee to sign or initial the record.

(f) An enquiry need not be held if,

i) the misconduct is such that even if proved, the Bank does not intend to award the punishment of 'Discharge', or 'Dismissal' and;

ii) the Bank has issued a show-cause notice to the employee advising him of the misconduct and the punishment for which he may be liable for such misconduct; and

iii) the employee makes a voluntary admission of his guilt in his reply to the aforesaid show-cause notice.

However, if the employee concerned requests, a hearing regarding the nature of punishment, such a hearing shall be given.

[(g) For a misconduct which occurred prior to the promotion of the employee to officer cadre, disciplinary action shall be in terms of rules applicable to workman employees]¹⁰

[(h) An enquiry need not also be held if the employee is charged with minor misconduct and the punishment proposed to be given is warning or censure.

However,

(i) The employee shall be served a show cause notice advising him of the misconduct and the evidence on which

¹⁰ this clause was incorporated vide VI Bipartite Settlement and vide settlement dated 10/04/2002 the said clause has been deleted.

the charge is based ; and

(ii) The employee shall be given an opportunity to submit his written statement of defence, and for this purpose has a right to have access to the documents and material on which the charge is based ;

(iii) If the employee requests a hearing such a hearing shall be given and in such a hearing he may be permitted to be represented by a representative authorized to defend him in an enquiry had such an enquiry been held.]¹¹

i) Where an employee is charged with a minor misconduct and an enquiry is not held on two previous occasions, an enquiry shall be held in respect of the third occasion.

(2) The enquiry shall be taken to have commenced with the delivery of the chargesheet to the employee and to have concluded on the expiry of three days from the receipt by the employee of the further notice referred to in clause (1) sub-clause (3) of this Regulation or on the date on which the recording of evidence and oral arguments, if any, have been completed as the case may be. In either case the enquiring officer shall note in the record of the enquiry the date on which the enquiry has concluded.

10 (1) As soon as possible after an enquiry is concluded the Enquiring Officer, if he is not the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office shall record in writing the result of the enquiry in the form of report to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office and shall submit the same to Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office. The said

¹¹ Addition as per Settlement dated 10/04/2002.

report shall contain the Enquiring Officer's findings with his reasons for the same and shall state whether in his opinion the employee should be exonerated or if not which, in the light of considerations set out in Regulation 11 of this Chapter, would be the proper punishment to be imposed on the employee. Where he is of the opinion that punishment should be imposed, he shall give a hearing to the employee as regards the nature of the proposed punishment, and shall state in his report the employee's submission on the question of punishment and his own observations thereon.

- (2) If the Enquiring Officer is of the opinion that the employee should be exonerated or that there should be imposed on him a punishment which the Enquiring Officer is competent under Regulation 8 of this Chapter to impose he may either pass an order to that effect himself and send a copy thereof to the Deputy General Manager of the Circle Office/ International Division/ Inspection Department/ The Assistant General Manager of Personnel Wing, Head Office or submit the entire record of the case together with his report under clause (1) of this Regulation to the Deputy General Manager of the Circle Office/ International Division/ Inspection Department/ The Assistant General Manager of Personnel Wing, Head Office, who shall then dispose of the matter as provided in clause (3) of this Regulation.
- (3) If in the opinion of the Enquiring Officer, it is necessary to impose a punishment which he is not competent to impose he shall submit the entire record of the case together with his report under clause (1) of this Regulation to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ The Assistant General Manager of Personnel Wing, Head Office. The Deputy General Manager of Circle Office/ International Division/ Inspection Department/ The Assistant General Manager of Personnel Wing, Head Office on a full consideration of the entire record of the case and after calling for such further information as he may deem necessary shall pass such order as he may deem fit in the circumstances of the case.

- (4) If the Enquiring Officer is the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, he shall record in writing the result of the enquiry in the form of a Memorandum. The contents of the Memorandum shall be the same as of the report referred to in clause (1) of this Regulation. Simultaneously he shall pass a separate order giving effect to the conclusions noted in the Memorandum.
 - (5) [If the Disciplinary Authority disagree with the findings of the Enquiry Officer on all or any article of charge, he shall record his tentative reasons for such disagreement and shall make available a copy of such tentative reasons to the employee for his submissions if any.
 - (6) On receipt of his submissions, if any, the Disciplinary Authority shall record his findings on such charge and shall follow the procedure as set out in clause (3) or clause (4) above as the case may be.]¹²
11. In awarding punishment under this Chapter, there shall be taken into account the gravity of the misconduct, the previous record, if any, of the employee and any other aggravating or extenuating circumstances which may exist. Where sufficiently extenuating circumstances exist the misconduct may be condoned and in case such misconduct is of the gross type he may be merely discharged with or without notice or on payment of a month's salary and emoluments in lieu of notice. Such discharge may also be given where the evidence is insufficient to sustain the charge but where on grounds of expediency or other grounds it is deemed undesirable to retain the employee in question any longer in the service of the Bank; the discharge in such a case shall not be deemed to amount to disciplinary action.
 12. (1) Pending initiation of an enquiry or pending an enquiry under this Chapter an Enquiring Officer may, if he thinks fit, and shall, if so directed by the Deputy General Manager of Circle

¹² Addition in terms of guidelines dated 17/10/1992.

Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, suspend the employee whose conduct is being enquired into.

Such suspension, unless earlier terminated, shall be deemed to continue till and to terminate on the passing of an order exonerating him or imposing a punishment on him.

- (2) Where an employee has been placed under suspension as aforesaid he shall be paid such subsistence allowance as the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, may direct not being less than one third of the salary and emoluments which he would have drawn but for the suspension. (Please refer to the note at the end of this chapter).
 - (3) If after enquiry, it is decided not to take any action against the employee he shall be deemed to have been on duty throughout the period of suspension and be entitled to his full salary and emoluments and all other privileges for the said period. If some punishment other than dismissal is imposed the whole or a part of the period of suspension may, at the discretion of the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, be treated as spent on duty and employee be given corresponding portion of his salary and emoluments.
- 13
- (1) If in the opinion of a Branch Manager any employee working under him in his branch, office or section as the case may be has been guilty of any misconduct he shall at once report the matter to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office. He may either commence an enquiry himself or await the directions of the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, under clause (2) of this Regulation.
 - (2) The Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager

of Personnel Wing, Head Office, on receipt of report under Clause (1) shall consider the same and issue any of the following directions:

- (a) he may direct the Branch Manager to drop the matter and stop any enquiry if one has been commenced ;
 - (b) he may direct the Branch Manager to enquire into the matter and proceed in the manner provided in this Chapter ;
 - (c) he may direct any other officer who is competent under Regulation 8 of this Chapter to conduct an enquiry to enquire into the matter, and if an enquiry has already been commenced by the Branch Manager, to take up and continue the same and to proceed in the manner provided by this Chapter.
14. If in the opinion of the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, any officer or other employee of the Bank has been guilty of misconduct and it is desirable that the misconduct should be enquired into, he shall either to do so himself or direct any officer, who is competent under Regulation 8 of this Chapter to conduct an enquiry, to do so.
 15. If in the opinion of the Managing Director the General Manager has been guilty of any misconduct and it is desirable that the misconduct should be enquired into he shall do so. Pending the enquiry the Managing Director may suspend the General Manager and the provisions of Regulation 12 shall apply to such suspension. In conducting the enquiry the Managing Director shall follow the procedure prescribed in Regulation 9 of this Chapter and record the result of his enquiry in the form of a report to the Board, the contents of which report shall be similar to those of an enquiring officer's report under Regulation 10 Clause (1) of this Chapter. The whole matter shall then be placed before the Board. The Board after considering the Managing Director's report and after hearing the General Manager shall pass orders as it thinks fit in the circumstances of the case.

16. In all cases in which action under Regulations 4, 6 and 21 clause (3) Sub-clause (b) is taken, the proceedings held shall be entered in a book kept specially for the purpose in which the date on which the proceedings are held, the name of the employee proceeded against, the charge or charges, the evidence on which they are based, the explanation and the evidence, if any, tendered by the employee, the finding or findings with the grounds on which they are based and the orders passed shall be recorded with sufficient fullness as clearly as possible and such record of the proceedings shall be signed by the officer who holds them, [after which a copy of such record shall be furnished to the employee concerned if so requested by him in writing.]¹³
17. (1) (a) Whenever any charge-sheet, notice, order or the like is required by this chapter to be delivered to or served on any employee, it shall be given to him personally and his acknowledgement taken. If he is on leave or is absent, the notice, chargesheet, memo or any other official communication sent to such employee by registered post acknowledgement due to the address furnished by the employee and acknowledged by the Bank, shall be deemed to be as good service.
- (b) If an employee refuses to accept any charge-sheet, notice, order or the like under this chapter when it is sought to be served upon him such refusal shall be deemed to be a good service upon him provided such refusal takes place in the presence of at least 2 persons including the person who goes to effect service of the charge-sheet, notice, order etc. upon him. Where such charge-sheet, notice, order or the like is sent by registered post **[acknowledgement due at the last recorded address, communicated in writing by the employee and acknowledged by the bank, the same is to be deemed as good service.]**¹⁴ (Existing - prepaid for acknowledgement to his last known postal address, the same shall, at the discretion of the officer concerned, be deemed to have been duly served upon the employee if the same has been refused by the employee).

¹³ Addition vide settlement dated 10.04.2002.

¹⁴ Modified as per Settlement dated 10.04.2002.

- (2) Where the employee proceeded against is not acquainted with the English language, he shall be furnished with a translation of such charge-sheet, notice or the like in an Indian language known to him.
 - (3) Such notice, both in the English language and in the language of the District, shall also be exhibited on the Notice Board of the Branch or Office where the employee is working.
- 18 Provisions contained in this Chapter whereby any officer is empowered to conduct any enquiry or to impose any punishment shall not preclude the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, from himself conducting such enquiries or imposing such punishments, or from modifying, varying or cancelling any order passed by any officer.
- 19
 - (1) All orders passed by the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, under this chapter shall be in writing and shall issue in the form of proceedings of the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, and shall be signed by him or on his behalf by such officer in the establishment department as he may name for the purpose.
 - (2) All orders passed under this Chapter by any other officer shall be in writing and shall issue in the form of proceedings of the said officer and be signed by him.
 - (3) Every such order shall be served on employee affected by it and where such employee does not know the English language he shall be furnished with a translation of it in an Indian language known to him.
 - (4) Where the order is one imposing any punishment such order shall be delivered to the employee or be communicated to him by registered post or by telegram within three days of the passing of such order.

- 20 (1) “Any employee aggrieved by an order under this chapter imposing on him any punishment may appeal to the General Manager, Personnel Wing, Head Office, within 45 days of the date of receipt of the order by him.”
- (2) “Except in the case provided in Clause (3) of this Regulation, the General Manager, Personnel Wing, may after perusing the records of the case and the grounds of appeal and after calling for such further information as he may require, pass such orders as he may think fit in the circumstances of the case.”
- (3) “Where the order appealed against is one of dismissal, the General Manager, is so desired by the appellant, shall hear him or his representative.”
21. (1) For the purpose of this Regulation the expression “offence” shall mean any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provision of law.
- (2) (a) If in the opinion of the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, any employee of the Bank has committed an offence, unless the employee be otherwise prosecuted, the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, may either himself take steps to prosecute the employee or get him prosecuted or direct any officer of the Bank, competent to enquire into any misconduct of the said employee to take steps to prosecute the employee or get him prosecuted.
- (b) in the opinion of a Branch Manager any employee working under him in his branch, office or department, as the case may be, has committed an offence, he shall at once report the matter to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, with full particulars. If it appears to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office,

that there are prima facie grounds for the Branch Manager's opinion, he may, unless the employee be otherwise prosecuted direct the Branch Manager to take steps to prosecute the employee or get him prosecuted.

- (3) If on a prosecution instituted against an employee [under clause (2) of this Regulation:]

(a) The employee is convicted, he may be dismissed with effect from the date of his conviction or be given any lesser punishment mentioned in Regulation 4 of this Chapter or be discharged as provided in Regulation 11 of this Chapter:

(b) the employee is acquitted, it shall be open to the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, to proceed against him under the provisions set out herein above regarding misconducts. If after enquiry it is decided not to continue the employee in service, he shall be liable only for termination of service with three month's pay and allowances in lieu of notice; and he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to full pay and allowances minus such subsistence allowance as he has drawn and all other privileges for the period of suspension.

Provided that if the employee be acquitted by being given the benefit of doubt, he may be paid such portion of such pay and allowances as the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, may deem proper and the period of his absence shall not be treated as period spent on duty unless the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, so directs.

- (4) For awarding punishment under sub-clause (a) of clause (3) of this Regulation no enquiry as prescribed by Regulations 7 and 9 of this Chapter shall be necessary. Any punishment under clause (3) of this Regulation shall be imposed only by

[Disciplinary Authority.]¹⁵ If no punishment is proposed to be imposed, [the Disciplinary Authority]¹⁶ shall pass an order to that effect.

- (5) If the employee prefers an appeal or revision application against his conviction and is acquitted on such appeal or revision, in case he has already been dealt with as above, he may apply within 2 months from the date of such acquittal to the [Disciplinary Authority]¹⁷ for reconsideration of his case and the [Disciplinary Authority]¹⁸ shall review his case and may either reinstate him or pass orders that he may be proceeded against as provided in sub-clause (b) of clause (3) of this Regulation.
- (6) If after steps have been taken to prosecute the employee under clause (2) of this Regulation he is not put on trial within a year of the commission of the offence, the employee may be dealt with as if he has committed an act of misconduct as defined in this Chapter provided that if the authority which was to start prosecution proceedings refuses to do so or comes to the conclusion that there is no case for prosecution, the employee may be proceeded against under the provisions of sub-clause (b) of clause (3) of this Regulation but he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to full salary and allowances minus such subsistence allowance as he has drawn and to all other privileges for such period. If after enquiry it is decided not to continue the employee in service, he shall be liable only to termination with 3 months' pay and allowances in lieu of notice.

¹⁵. Amended as Disciplinary Authority instead of Executive Committee in terms of Circular No.76/2006 dated 27/03/2006

¹⁶. Amended as Disciplinary Authority instead of Executive Committee in terms of Circular No.76/2006 dated 27/03/2006

¹⁷. Amended as Disciplinary Authority instead of Executive Committee in terms of Circular No.76/2006 dated 27/03/2006

¹⁸. Amended as Disciplinary Authority instead of Executive Committee in terms of Circular No.76/2006 dated 27/03/2006

Provided that if during the pendency of the enquiry the employee is put on trial the enquiry shall be stayed after which the provisions of clause (3) of this Regulation shall apply. Provided further that if the employee is put on trial after the conclusion of the enquiry but before the passing of the order thereon, the passing of the order shall be stayed after which the provisions of clause (3) of this Regulation shall apply.

Provided further that if the employee is put on trial the conclusion of the enquiry and order thereon an appeal under Regulation 20, if one is pending, shall be stayed after which the provisions of clause (3) of this Regulation shall apply.

(7) An enquiry under clause (6) of this Regulation shall be commenced only if directed by the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, and to such enquiry the provisions of Regulations 8, 10, 11, 16, 17, 18, 19 and 20 of this Chapter shall apply.

(8) (a) Upon or after taking steps to prosecute an employee under clause (2) of this Regulation, the Deputy General Manager of Circle Office/ International Division/ Inspection Department/ Assistant General Manager of Personnel Wing, Head Office, (and no other officer) may suspend the employee. Such suspension, unless earlier terminated, shall continue till and terminate on the passing of an order under clause (3) if he is put on trial, or when an order exonerating or punishing him is passed after enquiry held under clause (6) if, he is not put on trial but an enquiry is held under clause (6).

(b) For the period of suspension he shall be paid subsistence allowance as provided by Regulation 12 clause (2) of this Chapter.

22. Where the employee who has committed an offence as defined in Regulation 21 Clause (1) is the General Manager, the steps to prosecute him or get him prosecuted shall be taken by the Managing Director and the provisions of Regulation 21 shall apply subject to the following modifications:- The power given to the

Disciplinary Authority under clauses (3), (4), (5) and (6) sub-clause (a) shall be exercised by the Board. The enquiry under clause (6) sub-clause (b) shall be conducted by the Managing Director in the manner provided by the Regulation 15 of this Chapter, the provisions of Regulations 16 and 17 also applying thereto. The rules regarding suspension shall be same as in Clause (8) of Regulation 21.

23. Notwithstanding anything contained in Regulations 21 and 22 of this chapter it shall not be obligatory on the part of the Bank or any of its officers to take steps to prosecute an employee or to get him prosecuted if the offence committed by him is not one committed in the course of his employment in the Bank, unless it is obligatory so to do under the provision of any law for the time being in force. If in such a case, the employee is actually prosecuted by authorities competent to prosecute him, then the provisions of the said Regulations 21 and 22 shall apply as if the Bank had taken steps to prosecute the employee or get him prosecuted.
24. For the purposes of this Chapter the Form Nos.23, 24, 25, 26, 27, 28 and 29 set out in Appendix 1 to this Code shall be used with such modifications as the circumstances of each case may require.

Note :

In respect of Regulation 12(2) the following may be noted. As per the provisions of the Bipartite Settlement dated 8/9/93 the following shall apply in regard to payment of subsistence allowance to workmen under suspension:-

Where the investigation is not entrusted to or taken up by an outside agency (i.e. Police/ CBI), subsistence allowance will be payable at the following rates:

- i) For the first 3 months $\frac{1}{3}$ of the pay and allowances which the workman would have got but for the suspension.
- ii) Thereafter $\frac{1}{2}$ of the pay and allowances.
- iii) After one year, full pay and allowances if the enquiry is not delayed for reasons attributable to the concerned workman or any of his representatives. Where the investigation is done by an

outside agency and the said agency has come to the conclusion not to prosecute the employee, full pay and allowances will be payable after 6 months from the date of receipt of report of such agency, or one year after suspension, whichever is later and in the event the enquiry is not delayed for reasons attributable to the workman or any of his representative.

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Annexure I

2A [IMPROVEMENT IN WORKING IN BANK'S BRANCHES/OFFICES, ETC. (said Regulation was added vide BPS dated 14/02/95 and circulated by the Bank vide circular No.192/95 dated 23/06/1995)

- (i) Every workman shall take all possible steps to ensure and protect the interest of the bank and discharge his duties with utmost integrity, honesty, devotion and diligence. Further, all the employees shall make all out endeavours for betterment of customer service and to contribute towards bank's efforts for enhancing customer satisfaction.
- (ii) Every workman, without exception, (except where exempted specifically under any written communication / order of the bank management), shall be at his place of work, commence the allotted work at the time fixed and notified, work for the full prescribed hours of work and give maximum output.
- (iii) Any type of borrowings by the employees from the bank's clients should be discouraged.
- (iv) Any observance of any restrictive practice mentioned herein shall constitute a 'misconduct'. The delinquent employee shall be liable for disciplinary action for 'Gross' or 'Minor' Misconduct depending upon the circumstances in each case.

RESTRICTIVE PRACTICES:

1. Fixing any arbitrary ceiling on quantum of work by employees themselves.
2. Refusal to work on any desk in exigencies that may arise.
3. Refusal to accept allotment of more than one ledger whether in Current Account, Cash Credit, Demand Loan, etc. The allotment of ledger/s to ledger keepers would depend on the number of transactions and the volume of work, and not on the number of ledgers.
4. Refusal by an employee with double designations such as clerk-typist, cashier-cum-clerk, etc., to perform both the duties on the same day.
5. Refusal by a cashier to work both as a Paying and Receiving Cashier.
6. Refusal by Godown-keepers attached to branches to perform clerical duties, whenever they are free from godown work.
7. Insistence, for checking payment made by an employee by another employee and for entrusting the job of issuing tokens exclusively to an

- employee.
8. Refusal to attend to cash transactions outside business hours when duly authorized by a competent official.
 9. Refusal to accept/make payment of cash, other than at cash counters when instructed by a competent official.
 10. Refusal to perform work of a routine nature including drafting letters, dealing with correspondence, etc., by clerks posted in branches/ departments and offices including administrative offices.
 11. Refusal to perform work relating to the balancing of ledgers/registers and calculations of monthly products/interest, etc., within working hours claiming that the same is meant for completion outside normal working hours.
 12. Refusal by an employee who is assigned special allowance duties to perform routine duties of his cadre.

The gross / minor misconduct as stated in this clause shall be in addition to gross / minor misconducts listed under Regulation 3 and 5 of Chapter XI of Canara Bank Service Code.]

CANARA BANK	I N D E X : STAFF : 14
INDUSTRIAL RELATIONS SECTION	CIRCULAR NO. : 425/2009
P E R S O N N E L W I N G	D A T E : 07.12.2009
HEAD OFFICE : BANGALORE-560002	A F O T

Sub: Amendment to Regulation 8[1] & Regulation 20 of Chapter XI of Canara Bank Service Code - Disciplinary Authority / Appellate Authority for Workmen Employees

Regulation 8[1] of Chapter XI of Canara Bank Service Code reads as under:

“The Deputy General Manager of Circle Office / International Division / Inspection Department / The Assistant General Manager of Personnel Wing, Head Office, may enquire into any misconduct on the part of any employee and impose on him any of the punishments set out in Regulation 4 or Regulation 6 as the case may be of this Chapter”.

Regulation 20, Chapter XI of Canara Bank Service Code reads as under:

1. “Any employee aggrieved by an order under this Chapter imposing on him any punishment may appeal to the General Manager, Personnel Wing, Head Office within 45 days of the date of receipt of the order by him.
2. Except in the case provided in Clause [3] of this Regulation, the General Manager, Personnel Wing, may after perusing the records of the case and the grounds of appeal and after calling for such further information as he may require, pass such orders as he may think fit in the circumstances of the case.
3. Where the order appealed against is one of dismissal, the General Manager, if so desired by the appellant, shall hear him or his representative.”

Now, the Board of Directors of the Bank at its meeting held on 20.11.2009 has permitted to amend the Regulation 8 (1) & Regulation 20 of Canara Bank Service Code as under:

A) Regulation 8 (1) of Canara Bank Service Code:

“The Assistant General Manager [Scale-V] or in his absence the Deputy General Manager [Scale-VI] designated as Disciplinary Authority by General Manager, Personnel Wing, Head Office may cause an enquiry into any misconduct on the part of any employee and impose on him any of the punishments set out in Regulation 4 or Regulation 6 as the case may be of this Chapter and pass any administrative orders incidental thereto”.

B) Regulation 20 of Canara Bank Service Code:

1. “Any employee aggrieved by an order under this Chapter imposing on him any punishment may appeal to the Deputy General Manager, Head Office or in case where the Deputy General Manager [Scale-VI] is functioning as the Disciplinary Authority, to the General Manager, Personnel Wing, Head Office within 45 days of the date of receipt of the order by him.
2. Except in the case provided in Clause [3] of this Regulation, the Appellate Authority, may after perusing the records of the case and the grounds of appeal and after calling for such further information as he may require, pass such orders as he may think fit in the circumstances of the case.
3. Where the order appealed against is one of dismissal, the Appellate Authority, if so desired by the appellant, shall hear him or his representative.”

- C) Consequent to the above amendment to Regulation 8[1], the respective Regulations in Chapter XI where the words “The Deputy General Manager of Circle Office / International Division / Inspection Department / The Assistant General Manager of Personnel Wing, Head Office” appear shall stand substituted by the words “The Assistant General Manager [Scale-V] or in his absence Deputy General Manager [Scale-VI] designated by General Manager, Personnel Wing, Head Office”.

In terms of this amendment the Disciplinary Authority/Appellate Authority for Workmen Employees shall be as under and shall function as such until further orders:

A) Disciplinary Authority:

1. The Senior most Assistant General Manager in Circle Office/Inspection Wing shall be the Disciplinary Authority for workmen employees in Circles and Inspection Wing respectively. In his absence, the Deputy General Manager in Circle Office or Inspection Wing as the case may be shall be the Disciplinary Authority.
2. At Head Office, the Assistant General Manager of Personnel Wing shall be the Disciplinary Authority for workmen employees. In the absence of Assistant General Manager, Personnel Wing, a Deputy General Manager at Head Office duly nominated by the General Manager, Personnel Wing, Head Office shall be the Disciplinary Authority.

B) Appellate Authority:

1. The Deputy General Manager of Personnel Wing, Head Office shall be the Appellate Authority for workmen employees. In his absence a Deputy General Manager at Head Office duly nominated by the General Manager, Personnel Wing, Head Office shall be the Appellate Authority.
2. In case the order appealed against is of Deputy General Manager, then the appeal shall lie to the General Manager, Personnel Wing, Head Office.

This amendment shall be effective from 20.11.2009.

This may be circulated amongst all the employees of the Bank.

A K NAHAR
GENERAL MANAGER

Disclaimer: Though utmost care has been taken during the preparation of this Document on "**Chapter XI of Canara Bank Service Code**", the Bank reserves the right to rectify inadvertent errors, if any.

NOTES

