

Scheme for Periodical Review for Ensuring Probity & Efficacy among Executives & Supervisors of KIOCL Limited.

1. Title & Applications:

- a) These rules shall be called, "Scheme for periodical review for ensuring probity& efficacy amongst Supervisors & Executives of KIOCL Limited".
- b) These rules shall come in to force from the date of issue of order.
- c) These rules shall apply to all Supervisors & Executives below Board level.

2. Objective:

The objective of the Scheme is to strengthen the administration by ensuring probity and efficacy among Supervisors & Executives. Whenever the services of an Supervisor/ Executive is no longer useful to the Company, the Supervisor/ Executive can be compulsorily retired for the sake of Public interest.

3. Definitions:

- 3.1 COMPANY: Company means KIOCL Limited and may be referred as Company/KIOCL Ltd.
- 3.2 SUPERVISOR/EXECUTIVE: All Supervisors & Executives employed in the scale of SS to E9, below Board level.
- 3.3 COMMITTEE: Committee for the purpose of these rules constituted by Competent Authority.
- 3.4 COMPETENT AUTHORITY: Chairman-cum-Managing Director or his authorized representative.
- 3.5 APPROVING AUTHORITY: As defined under clause No.5.3 of this Scheme.
- 3.5 REVIEWING AUTHORITY: As defined under clause No. 5.3 of this Scheme.

4. Criteria:

- 4.1. Criteria to be followed by the Committee in making their recommendations would be as follows:-
 - a. Executives and Supervisors whose integrity is doubtful:-
 - i. A Supervisor/Executive who gets an adverse comment consecutively for three years, on his/her integrity, in his/her Annual Performance Appraisal Report immediately preceding the quarter in which he/she is to be assessed, would be recommended for premature retirement.
 - ii. Actions or decisions taken by the Supervisor/Executive which do not appear to be above Board, complaints received against him/her may be

given due cognizance while considering integrity of an Supervisor/Executive.

iii. Inputs from Vigilance Department may also be obtained in cases where integrity of Supervisor/Executive is doubtful.

b. Supervisor/Executive who are found to be ineffective:-

i. The basic consideration in identifying such Supervisor/Executive should be the fitness/competence of the Supervisor/Executive to continue in the post which he/she is holding.

ii. In such case, inefficiency would be evaluated on basis of the Appraisal Report. If in the opinion of the Approving Authority, for reasons to be recorded in writing, a Supervisor/Executive's performance is considered to be unsatisfactory, on the basis of his/her securing a poor rating.

iii. The said assessment should not be confined to the consideration of Performance Appraisals/ Grading/ Merit ratings alone. In every assessment, the entire service records of the Supervisor/Executive should be considered.

c. Supervisor/Executive's conduct and reputation is such that his/her continuation in service would be a menace and injurious to public interest, the same can also form basis for Compulsory retirement of an Supervisor/Executive.

d. While the entire service record of a Supervisor/Executive should be considered at the time of assessment, no Supervisor/Executive should ordinarily be retired on grounds of ineffectiveness if his/her service during the preceding five years immediately preceding the quarter in which he/she is to be assessed or where he/she has been promoted to a higher post during that 5 year period, his/her service in the highest post, has been found satisfactory. However, when a Supervisor/Executive is recommended for Compulsory retirement on grounds of doubtful integrity, there is no such stipulation.

e. No Supervisor/Executive should be ordinarily retired on ground of ineffectiveness; if in any event, he/ she would be retiring on superannuation within a period of one year from the date of consideration of his/her case.

However, it is clarified that if there is a steep fall in competence, efficiency or effectiveness of a Supervisor/Executive, it would be open to assessment his/her case for Compulsory retirement.

- 4.2. The rule relating to Compulsory retirement should not be used:-
- a. To retire a Supervisor/Executive on grounds of specific acts of misconduct, as a short-cut to initiating formal disciplinary proceedings; or
 - b. For reduction of surplus Supervisor/Executive or as a measure of effecting general economy without following the rules and instructions relating to retrenchment.
 - c. Based on the assessment under the scheme carried out in each quarter as per the scheme, a summarized report for the Calendar year will be generated by HR department for onward transmission to Ministry/ any other Govt. agency, as required.

5. Procedure:

The Compulsory retirement, which is made in the public interest, is not to be treated as a punishment and shall be carried out after a comprehensive assessment taking into account the entire service record of the concerned Supervisor/Executive.

- 5.1. Assessment of Supervisor/Executive under the scheme, to ascertain as to whether a Supervisor/Executive in a substantive post should continue in the employment of the Company, shall be carried out six months before the Supervisor/Executive attains the age of 50 years if he/she had entered the service before attaining the age of 35 years, and in any other case after he/she has attained the age of 55 years, as the case may be.
- 5.2. In every assessment, the entire service records should be considered. The expression "**Service Record**" will take in all relevant records and, hence, the assessment should not be confined to the consideration of Performance Appraisals/ Grading/ Merit ratings. The personal file of the concerned Supervisor/Executive may contain valuable information and the same may also be referred for assessment purpose. The works and performance of the Supervisor/Executive could also be assessed by looking into files dealt with by him/her or in any papers or reports prepared and submitted by him/her. The assessment of a Supervisor/Executive under the scheme shall be conducted in

the prescribed pro-forma **[Annexure-I]**. The case of assessment of the Supervisor/Executive whose integrity was doubtful under the criteria the case shall be routed through Vigilance Department.

- 5.3. In order to undertake the assessment of Supervisor/Executive at Departmental level, Committees will be constituted. The constitution of the Committees (not less than 3 members) to assess the probity and efficacy of Supervisor/Executive will be as under:-

Level/ Grade of Supervisors/ Executives	Committee composition	Approving Authority	Reviewing Authority
Supervisors/ Executives in SS to E8 grades	HoD of HR Dept., HoD of Finance Dept and ED/HoD of Concerned Dept, and SC/ST representative, if SC/ST Supervisors/Executives is there in the assessment.	Concerned functional Director	CMD
Supervisors/ Executives in E9 grades	Committee consisting of two Functional Directors, Head of HR and SC/ST representatives, if SC/ST Supervisors/Executives is there in the assessment	CMD	Board

Note:

- I. In case there is any female Supervisor/Executive whose case is to be kept for assessment, a female Supervisor/Executive shall be co-opted in the committee who shall be at least one level above the scale of female Supervisor/Executive whose case is under assessment.
- II. In case there is no E9 post in the company, the committee prescribed for assessment of E9 scale of Supervisor/Executive will assess the cases of E8 scale of Supervisor/Executive.

The Committees, as shown above, after carrying out the assessment will recommend the cases of Supervisor/Executive required to be retired compulsorily.

Based on the recommendations of the Committees, if the Approving Authority is of the opinion that it is in the public interest to do so, he/she will have the absolute right to retire any Supervisor/Executive by giving him/her notice. The assessment of a Supervisor/Executive under the scheme shall be conveyed in the prescribed order in pro-forma **[Annexure-II]** for his/her Compulsory retirement from the services of the company.

Issuance of order & acknowledgement:

- a) The order of Compulsory retirement shall be issued to the Supervisor/Executive and his/her acknowledgement shall be obtained in presence of two independent witnesses and their signature shall also be obtained.
 - b) In case the employee refuses to accept his/her order of Compulsory retirement along with the cheque equivalent to 3 months' notice pay, it should be ensured that the refusal of the employee is to be noted in presence of two witnesses under their signature.
 - c) In such case copy of the order of Compulsory retirement to the employee shall be sent under registered post with acknowledgement to the individual at the last official known address with a covering letter stating that the original notice/order was taken by such and such on so and so date in presence of two witnesses in spite that the employee concerned refused to accept the same. Consequently under such circumstances copy of the same order is being sent by registered post for his/ her record.
 - d) In such case where the employee has refused to accept the order of Compulsory retirement, the date of effective for his/her Compulsory retirement shall be the following date since when the employee has refused to accept the order along with cheque of equivalent to 3 months' notice pay.
- 5.4. A register of Supervisor/Executive who are due to attain the age of 50/55 years, as the case may be / will be maintained. The register should be scrutinized at the beginning of every quarter by the HR Department. Assessment has to be carried out as per the schedule given below.

Sl. No	Quarter in which assessment is to be made	Cases of Supervisor/Executive who will be attaining the age of 50/ 55 years as the case may be, in the quarter indicated below
1	January to March	July to September of the same year
2	April to June	October to December of the same year
3	July to September	January to March of the next year
4	October to December	April to June of the next year

6. A Supervisor/Executive who is Compulsorily retired will be entitled to the following, subject to fulfillment of conditions/terms stated in the relevant schemes, rules, etc.:-

- a) Pay for the notice period of three months or as may be applicable to him under his terms and conditions of service.
- b) Leave salary as per the Leave Rules applicable to the Supervisor/Executive as in case of superannuation.
- c) Provident Fund subject to the provisions of the Provident Fund Rules applicable to him.
- d) Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- e) Any other scheme, which is applicable in case of superannuating Supervisor/Executive.

7. Procedure For Consideration Of Representation:

Under the Scheme, if any of the Supervisors/Executives, whose case will be reviewed and the Order of compulsory retirement passed against him/her, if he/she aggrieved by the Order, he/she may submit an appeal/representation within 30 days in the prescribed pro-forma **[Annexure-III]** for review to the reviewing authority as per following procedure.

- I. On receipt of the representation by the reviewing authority should examine the same to see whether it contains any facts or any aspect of a fact already known but which was not taken in to account at the time of issue of order of Compulsory retirement. This examination should be completed within two weeks & pass final order within 30 days from the date of receipt of the

representation.

- II. If any case it is decided to reinstate compulsorily retired Supervisor/Executive in the services after considering his/her representation in accordance with these instructions, the period intervening between the date of Compulsory retirement and the date of reinstatement as duty, shall be treated as leave or as dies-non as the case may be, taking into account the merits of each case.
- III. Where the review representation Committee records a definitive finding that the Compulsory retirement of the Supervisor/Executive was on account of political or personal victimization, the intervening period should be treated as duty with full pay and allowances. In other case, it would not be appropriate to treat the period during which the employee had not worked, on duty and allow him/her the duty pay for the same. In such cases, the period may hitherto be treated as leave due and admissible or dies-non, as the authority ordering reinstatement may decide.
- IV. In the cases of employees who had been Compulsorily retired on grounds of inefficiency and by the time the Committee to consider the representations against such Compulsory retirement came to the conclusion that Compulsory retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated Supervisor/Executive notionally with effect from the date of compulsory retirement and treat the period up to the date of superannuation, as duty, leave or dies-non as may be considered appropriate by the competent authority.
- V. Representations from Supervisor/Executive who have been served with a notice/order of Compulsory retirement, but have obtained stay order(s) from a court against the order/notice of Compulsory retirement, need not be dealt until the disposal of the court case. Therefore, the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the court's judgment.

The Reviewing authority shall dispose-off the same within 30 days from the receipt

of the appeal in the format **[Annexure-IV]**.

8. Interpretation:

- a) The above provision of the Scheme may be modified and altered with the approval of the Chairman Cum Managing Director within the provisions of DPE Instructions/Guidelines.
- b) For interpretation of any provisions of the Scheme, decision of the Chairman Cum Managing Director will be final and binding.

9. Effective Date:

The Rules shall come into force from the date of issue of the order of implementation.



FORM-I

**Pro-forma for Assessment of the Supervisors/Executives under Scheme for
Periodical review for Ensuring Probity and Efficacy.**

I Bio - Data

Office/Location:

Date of Assessment:

Name	Date of Birth	Date of appointment in service	Date of Completion of 50/55years of age	Total No. of Year of service	Break in service caused, if any
1	2	3	4	5	6

Present designation	Present Scale of pay/grade	Presently employed/location	Details of posts held during last 5 years		
			Designation	From	To
7	8	9	10		

II Assessment

Performance report of the controlling officer on the basis of last five years service.

(To be recorded by officers not lower than a Senior Scale Officer)

II.

- (a) Is he/she physically and mentally fit to discharge duties effectively, if continued in service? Yes No. Comments on his:
- (b) His/her attendance Good Poor i] Integrity
- (c) His/her punctuality Good Poor ii] General conduct
- (d) Does he/she deal with correspondence promptly? Yes No. iii] Performances during 5 years.
- (e) Does he/she take decision? Yes No.
- (f) Are his/her inspections sound and fruitful? Yes No.
- (g) Is he/she cost conscious? Yes No.
- (h) Can he/she maintain discipline amongst subordinate? Yes No.

Signature:

Name:

Designation:

III Record of service during his/her entire career

Appreciation of good work done, if any	Particulars of penalties imposed, if any with reasons		
	Nature of penalty imposed	No. of times imposed	Reasons
12	13		

14. Remarks recorded in the confidential report, during the last 5 years, if maintained (CRS in original should be enclosed)

	Year	Year	Year	Year	Year
A] Classification:					
B] Remarks about integrity :					
C] Adverse remarks, if any :					
D]Whether adverse remarks were communicated to employee:					

	Year	Year	Year	Year	Year
1] Sick leave					
i] Full pay					
ii] Half Pay					
2] Leave not due:					
3] Leave without pay:					

16. Particulars of Vigilance cases pending, if any

17. Speaking orders of the assessment committee

File No:

Signature:

Name:

Designation:

Date:

(MEMBER)

(MEMBER)

(MEMBER)

18. In cases of retirement on grounds of 'doubtful integrity' only, the remarks/recommendations of the vigilance department.

Name:

Date:

19. (In case of appeal):-

The Speaking orders of the Reviewing authority

Signature:

Name:

Designation:

Date:

(Reviewing authority)

KIOCL LIMITED
Ind block, Koramangala,
Bengaluru - 560034.

Order issued under the Scheme for Periodical review for Ensuring Probity and Efficacy to retire a Supervisors/ Executives of KIOCL limited.

ORDER

Whereas under the provisions of scheme for periodical review for ensuring probity and efficacy the assessment committee is of the opinion that it is in the public interest to do so; Now, THEREFORE, in exercise of the powers conferred for the assessment to the duly constituted committee under the scheme hereby gives notice to Shri/Smt

_____ (designation) _____ that he/she having already attained the age of fifty/fifty-five years, having completed __ years of service on _____ and shall compulsorily retire from service on _____ after duty hours of the day following the date of expiry of three months computed from the date following the date of service of this notice on him/her. If he/she so desires, he/she may represent in writing to reviewing authority within 30 days from the date this notice is served on him/her.

This communication is being issued with the approval of approving authority.

General Manager (HR)

Acknowledgement

I, _____, now holding the post of _____

Here by acknowledge the receipt of the original notice of the order of compulsory retirement as aforesaid.

Kindly acknowledge the receipt of the order.

Name: _____

EMP No.: _____

Designation: _____

Office/Location: _____

KIOCL LIMITED
Ind block, Koramangala,
Bengaluru - 560034

Appeal before reviewing authority under Scheme for Periodical review for
Ensuring Probity and Efficacy of the Supervisors/Executives.
(Appeal for review)

Vide order No. _____ date _____. I have been retired on compulsory basis from the services of the company under the provisions of the Scheme for Periodical review for Ensuring Probity and Efficacy of the Supervisors/Executives.

I am agreed by the aforesaid order and preferring an appeal against the said order before the reviewing authority to review my case on the following grounds:-

- 1] _____
- 2] _____
- 3] _____
- 4] _____
- 5] _____

Submitted before the reviewing authority.

(Signature) _____

(Appellant) _____

Name _____

KIOCL LIMITED
Ind block, Koramangala,
Bengaluru - 560034

Order of reviewing authority issued under Scheme for Periodical review for Ensuring Probity and Efficacy of the Supervisors/Executives.

(Order of Reviewing Authority)

Whereas Shri/Smt _____ Designation _____
(Appellant) has submitted an appeal against the order No. _____
dated _____ issued for his/her compulsory retirement under scheme for periodical review for Ensuring Probity and Efficacy of the Supervisors/Executives.

Now therefore in exercise of the powers conferred under the scheme, on careful consideration of the appeal and grounds submitted for review by the appellant, I have decided to consider / not to consider his/her appeal for the following reasons:-

- 1] _____
- 2] _____
- 3] _____
- 4] _____
- 5] _____

In view of the above the appeal preferred by the appellant is considered / not considered thus disposed off.

Name: _____

Emp No.: _____

Designation: _____

Office/Location: _____

Signature: _____

(Reviewing Authority)