

The
Bangladesh Gazette



Extraordinary
Published by Authority

SATURDAY, OCTOBER 7 1978

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF INDUSTRIES

NOTIFICATION

Dacca, the 5th October, 1978.

No. S.R.O. 255-L/78.—In exercise of the powers conferred by section 46 of the Bangladesh Small and Cottage Industries Corporation Act, 1957 (E.P. Act XVII of 1957) and in supersession of all regulations made in this behalf, the Board of Directors of the Small and Cottage Industries Corporation, with the previous sanction of the Government, is pleased to make the following regulations, namely:

CHAPTER I

PRELIMINARY

1. **Short title and application.**—(1) These regulations may be called the Small and Cottage Industries Corporation (Employees) Service Regulations, 1978.

(2) They shall apply to the whole-time officers and employees whether permanent, temporary or casual, of the Corporation, irrespective of whether they are employed in the Head Office, Branch Offices or Projects sponsored and managed by it, except—

- (a) the Chairman and the Directors;
- (b) the officers and employees who are on deputation;
- (c) persons serving on contract basis;
- (d) workers governed by the Factories Act, 1965 (E. P. Act IV of 1965); and
- (e) advisers and consultants.

(5451)

Price : Taka 1.25

2. **Definitions.**—In these regulations, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Bangladesh Small and Cottage Industries Corporation Act, 1957 (E. P. Act XVII of 1957);
- (b) “appointing authority” means the authority competent to make appointment to the posts under the Corporation in terms of the provisions of Appendix I;
- (c) “basic pay” or “substantive pay” means the pay, other than special pay, technical pay or personal pay, which has been sanctioned or a post held by an officer or employee substantively or in an officiating capacity, or to which he is entitled by reason of his position in the cadre;
- (d) “competent authority”, in relation to the exercise of any power under these regulations means an authority to whom such power has been delegated by the Corporation in Appendix I;
- (e) “Controlling officer” means the officer declared by the Corporation in Appendix I to be controlling officer for the purpose of travelling, increment, leave, transfer, etc. of an officer or employee or class of officers or employees;
- (f) “duty” includes,—
 - (i) service as a probationer, apprentice or trainee provided such service is followed by an appointment on regular or contract basis;
 - (ii) joining time;
 - (iii) period spent on attending authorised course of instruction or training in or outside the country including the time reasonably required for the journey to and from the place of such training;
 - (iv) period spent on attending a departmental examination including a reasonable time required for the journey to and from the place of examination and the day or days of the examination; and
 - (v) period spent on special work declared by the Corporation in its discretion to be a period spent on duty.

Note.—Period spent on approved or authorised casual leave shall be treated as on duty.

- (g) “employee” means such person in the employment of the Corporation as is not officer, adviser or consultant;
- (h) “honorarium” means a recurring or non-recurring payment granted to an officer or employee as remuneration for special work;
- (i) “joining time” means the time allowed to an officer or employee to join a post;
- (j) “lien” means the title of an officer or employee to hold a permanent post to which he has been appointed on a regular basis, either immediately or on the termination of a period or periods of absence;

- (k) "misconduct" includes the following acts of omission and commission, namely:
- (i) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful or reasonable order of the superior;
 - (ii) theft, fraud or dishonesty in connection with the Corporation's property;
 - (iii) taking or giving bribes or any illegal gratification;
 - (iv) absence without leave;
 - (v) habitual late attendance;
 - (vi) riotous or disorderly behaviour or any act subversive of discipline and of State;
 - (vii) habitual breach of any existing law, rule or regulations;
 - (viii) frequent repetition of any unlawful act or omission;
 - (ix) resorting to illegal strike or "go-slow" or inducing others to resort to illegal strike or "go-slow";
 - (x) destruction or distortion of, or tampering with, official records or documents or papers;
 - (xi) habitual negligence or neglects of work; and
 - (xii) any other acts committed or omitted in contravention of any of the provisions of the Government Servants Conduct Rules, 1966.
- (l) "officer" means such person in the employment of the Corporation as may, from time to time, be designated by the Corporation as officer;
- (m) "officiate"—an officer or employee shall be treated as officiating in a post when he performs the duties of a post on which another person holds a lien, or when the authority competent to make substantive appointment to a post appoints him to officiate in a post on which no other person holds a lien.
- Note.*—An officer shall be treated as acting in a higher post when he performs the current duties of that post in addition to his own;
- (n) "pay" means the amount drawn monthly by an officer or employee as his pay which has been sanctioned for a post held by him substantively, temporarily or in an officiating capacity or to which he is entitled by reason of his position in a cadre, and includes special pay, personal pay or any other emoluments classed as pay;
- (o) "permanent employee" or "permanent officer", for the purpose of these regulations, means and includes an employee or officer confirmed in service on completion of the period of probation or from temporary appointment;
- (p) "personal pay" means an additional pay granted to an officer or employee—
- (i) to save him from loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
 - (ii) in exceptional circumstances, on other personal considerations;

- (q) "post" means a post under the Corporation;
- (r) "probationer" means an officer or employee appointed on probation to a post under the Corporation against a substantive vacancy;
- (s) "service" includes the period during which an officer or employee is on duty or on leave duly authorised by the competent authority but does not include any period during which an officer or employee is absent from duty without permission or overstays his leave, unless such period of absence or overstay is regularised by an order in writing by the competent authority;
- (t) "special pay" means an addition in the nature of pay to the emoluments of a post granted in consideration of—
- the specially arduous nature of duties;
 - a specific addition to the work or responsibility; or
 - the unhealthy or other special characteristics of the locality in which the work is performed;
- (u) "station", in relation to an officer or employee, means such place as the Head of Department prescribes and, in the absence of any order to the contrary, means the place where he is posted for his normal work;
- (v) "subsistence grant" means a monthly grant made to an officer or employee during the period he is under suspension;
- (w) "technical pay" means an additional pay granted to an officer or employee in consideration of his having a Government recognised technical qualification, which is a condition of entry into the service to which he belongs or of appointment to the post which he holds;
- (x) "temporary post" means a post carrying a definite rate of pay sanctioned for a limited time or on *ad hoc* basis; and
- (y) "time scale" means pay which rises by periodical increment from a minimum to maximum.

CHAPTER II

CLASSIFICATION OF POSTS

3. **Classification of post.**—The posts under the Corporation shall be of the following three categories, namely:

- permanent, a post carrying a definite rate of pay and sanctioned without limit of time;
- temporary, a post carrying a definite rate of pay and sanctioned for a limited time or on *ad hoc* basis; and
- casual, a post created for the performance of duties of a casual (day to day) or intermittent character or for the execution of a particular work and which does not have a time scale.

4. **Classification of officers and employees.**—(1) The officers shall be classified into class I and class II and the employees shall be classified into class III and class IV, and the criteria for such classification shall, from time to time, be determined by the Corporation.

(2) The various time scales for the posts and the qualifications for officers and employees shall be specified on the basis of the following nature of duties, namely:

- (a) General;
- (b) Finance, Accounts and Audit; and
- (c) Engineering, which shall be either—
 - (i) Civil Engineering; or
 - (ii) Mechanical Engineering.

CHAPTER III

GENERAL CONDITIONS OF SERVICE

5. **Recruitment.**—(1) All appointments to ^{SS} shall be made by the competent authority.

(2) In case of direct recruitment, Government directives regarding district quota and quotas for freedom fighters, distressed women and women shall be followed.

6. **Conditions of appointment.**—(1) No person shall be appointed to any post unless he is a citizen of Bangladesh.

(2) A person selected for appointment shall not be less than 18 years and more than 25 years of age at the time of appointment in the service of the Corporation:

Provided that the appointing authority may, in special cases, relax the age limit for reasons to be recorded in writing:

Provided further that no person shall be permitted to handle cash and stores before attaining 18 years of age.

(3) A declaration of age made by an applicant at the time of entry in the service of the Corporation shall be deemed to be binding on him and no revision of such declaration shall be allowed at a later date for any purpose whatsoever. The certificate of Matriculation or Secondary School Certificate shall be admitted as proof of age:

Provided that the competent authority may, in respect of a person who has not passed the Matriculation or Secondary School Certificate Examination, allow such other documents as it may decide in this behalf as proof of age.

(4) No person shall be appointed in the service of the Corporation unless—

- (a) he is declared physically fit by the Medical Officer of the Corporation or, in his absence, by a registered medical practitioner authorised in this behalf; and
- (b) his antecedents are verified through the police and found to be such as do not render him unfit for appointment in the service of the Corporation.

7. Probation and confirmation.—(1) Unless otherwise specified, all officers and employees on appointment shall be on probation for a period of one year in case of promotion and two years in case of direct recruitment.

(2) Where a probationer fails to show satisfactory progress during his period of probation, the appointing authority may—

- (a) extend his period of probation for one year; or
- (b) reduce him to a lower post; or
- (c) dispense with his services;

but he shall be kept informed in writing from time to time, about his unsatisfactory progress.

(3) On satisfactory completion of the period of probation, a probationer shall be confirmed in service.

(4) A probationer shall, during his period of probation, be eligible for any increment in his pay. But on being confirmed he shall be allowed to draw his arrear increment.

8. Termination of service.—(1) In the event of termination of service of a permanent officer or employee as a result of the abolition of the post or retrenchment in the establishment of the Corporation, it shall be incumbent upon the Corporation to give him three months' previous notice in writing or, in lieu thereof, to pay him a sum equal to his substantive pay for three months. In the case of abolition of post endeavour should first be made to absorb him in equivalent post, if available.

(2) The service of a temporary officer or employee may be terminated at any time without assigning any reason by giving him 14 days' notice in writing or on payment of 14 days' pay in lieu of such notice.

(3) The services of a permanent officer or employee may be terminated at any time without assigning any reason by giving him three months' notice in writing or on payment of three months' pay in lieu of such notice.

9. Transfer and change of designation.—(1) The Corporation may transfer its officers and employees from its projects or undertakings to Head Office and *vice versa* and from one project or undertaking to another project or undertaking. It may also change their designation and assign such duties and responsibilities from time to time as it may think fit:

Provided that such transfer or change shall not be in the disadvantage of the incumbent in respect of pay and status, unless the transfer is on account of inefficiency or misconduct or made at the request of the officer or employee himself.

(2) The Corporation may require its officers and employees to serve it or any of its projects or undertaking anywhere in Bangladesh.

10. Appointment to the same post.—(1) Two or more officers or employees shall not be appointed to the same permanent post at the same time.

(2) An officer or employee shall not be appointed on substantive basis to a post on which another officer or employee holds a lien.

11. **Resignation.**—(1) A permanent officer or employee shall not resign from the service of the Corporation without giving three months' notice in writing or paying a sum equal to his substantive pay for the same period in lieu thereof or by adjustment of his accumulated earned leave, if any.

(2) A probationer shall not resign from the service of the Corporation without giving 14 days' notice in writing or paying a sum equal to his substantive pay for the same period in lieu thereof.

(3) The payment of the amount in lieu of notice by an officer or employee or probationer and the time limit for giving notice under sub-regulations (1) and (2) may be waived by the appointing authority in special cases.

(4) The appointing authority shall have the right to accept or reject the prayer for resignation of an officer, employee or probationer.

(5) No resignation shall be accepted unless the officer or employee clears all outstanding dues payable by him to the Corporation.

12. **Retirement.**—In the matter of retirement and re-employment on contract after retirement, an officer or employee shall be governed by the provisions of the Public Servants (Retirement) Act, 1974 (XII of 1974).

13. **Absence from duty.**—No officer or employee shall absent himself from duty nor leave his station, except on duty, without getting his leave sanctioned or without prior permission of the controlling officer; unauthorised absence shall tantamount to misconduct.

14. **Institution of suit.**—(1) An officer or employee of the Corporation who suffers any wrong—civil or criminal—in the course of his official duty and wants to file a suit against such wrong in a court of law, shall take prior permission of the Corporation.

(2) A Government servant who is on deputation to the Corporation shall take prior permission of the Government through the Corporation before institution of such a suit by him.

15. **Whole-time service.**—Unless otherwise specifically provided, an officer or employee of the Corporation is a whole-time officer or employee of the Corporation and may be employed on any work of the Corporation in any place without claim for additional remuneration. No officer or employee shall take admission into any school or college or any other educational institution as a regular student without obtaining prior permission from his appointing authority in writing.

16. **Lien.**—(1) An Officer or employee holding a permanent post on substantive basis shall retain a lien on that post: —

(a) while performing the duties of the post;

(b) while holding a temporary post or while officiating in another post;

- (c) during joining time on transfer to another post, unless transferred on a regular basis to a post on a lower pay or another permanent post, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- (d) while on leave; and
- (e) while under suspension.

(2) The lien of an officer or employee on a permanent post may be terminated on his appointment on a substantive basis to another permanent post.

CHAPTER IV

CRITERIA FOR APPOINTMENT, PROMOTION AND SENIORITY

17. **Appointment.**—The appointing authority shall prescribe the minimum qualifications for recruitment to the various posts. It may also provide for relaxation in qualification in case of departmental candidates.

(2) Fifty per cent of the vacancies in Class I, II and III posts shall be filled in by promotion and fifty per cent of the vacancies in such posts shall be filled in by direct recruitment. Where it is not practicable to fill in fifty per cent of the vacancies by promotion, the appointing authority may fill in the vacancies by direct recruitment with the approval of the Chairman.

18. **Promotion.**—(1) An officer or employee may be eligible for promotion to the next higher time scale when he completes five years of satisfactory service in a time scale provided vacancy exists in the immediate higher time scale and he is found suitable for promotion.

(2) All promotions shall be made on seniority-*cum-merit* basis and no officer or employee shall have a claim to be promoted as a right by virtue of seniority alone.

19. **Seniority.**—(1) Seniority of an officer or employee of the Corporation shall be calculated on his joining the service in that particular time scale provided there is no break in service.

(2) When more than one person is recruited at a time, the seniority *in terse* shall be determined in order of merit as fixed by the appointing authority.

(3) Promotees shall have seniority over direct recruits of the same batch and promotion shall be made before direct recruitment. If more than one person is promoted in the same batch, seniority *in terse* shall be in accordance with the seniority in the time scale from which the promotion is made.

(4) The Corporation shall maintain class-wise or scale-wise seniority list of its officers and employees.

20. **Security.**—At the time of first appointment the Cashier and the Assistant Cashier shall furnish cash security of Tk. 2,000-00. In addition to such security, another security covering average of daily cash balance maintained by the office concerned shall be taken in the form of Fidelity Insurance Cover from the Sadharan Bima Corporation.

CHAPTER V

PAY AND ALLOWANCE

21. **Pay and allowance.**—An officer or employee shall draw the pay and allowances attached to the post with effect from the date he assumes the duties of that post and shall cease to draw when he ceases to discharge those duties.

Note—In this rule "date" means the forenoon of the day in question for, example, if charge is assumed before noon of a day, the pay shall be admissible from that day and if charge is assumed in the afternoon, pay shall be admissible from the following day.

22. **Initial pay.**—(1) Appointment shall be made usually at the minimum pay of the post, but in exceptional cases where persons to be recruited possess extraordinary experience or special qualification or both, the appointing authority may allow a higher initial pay in the time scale of the post:

Provided that the advance increments may be drawn only at the time of first appointment of an officer or employee in the time scale and there shall not be more than three advance increments in a time scale. Advance increments or higher initial pay shall not be allowed without the approval of the Finance Director.

(2) The initial pay of an officer or employee on promotion or on appointment other than first appointment, shall be regulated as follows, namely:—

- (a) when the appointment is to a higher post, he shall draw as initial pay the amount at the stage of the time scale which is next above his basic pay in respect of the old post;
- (b) in other cases, he shall draw as initial pay the amount at the stage of the time scale which is equal to his basic pay in respect of the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference. If the minimum pay of the time scale of the new post is higher than his basic pay in respect of the old post he shall draw that minimum as initial pay. If an officer or employee has immediately before worked in the same or an identical post on the same time scale, his initial pay shall not be less than the basic pay which he drew on the last such occasion.

(3) An officer or employee who is appointed to officiate in a post bearing higher time scale shall draw an officiating pay equal to the difference between his substantive pay and the stage in the time scale of the post to which he is appointed, which is next above his substantive pay.

23. **Increment.**—Subject to the service of an officer or employee being approved, an annual increment in his pay shall accrue to him on each successive anniversary of the date of his joining the post till he reaches the maximum of his time scale as a matter of routine provided such increment is not stopped on completion of disciplinary proceedings against him.

24. **Efficiency bar.**—Where an efficiency bar is prescribed in a time scale, the next increment above the bar shall not be allowed without the specific sanction of the competent authority. Such sanction shall be based on positive recommendation of the reporting officer to the effect that the services of the officer or employee concerned has been satisfactory and justifying the crossing of the bar.

25. **Charge or acting allowance.**—When an officer holds charge of a higher post carrying independent charges or bears extra-independent responsibility of a higher post he may be permitted to draw charge or acting allowance at the rate of 10 per cent of his basic pay subject to a maximum of Tk. 100·00 per month:

Provided that no charge or acting allowance shall be admissible if the duration of the charge or additional responsibility is less than 21 days.

CHAPTER VI

JOINING TIME

26. **Joining time.**—(1) Joining time may be granted to an officer or employee to enable him—

- (a) to join a new post to which he is appointed while on duty in his old post; or
- (b) to join a new post on return from leave, other than extraordinary leave without pay, not exceeding four months.

(2) The joining time admissible to an officer or employee whose transfer does not involve a change of residence from one station to another is one day only. Holiday counts as a day for this purpose.

(3) In the case of transfer involving a change of residence from one station to another, a period of six days shall be allowed for preparation *plus* such number of days as is generally required in the shortest possible route of journey. Holiday does not count as a day for the purpose of this sub-regulation.

27. **Curtailment or extension of joining time.**—The authority ordering the transfer may, in any case, curtail or extend the period of joining time admissible under these regulations. In no case shall joining time be extended to more than thirty days inclusive of Sundays.

28. **Payment for joining time.**—Joining time shall be treated as on duty and during joining time under sub-regulation (2) of Regulation 26, the officer or employee shall be entitled to the pay which he would have drawn had he not been transferred or the pay which he shall draw on the taking over-charge of his new post, whichever is less, and during joining time under sub-regulation.

(3) Of regulation 26, to the leave salary to which he is entitled immediately before such transfer.

29. **Absence after expiry of joining time.**—An officer or employee who does not join his post within his joining time shall not be entitled to any pay or leave salary on the expiry of his joining time. Wilful absence from duty without intimation to the controlling officer after the expiry of joining time shall be treated as misconduct as well as break of service.

30. **Leave while on transit.**—If an officer or employee takes leave while in transit from one post to another the period which has lapsed since he handed over charge of his old post shall be included in his leave, unless the leave is taken on medical certificate. In the later case, the period may be treated as joining time.

CHAPTER VII

LEAVE

31. **Leave.**—The rules applicable to the Government servants shall apply to the officers and employees of the Corporation including the Chairman and whole-time Directors.

CHAPTER VIII

RECORDS OF SERVICE

32. **Record of service.**—A record of service shall be maintained by the Corporation separately for each officer and employee.

33. **Confidential report.**—(1) An annual confidential report shall be written in respect of all the officers and employees by their superior officers as may be specified by the Chairman.

(2) An officer or employee shall not have access to his confidential report but he shall be informed of adverse remarks relating to his defects, if any, in order to give him an opportunity to explain his position or to correct himself.

34. **Declaration of secrecy.**—Every Director, adviser, officer and employee of the Corporation shall before joining the service of the Corporation and entering upon his duties, sign a declaration of fidelity and secrecy in the form given in Appendix II.

CHAPTER IX

GENERAL CONDUCT AND DISCIPLINE

35. **Conduct and discipline.**—(1) Every officer and employee shall—

- (a) conform to and abide by the rules and regulations of the Corporation;
- (b) observe, comply with and obey all lawful orders and directions which may, from time to time, be given by the person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed;
- (c) serve the Corporation honestly and faithfully; and
- (d) maintain strict secrecy regarding the affairs of the Corporation and its constituents.

(2) No officer or employee shall—

- (a) associate himself with any political demonstration and activity and also with such other demonstrations and activities as are detrimental to the interest of the Corporation or of the State;
- (b) absent himself from duty nor leave his station without having first obtained the permission of his immediate superior officer;

- (c) accept any gift from the constituents of the Corporation or persons having or likely to have dealings with the Corporation, or candidates for employment in the Corporation;
- (d) act as an agent for an Insurance Company;
- (e) engage himself in any commercial business or pursuit either on his own account or as an agent for others;
- (f) accept or engage himself in any outside employment or an office, whether remunerative or honorary;
- (g) undertake part-time work for a private or public body or private person or accept fees therefor; and
- (h) seek any outside employment without prior approval of the appointing authority.

(3) No officer or employee shall make any personal representation to the Chairman or any Director. Any such action shall be construed as serious breach of discipline and any representation, if any, shall be channelled through the immediate superior officer or the employee.

36. **Grounds for penalty.**—Without prejudice to the other provisions contained in these regulations, an officer or employee who—

- (a) commits a breach of these regulations; or
- (b) is found to be negligent, inefficient or corrupt; or
- (c) knowingly does anything prejudicial to the interest of the Corporation; or
- (d) contravenes instructions issued to him in connection with his official work; or
- (e) commits a breach of discipline; or
- (f) is guilty of any other act of misconduct or insubordination; or
- (g) is convicted of a criminal offence; or
- (h) is engaged, or is reasonably suspected or being associated with others engaged, in subversive activities and whose retention in service is, therefore, considered prejudicial to national security.

shall be liable to one or more penalties.

37. **Penalties.**—(1) There shall be two kinds of penalties which may be imposed under these regulations, namely; minor penalties and major penalties.

(2) The following are the minor penalties:

- (a) censure;
- (b) withholding of increment or promotion including stoppage at efficiency bar for a specified period; and
- (c) recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders.

(3) The following are the major penalties:

- (a) reduction to a lower post or time scale, or to a lower stage in a time scale;
- (b) compulsory retirement;
- (c) removal from service; and
- (d) dismissal from service.

(4) For misconduct or breach of discipline any penalty mentioned in sub-regulations (2) and (3) may be imposed, but the penalties to be ordinarily imposed for inefficiency shall be those set out in clause (b) or (c) of sub-regulation (2) or in clause (a) or (b) of sub-regulation (3) and for corruption or subversion those set out in clauses (c) and (d) of sub-regulation (3).

(5) No authority subordinate to that by which an officer or employee was appointed shall be competent to impose on him any penalty. The authority which shall take final decision on proceeding has been set out in Appendix I.

(6) Disciplinary action against Government servants on deputation to the Corporation shall be taken by the parent department on the report made by the Chairman.

38. Inquiry procedure in case of subversion.—(1) When an officer or employee is to be proceeded against for subversion, the authority specified in sub-regulation (5) of regulation 37—

- (a) may, by an order in writing, require the officer or employee concerned to proceed on such leave as may be admissible to him, and from such date as may be specified in the order;
- (b) shall, by an order in writing, inform him of the action proposed to be taken in regard to him and grounds of that action; and
- (c) shall give him a reasonable opportunity of showing cause against that action before an Enquiry Committee to be constituted under sub-regulation (2) to enquire into the charge;

Provided that no such opportunity shall be given where the Board is satisfied that in the interest of the security of Bangladesh or any part thereof it is not expedient to give such opportunity.

(2) Where an Enquiry Committee is to be constituted in pursuance of clause (c) of sub-regulation (1),—

- (a) the appointing authority shall constitute it with three officers not lower than the rank of Senior Development Officer;
- (b) the Committee shall enquire into the charges and submit its findings to the appointing authority; and
- (c) the appointing authority shall take such action on the findings as it may think fit.

39. Enquiry procedure in cases of inefficiency, misconduct and corruption.—

(1) When an officer or employee is to be proceeded against for inefficiency, misconduct or corruption, the procedure in the following sub-regulations shall be observed.

(2) The appointing authority may, if it thinks fit, appoint an officer to examine and report on the allegations against the accused to enable it to decide whether a formal enquiry should be held, and the officer may also informally examine the accused.

(3) If the appointing authority decides that a formal enquiry should be held it shall decide further whether the allegation, if established, would call for a minor or major penalty.

(4) (a) In cases calling for a minor penalty, the appointing authority or such officer as may be appointed by it in that behalf shall frame a charge and shall call upon the accused to answer it within a specified time, which shall not be less than seven days or more than fourteen days and to state, together with his answer, whether he wishes to be heard in person or to produce evidence in defence.

(b) On receiving the answer, the appointing authority or the said officer shall, if satisfied that there is a *prima facie* case, and if the accused has so desired, give him the opportunity to be heard in person and to produce evidence in defence:

Provided that the appointing authority or the said officer may, for reasons to be recorded in writing, refuse to call a particular witness or to summon or admit particular evidence.

(c) If the accused fails to answer within the specified time or, having answered, fails to appear or absents himself from the proceedings, the appointing authority or the said officer may proceed with the enquiry and record findings.

(5) (a) In cases calling for a major penalty, the authority having power to impose the penalty shall frame a charge and communicate it to the accused together with a statement of the allegations on which it is based and of any circumstances which the authority proposes to take into consideration when passing orders on the case.

(b) The appointing authority shall require the accused, within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence stating at the same time whether he desires to be heard in person.

(c) If the accused so desires, or if the authority concerned so desires, an Enquiry Officer, to be appointed under regulation 40 shall hold an oral inquiry at which the oral evidence shall be heard as to such of the allegations as are not admitted, and the accused shall be entitled to cross examine the witness against him, to give evidence in person and to have such witness called for the defence as he may wish:

Provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call a particular witness or to summon or admit particular evidence.

(d) The proceedings shall contain a sufficient record of the evidence and the Inquiry Officer's report of his findings and the ground thereof.

(e) When the appointing authority, having considered the report, has arrived at a provisional conclusion as to the penalty to be imposed, it shall so inform the accused and supply him with a copy of the report and call upon him to show cause within a reasonable time, which shall not be less than seven days or more than fourteen days, why the penalty proposed should not be imposed. The appointing authority shall take into consideration any cause shown by the accused before passing orders.

(6) Nothing in clause (e) of sub-regulation (5) shall apply,—

- (a) where accused is dismissed or removed from the service or reduced in rank on the ground of conduct which has led to a sentence of fine or imprisonment; or
- (b) where the authority competent to dismiss or remove a person or to reduce him in rank is satisfied that for reasons, to be recorded by such authority it is not reasonably practicable to give the accused an opportunity of showing cause.

40. **Appointment and procedure of Inquiry Officer.**—(1) Where an officer or employee is proceeded against for inefficiency, misconduct or corruption, and the appointing authority has decided that the case calls for a major penalty, the appointing authority shall appoint an officer, being senior in rank to the person proceeded against, to be Inquiry Officer and to conduct proceedings.

(2) The Inquiry Officer shall hear the case from day-to-day and no adjournment shall be given except for reasons to be recorded in writing. Every adjournment, with reasons therefor, shall be reported forthwith to the appointing authority. No adjournment shall be given for more than a week.

(3) If the Inquiry Officer is satisfied that the officer or employee proceeded against is hampering or attempting to hamper the progress of the inquiry, he shall administer a warning, and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to the effect, and proceed to complete the inquiry in such manner as he thinks best fitted to do substantial justice.

(4) The Inquiry Officer shall, within ten days of the conclusion of the proceedings, or such longer period as may be allowed by the appointing authority, submit his findings and the grounds thereof to the appointing authority.

41. **Suspension and subsistence grant.**—(1) An officer or employee against whom action is proposed to be taken for being guilty of misconduct or corruption, may be placed under suspension if, in the opinion of the appointing authority, suspension is necessary or expedient.

(2) During the period of suspension, an officer or employee shall be entitled to such subsistence grant as the Government orders in this behalf.

42. **Reinstatement.**—(1) If an officer or employee proceeding on leave in pursuance of an order under clause (a) of sub-regulation (1) of regulation 38 is not dismissed, removed or reduced in rank, he shall be reinstated in service, or as the case may be, restored to his rank or given an equivalent rank, and the period of such leave shall be treated as duty on full pay.

(2) Reinstatement after suspension shall be governed by rules applicable to the Government servants.

43. **Review and appeal.**—(1) An officer or employee on whom a penalty is imposed shall have such right of making an application for review of the order of punishment or preferring an appeal as provided below:

- (a) a petition for review of the order of punishment shall be filed before the authority passing that punishment order;
- (b) an appeal against the order passed by the appointing authority shall lie before the authority next above passing the punishment order:

Provided that such review petition or appeal shall be filed within two months from the date on which the incumbent was informed of the punishment order. No appeal shall lie against the orders passed by the appellate authority against an appeal already disposed of.

CHAPTER X

MISCELLANEOUS

44. **Appointment on contract basis.**—The Corporation may appoint on contract basis experts, advisers or officers for a limited period for any special work on terms to be mutually agreed upon.

45. **Interpretations.**—In all matters the final interpretation of these regulations shall rest with the Chairman whose decision shall be final.

46. **Public servants.**—The Chairman, Directors, Officers, Advisers or any employee of the Corporation shall, while acting or purporting to act in pursuance of the Act or any rule or regulation made or to be made thereunder or these regulations, be treated as public servants within the meaning of section 21 of the Penal Code (XIV of 1960).

APPENDIX I

[Vide Clause (d) of regulation 2]

DELEGATION OF ADMINISTRATIVE AUTHORITY IN THE CORPORATION

Sl. No.	Functions.	Authority to exercise the functions.
Appointment, Recruitment and Promotion		
1	Appointment/Recruitment/Promotion to all posts of Senior Co-ordination Officer/Accounts Officer and such other Officer of equal and above status.	Chairman on the recommendation of the Selection Committee constituted in this behalf.
2	Appointment/Recruitment/Promotion to the posts of Co-ordination Officer/Assistant Accounts Officer and similar other posts.	Director on the recommendation of the Selection Committee constituted in this behalf.

Sl. No.	Functions.	Authority to exercise the functions.
3	Appointment/Recruitment/Promotion to all Class III and Class IV posts.	Secretary in respect of Headquarters on the recommendation of the Selection Committee. Regional Heads in respect of the employees of the Regional offices and Project heads in respect of Project employees on the recommendation of the Selection Committee.

Transfer/Posting

1	Transfer/Posting of Officers of the rank of Development Officer and above.	Chairman
2	Transfer/Posting of all other officers	Director or Secretary in their respective Division/Regions. In case of transfer from one Region to another or from one Division to another, approval of the Chairman will be necessary.
3	Transfer/Posting of Class III and Class IV employees.	Departmental Heads/Regional Heads/Projects Heads within their respective Departments/Regions/Projects. In case of transfer/posting from one Division to another or from one Department to another or from one Region to another or from one Project to another, the approval of concerned Director or Secretary will be necessary.

Deputation

1	Deputation of all Officers and employees.	Chairman with the approval of the Government.
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Casual Leave

1	In respect of Directors/Secretary/Personal Staff of Chairman.	Chairman.
2	In respect of all other officers and employees.	Directors in respect of Departmental Heads/Projects Heads/Secretary in respect of Regional Heads and all Officers and employees under him. Departmental Heads/Regional Heads/Projects Heads in respect of Officers and employees under their respective jurisdictions.

Sl. No.	Functions.	Authority to exercise the functions.
Leave other than Casual Leave		
1	In respect of Directors and deputationists.	Government on the recommendation of Chairman, in case of Government servants on deputation; in other cases, the Chairman.
2	In respect of other Officers of the rank of Senior Development Officer and above and personal staff of the Chairman.	Chairman.
3	In respect of Development Officer and of Officers of ... rank.	Directors/Secretary in their respective jurisdictions.
4	In respect of all other Officers ..	Directors in respect of RIS. Secretary/ Departmental Heads/Regional Heads/ Project Heads in the rank of Senior Development Officer in their respective jurisdictions.
5	In respect of Class-III and Class-IV employees.	Secretary/Departmental Heads/Regional Heads/Projects Heads in their respective jurisdictions.

Advance Increment

1	Sanction of advance increments during first appointment to Officers of the rank of Senior Co-ordination Officer and above.	Chairman up to three advance increments during first appointment in special circumstances such as exceptional good qualifications, merit, etc.
2	Sanction of advance increments to all other Officers and employees during the first appointment.	Directors/Secretary/Regional Heads up to three advance increments during first appointment in special circumstances such as exceptionally good qualifications, merit, etc.

Special Pay/Allowance/Special Increment

Sanction of special allowance to all officers and employees.	Board of Directors.
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Crossing of Efficiency Bar

All Officers and employees ..	The Authority mentioned under appointment/recruitment/promotion.
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Honorarium

Sanction of honorarium ..	Chairman in respect of all Officers and staff up to Tk. 1,000 per year.
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Sl. No. Functions. Authority to exercise the function.

Disciplinary Proceedings

- 1 Disciplinary proceedings of officers of the rank of Senior Co-ordination Officer and Accounts Officer and above excluding Government deputationists. Chairman.
- 2 Disciplinary proceedings of all other Officers and employees at Headquarters, Regions and Projects. Directors in respect of Officers in their respective jurisdictions, Secretary in respect of employees at Headquarters, Regional Heads in respect of employees of the Regions and Project Heads in respect of Project employees.
- 3 Government deputationists .. Chairman will refer the charge or complaint to the Government.

Review of Disciplinary Punishment

- 1 Senior Co-ordination Officer and Accounts Officer and Officers of equal and above rank, except Government deputationists. Chairman.
- 2 All other Officers and employees Directors in respect of Officers in their jurisdiction and Secretary in respect of employees.
- 3 Government deputationists .. Chairman will refer the charge or complaint to the Government.

Appeal Against Punishment

- All Officers and employees .. Authority next higher to that which inflicted the punishment.

Creation of Posts

- All posts Board of Directors subject to availability of Fund.

Approval of Tour Programme

- 1 All Directors/Secretary/Engineering Advisor. Chairman.
- 2 Officers of the rank of Development Officer and above. Director/Secretary in their respective jurisdiction.
- 3 All other Officers and employees .. Secretary/Departmental Heads/Regional Heads/Project Heads in their respective jurisdictions.

APPENDIX II

[Vide Regulation 34]

THE SMALL AND COTTAGE INDUSTRIES CORPORATION
DECLARATION OF FIDELITY AND SECRECY.

I, the undersigned, having been appointed to the service of the Small and Cottage Industries Corporation, do hereby declare that I will faithfully, truly and to the best of my judgement, skill and ability, execute and perform the duties required of me and further declare that I will regard as strictly confidential and by no means, direct or indirect, communicate or allow to be communicated of any person or persons whatsoever, any information concerning the business of the Corporation or its constituents not intended to be made public and which may come to my knowledge in the discharge of my duties unless compelled to do so by law or authorised to do so by the Chairman.

Signature

Designation

The Small and Cottage Industries
Corporation, Dacca.

By order of the Board

M. A. RAHMAN

Chairman,

*Bangladesh Small and Cottage
Industries Corporation, Dacca.*