

The
Bangladesh Gazette



Extraordinary
Published by Authority

WEDNESDAY, OCTOBER 28, 1981

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF TEXTILES

Bangladesh Textile Mills Corporation, Dacca

NOTIFICATION

Dacca, the 27th October 1981

No. S.R.O. 351-L/81.—In exercise of the powers conferred by clause (1) of Article 25 of the Bangladesh Industrial Enterprises (Nationalisation) Order, 1972 (P.O.No. 27 of 1972), the Board of Directors of the Bangladesh Textile Mills Corporation, with the previous approval of the Government is pleased to make the following regulations, namely:—

THE BANGLADESH TEXTILE MILLS CORPORATION (SERVICE)

REGULATIONS, 1981

CHAPTER I

1. **Short title and application.**—(1) These regulations may be called the Bangladesh Textile Mills Corporation (Service) Regulations, 1981.

(2) They shall come into force at once.

2. **Extent of application.**—These regulations shall apply to the wholtime officers appointed by the Corporation, and the enterprises and projects of the Corporation and the employees of the Head Office, Zonal Office or any other office of the Corporation directly controlled and managed by it, but shall not apply to:—

- (i) the Chairman and the Directors of the Corporation and the Government servants on deputation, except in so far as they relate to travelling and daily allowances and medical, housing and transport facilities;

- (ii) advisers and consultants, whether part-time or whole-time, appointed by the Corporation;
- (iii) workers and employees in the enterprises and projects who are governed by the Factories Act, 1965 (Act No. IV of 1965) and the Shops and Establishment Act, 1965 (Act No. VII of 1965);
- (iv) officers appointed on contract.

3. **Validity of acts done before the commencement of these regulations.**—Any action taken, order passed, appointment made, or proceeding commenced under the provisions of any rules or orders in force immediately before the commencement of the regulations shall, in so far as they are not inconsistent with the provisions of these regulations, be deemed to have been taken, passed, made or commenced, as the case may be, under the corresponding provisions of these regulations.

4. **Relaxation.**—The Corporation may, with the approval of the Government, modify, amend, or alter any of the provisions of these regulations or add new provisions thereto in such manner and to such extent as it may deem expedient.

CHAPTER II

DEFINITIONS

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

- (1) “adviser” means a person or firm appointed as such by the Corporation;
- (2) “apprentice” means a person deputed for training in a trade or business with a view to employment in the service of the Corporation, who draws stipend or allowance from the Corporation during such training, but is not employed in or against a permanent or temporary vacancy in a cadre or post;

Note—The term training also includes training in a foreign country arranged by the Corporation.

- (3) “average pay” means the average monthly pay earned during the twelve complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay;

- (4) “basic pay” means the pay other than the special pay, technical pay or personal pay;

- (5) “Board” means the Board of Directors of the Corporation;

- (6) “bonus” means an extra payment declared as bonus and payable in addition to monthly pay;

- (7) “cadre” means the sanctioned numerical strength of a service or part of a service working as a separate unit, at a particular time;

(8) "Chairman" means the Chairman of the Corporation;

(9) "children" means children or offspring of an employee of the Corporation and includes his step children and legally adopted child specially declared as such by the officer or employee;

(10) "compensatory allowance" means an allowance which is granted to meet personal expenditure necessitated by the special circumstance in which duty is performed;

(11) "competent authority", in relation to the exercise of any power, means an officer to whom the power has been delegated by the Corporation;

(12) "consultant" means an individual or a firm or a company either local or foreign, appointed by the Corporation for specific purposes on specific terms and conditions;

(13) "controlling officer" means the officer declared by the Corporation to be the Controlling Officer for the purpose of travelling, increment, transfers and prescribed leave of a particular officer or employee or class of officers or employees and for such other functions as may be assigned to him by the competent authority;

(14) "day" means a calendar day, beginning and ending at midnight, but for the purpose of travelling allowance an absence from headquarter which does not exceed twenty-four hours shall be reckoned as one day, at whatever hour the absence begins or ends;

(15) "dependant" means wife, husband, parents, children, minor brothers, unmarried sisters and deceased son's widow and children;

(16) "deputation" means temporary duty of an officer or employee of the Corporation in any body or corporation outside the Corporation;

(17) "Director" means a Director of the Corporation;

(18) "duty" includes:—

(a) service of a probationer, apprentice or trainee provided such service is followed by confirmation;

(b) joining time;

(c) period spent on a duly authorised course of instruction or training including the time reasonably required for the journey to and from the place of such training;

(d) 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;

(e) period spent on any special work which the Corporation in its discretion declare to be a period spent on duty.

Note—Period spent on casual leave shall be treated as no duty.

(19) "employer" means the Corporation;

(20) "enterprise" means an industrial undertaking as being under the management of the Corporation which is, or has been, in commercial production activities;

(21) "family", for the purpose of the Medical facilities, means wife, (but not more than one wife), husband, children, parents, unmarried sisters and minor brothers of the officer or employee residing with and wholly dependant upon the officer or employee.

Explanations—(i) Wife of an officer or employee shall be deemed to be wholly dependant upon him so long as she is not legally separated from him.

(ii) Sons and step-sons of an officer or employee shall be deemed to be wholly dependant upon him until they complete the age of 21 years or cease to be wholly dependant upon him, whichever occurs earlier.

(iii) Sisters, daughters and step-daughters of an officer or employee shall be deemed to be wholly dependant upon him until they are married or otherwise they cease to be wholly dependant upon him.

(iv) Parents of an officer or employee shall be deemed to be wholly dependant upon him in case they are without any income of their own or their income is so inadequate as to make them dependant on the officer or employee for their maintenance and the officer or employee makes specific declaration accordingly.

(v) The expression "residing with" shall not be construed to exclude the wife and children of an officer or employee wholly dependant upon him but not actually residing with him. As for example, when the son or daughter of an officer or employee is studying in a place other than his headquarters, or the wife of an officer or employee is temporarily away from his headquarters.

(vi) For the purpose of travelling allowance concession during leave and travelling allowance on transfer an officer or employee's family includes his wife (but not more than one wife) and children provided they are residing with him and wholly dependant upon him.

(22) "fee" means a recurring or non-recurring payment to an Officer or employee from a source other than the Corporation's fund whether made directly to the Officer or employee or indirectly through the intermediary of the Corporation;

(23) "gratuity" means a lump payment to an officer or employee on cessation of service with the Corporation calculated on the length of service rendered;

(24) "head of the department" means an officer holding independent charge of a department or an officer whom the Corporation by an order declared him as such;

(25) "headquarters" in relation to an officer or employee, means such place as the Head of the Department may determine and, in the absence of any orders to the contrary, means the station where the records of the office are maintained;

(26) "holiday" means a day declared as such by an order of the Corporation;

(27) "honorarium" means a non-recurring payment granted to an officer or employee as remuneration for a special work of an occasional character;

(28) "joining time" means the time allowed to a person under conditions prescribed in Chapter VI of these regulations to enable him to join the post to which he has been appointed or transferred;

(29) "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;

(30) "month" means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of number of days in each, should first be calculated and the odd number of days calculated subsequently; for example, in calculating a period of 3 months and 20 days from the 25th January, 3 months should be taken as ending on the 24th April and the 20 days on the 14th May;

(31) "officer" means such a person in the employment of the Corporation, or of an enterprise, project or any other office directly controlled and managed by the Corporation as may, from time to time, be designated by the Corporation as an officer;

(32) "officiate"—An officer or employee officiates in a post when he performs the duties of a post on which another 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.

(33) "ordinance" means the Bangladesh Industrial Enterprises (Nationalisation) Order, 1972 (P.O. No. 27 of 1972);

(34) "pay" means the amount drawn monthly by an officer or employee as pay which has been sanctioned for a post held by him substantively or in a temporary or officiating capacity or which he is entitled to by reason of his position in a cadre, and includes personal pay or any other emoluments classed as pay by the Government or by or under any law for the time being in force;

(35) "post" means a post of an officer or employee to whom these regulations apply;

(36) "probationer" means an officer or employee employed on probation for a specified period in or against a regular vacancy in the cadre or post;

(37) "project" means an industrial undertaking of the Corporation which is under construction;

(38) "public conveyance" means a train, steamer, aeroplane, launch, coach service or helicopter or other conveyance which plies regularly for the carriage of passengers on hire;

(39) "regular appointment" means an appointment to post on a regular basis whereby the person so appointed acquires a lien on that post;

(40) "regulations" means the Bangladesh Textile Mills Corporation (Service) Regulations, 1981;

(41) "Selection Committee" means a Committee constituted by the Board for the purpose of selection of persons for appointment or promotion:

Provided that the Board may delegate the power to constitute a Selection Committee to the Chairman.

(42) "subsistence grant" means a monthly grant made to an officer or employee who is not in receipt of pay or leave salary;

(43) "subsistence allowance" means a monthly payment made to an officer or employee during the period he is under suspension;

(44) (a) "time-scale pay" means pay which rises by periodical increment from a minimum to a maximum;

(b) "time-scales" are said to be identical when the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical;

(c) two posts are said to be on the same time-scale when the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, involving duties and responsibilities of approximately the same character or degree;

(45) "transfer" means the movement of an officer or employee from one headquarters station in which he is employed to another such station either (a) to take up the duties of a new post, or (b) in consequence of change of his headquarters;

(46) "travelling allowance" means an allowance granted to an officer or employee to cover the expenses which he incurs in travelling in the interest of the Corporation's service; and

(47) "year" means for accounts purposes, financial year and, for purposes other than accounts, calendar year reckoned according to the British calendar.

CHAPTER III

CLASSIFICATION OF POSTS

6. **Classification of posts.**—(1) Posts under the Corporation shall be classified into three categories, namely, (a) permanent, (b) temporary and (c) casual or daily rated.

(2) (a) A permanent post is a post carrying a definite rate of pay and sanctioned without limit of time.

(b) A temporary post is a post carrying a definite rate of monthly pay but which is created for a limited time to meet exigency of the circumstances.

(c) A casual post means a post created for the performance of duties of a casual (that is day-to-day) or intermittent character, or for the execution of a particular work and which does not have a time scale of pay.

CHAPTER IV

GENERAL CONDITION OF SERVICE

7. **Selection Committee.**—(1) All appointment to the post of officers of the Corporation and its enterprises and projects and employees of the Corporation and its zonal or any other offices directly controlled and managed by the Corporation shall be made on the recommendation of appropriate Selection Committee constituted with the approval of the competent authority.

(2) Separate Selection Committee may be constituted for appointment to the different categories of posts.

(3) In a Selection Committee constituted for the purpose of selecting Officers in the posts carrying such initial pay as the Board may determine there shall be included at least one member from outside the Corporation who is an expert in the concerned field.

(4) Selection of candidate for appointment to the post of the Chairman, Director or Member of the Corporation shall be made by the Government.

8. **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 in the service of the Corporation shall not be less than 18 years and more than 27 years of age at the time of his appointment:

Provided that the Board may, in such cases as it may deem fit, relax the upper age limit up to 45 years.

(3) A declaration of age, made by an applicant for the purpose of his appointment to a post, shall be deemed to be binding on the person who made it and no revision of such declaration shall be allowed at a later date for any purpose whatsoever. Date mentioned in Matriculation, Secondary School or equivalent Certificates shall be admitted as proof of age:

Provided that in the case of an applicant who does not hold such a certificate, a certificate of age from the Chairman of a local authority countersigned by a Medical Officer of the Corporation shall be admitted as a proof of age.

(4) No person shall be appointed to a permanent post of the Corporation whether on probation or otherwise unless he submits a medical certificate of fitness from a Medical Officer of the Corporation and prescribed Police Verification Rolls, duly filled in. If any adverse police verification report is received in respect of his antecedents he shall be removed from service without assigning any reason and without any service benefit.

(5) No person shall be appointed to a post unless he has the requisite qualification as laid down in Recruitment Rules for that post.

9. **Transfer of officers and change of their duties.**—(1) The Corporation may transfer its officers and employees or make such change in their designation, duties and responsibilities from time to time as it may deem fit. The transfer or change shall not, however, be to the disadvantage of the incumbent in respect of pay and status:

Provided that this provision shall not apply to transfer on account of inefficiency or misconduct.

(2) The Corporation may require its officers and employees to serve the Corporation or any of its enterprises or projects or any other offices directly controlled and managed by the Corporation in Bangladesh or abroad.

10. **Termination of service due to abolition of posts, etc.**—The service of an officer or employee may, consequent upon abolition of the post he held or retrenchment in the establishment of the Corporation, be dispensed with upon three months' previous notice being given to him by the Corporation in writing or pay him a sum equivalent to three months' pay in lieu of the notice. In case of abolition of posts, endeavour shall first be made to absorb him in equivalent post in the Corporation.

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

(2) An officer or employee cannot be appointed on regular basis to a post on which another officer or employee holds a lien.

12. **Pay and Allowances.**—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 the pay and allowances when he ceases to discharge those duties.

Note—'Date' in this context means the forenoon of the day in question, for example, if charge is assumed or transferred before noon of that date. If charge is assumed or transferred in the afternoon, it takes effect from the following day.

13. **Absence from duty.**—No officer or employee shall absent himself from duty, nor shall he leave his station, excepts on duty, without getting his leave sanctioned or without the prior permission of his controlling officer.

14. **Institution of suits.**—(1) If any officer or employee of the Corporation suffers any wrong, civil or criminal, in the course of his official duty he may, after he has exhausted all the avenues for the redress of the wrong suffered or alleged to have suffered, file, subject to the provision of sub-regulation (2), a suit or case in a court of competent jurisdiction.

(2) A Government servant who is on deputation to the Corporation shall, for the purpose of filing a suit or case under sub-regulation (1), take prior permission of the Government through the Corporation before institution of such suit or case.

15. **Whole time service.**—(1) Unless in any case it is otherwise distinctly provided, the whole time of an officer or employee of the Corporation is at the disposal of the Corporation and he may be employed on the work of the Corporation in any place without claim for additional remuneration.

(2) No officer or employee shall take admission into any school, or college or any other educational institution as a regular student without first obtaining permission from the Corporation.

16. **Lien.**—(1) An officer or employee holding a permanent post on a regular basis retains a lien on that post,—

- (a) while performing the duties of that post,
- (b) while holding a temporary post or officiating in another post,
- (c) during joining time on transfer to another post unless he is 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 regular basis to another permanent post.

CHAPTER V.

CRITERIA FOR APPOINTMENT, PROMOTION AND SENIORITY

17. **Appointment.**—(1) The minimum qualifications for appointment and promotion to the various posts and cadres shall be governed by the Recruitment Regulations of the Corporation.

(2) If, however, suitable candidates are not available for fresh appointment or for promotion, the vacant posts may be filled in:

- (i) in the case of a post within the fresh appointment quota, by promotion; and
- (ii) in the case of a post within the promotion quota, by direct recruitment.

18. **Probation, Confirmation.**—(1) The period of probation for an officer appointed by the Corporation shall be six months. The period of probation may be extended by such period, not exceeding two years, as the competent authority may decide, if during the period of probation the services of the probationer are found unsatisfactory; but the officer shall be informed of the extension, in writing, before the completion of his period of probation.

(2) On successful completion of the period of probation, appointment shall be made on a regular basis with effect from the date of commencement of service in the Corporation.

Note—In case of employees, probation and confirmation shall be guided by the provisions of the Employment of Labour (Standing Order) Act, 1965.

19. **Promotion.**—An officer/employee shall become eligible for promotion to the next higher scale when he completes three years' service provided vacancy exists in the immediate higher rank and the officer/employee is otherwise found suitable for promotion.

20. **Out of turn promotion.**—Officers and employees of the Corporation may be considered for out of turn promotion for outstanding devotion to duty and loyalty, quality of leadership and initiative in the discharge of duties, provided that not more than 25% of the vacancies in each grade shall be filled in by such promotion.

21. **Seniority.**—(1) Seniority of an officer or employee in the service of the Corporation shall be calculated on his joining the service in a particular scale.

(2) If more persons than one are recruited at a time the seniority *inter se* shall be determined in the order of merit fixed by the Selection Committee.

(3) In the same category of posts and scale of pay promotees shall have seniority over direct recruits joining on the same date. If more persons than one are promoted in the same batch seniority *inter se* shall be in accordance with the seniority in the scale from which the promotion is made.

(4) Seniority list shall be made available to the officers and employees concerned for examination on request.

(5) The Corporation shall maintain grade-wise and scale-wise seniority list of its officers and employees.

CHAPTER VI JOINING TIME

22. **Purpose of joining time.**—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.

23. **Calculation of Joining time.**—The joining time admissible to an officer or employee whose transfer does not involve change of residence from one station to another is one day only. A holiday counts as a day for this purpose.

(2) 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 and in addition such number of days as may actually be taken in the journey. A Sunday does not count as a day for the purpose of this sub-regulation.

24. **Payment.**—Joining time shall be treated as period on duty; and an officer or employee of the Corporation shall be entitled to be paid while on joining time,—

- (a) in case of promotion, the salary of the new post (if higher),
- (b) in case of transfer, the pay which he would have drawn had he not been transferred,
- (c) in case of returning from leave of any description, other than extraordinary leave, the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary.

25. **Absence after expiry of leave.**—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 unless regularised by competent authority. Wilful absence from duty without written intimation to the Controlling Officer after the expiry of joining time shall be treated as misconduct.

26. **Leave while on transfer.**—If an officer or employee takes leave while in transit from one post to another, the period which has elapsed 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 latter case the period may be treated as joining time.

CHAPTER VII

FIXATION OF PAY ON APPOINTMENT AND PROMOTION AND INCREMENT

27. **Pay on appointment.**—An officer or employee on duty shall draw the pay of the appointment held by him. An officer or employee on leave shall draw leave salary as per rules.

28. **Initial Pay.**—(1) The initial pay of an officer or employee on first appointment shall be the minimum of the time-scale of the post to which he is appointed.

(2) The Corporation, may in case of first appointment to the Corporation's service, grant to any officer or employee a higher starting pay in a time-scale subject to a maximum of 3 increments in special circumstances with the approval of the Board of Directors of the Corporation.

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

(i) When the appointment is to a higher post, he shall draw, as initial pay, the stage of the time-scale which is next above his basic pay in respect of the old post.

(ii) In other cases he shall draw an initial pay, 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 allowance 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 the pay so fixed shall not be less than the basic pay which he drew on the last such occasion.

29. **Increment.**—An officer or employee after satisfactory completion of six months active or actual service shall be entitled to his normal annual increment on either 1st January or 1st July whichever is earlier irrespective of his date of appointment or promotion subject to other conditions being fulfilled and thereafter his normal annual increment will fall due on the same date every succeeding year.

30. **Special increment.**—An officer or employee may be granted special increments up to a maximum of two increments at a time but such increment shall not be granted to more than ten per cent of the officers or employees in the same scale of pay or grade.

31. **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 authority empowered to withhold increment. Such sanction shall be based on positive recommendation of the reporting Officer that the service of the officer or employee concerned has been satisfactory justifying the crossing of the bar.

32. **Charge Allowance and Acting Allowance.**—When an officer or employee holds charge of a higher post or an equivalent post in addition to his own duties under orders of the competent authority he may be permitted to draw charge or acting allowance at the rate of 10% of his basic pay of subject to such maximum as the competent authority may determine, provided the duration of the charge is not less than 21 days.

CHAPTER VIII

ADDITIONS TO PAY AND OTHER PRIVILEGES AND BENEFITS

33. **Accommodation.**—(1) An officer or employee of the Corporation may be provided with accommodation by the Corporation appropriate to his status, subject to recovery of rent as per such instructions of the Corporation as may, from time to time, issue in this behalf.

(2) Accommodation provided to an officer or employee working in an enterprise shall be free of rent. The officer or employee shall not be entitled to draw house rent allowance if accommodation is available and can be provided.

34. **House Rent Allowance/Ceiling.**—In a case where it is not possible for the Corporation to provide residential accommodation to an officer or employee, such rent allowance or ceiling, as the case may be, may be allowed to him as the Corporation may, from time to time, determine.

35. **Fee.**—The Corporation may, permit any of its officer or employees to accept fee for work done or services rendered to any Government, semi-Government or other organisation with the prior approval of the Corporation. No fee shall, however, be accepted from a private person or body or any private profit making institution without first obtaining the specific approval of the Corporation of the work to be done or the services to be rendered and without a determination of the amount of the fee.

36. **Gratuity.**—(1) Gratuity at the rate of one month's pay for each completed year of service with the Corporation shall be paid to an officer or employee who leaves the service of the Corporation on completion of 3 years' service or on retirement on attainment of the age of superannuation or termination of service by the Corporation after 3 years' service for reasons other than dismissal from service. Gratuity shall be calculated under paragraph (3) below and payment made at the time of finally quitting the service of the Corporation.

(2) Gratuity shall not be paid to an officer or employee who leaves the service of the Corporation voluntarily within 3 years of his service, even if he leaves the service with the consent of the Corporation.

(3) After the expiry of 3 years' service gratuity shall be paid at the rate of one month's pay for each completed year of service. In the case of a fraction of a year gratuity at proportionate rate shall be paid only for months or multiple thereof.

(4) When an officer or employee is forced to leave the service of the Corporation on medical grounds as certified by the Chief Medical Officer of the Corporation, gratuity at the usual rate shall, subject to the provisions of this regulation, be paid for the period of his service. In the case of death of an officer or employee gratuity shall be paid to the nominee or legal heir or heirs of the deceased officer or employee.

Note—(1) For the purpose of this regulation,—

(i) the expression "service with the Corporation or an enterprise or project" shall include continuous service in erstwhile Pakistan Industrial Development Corporation, East Pakistan Industrial Development Corporation, Bangladesh Industrial Development Corporation and enterprise and project nationalised under P. O. No. 27 of 1972 and the enterprises and projects under the management and control of the Corporation;

(ii) gratuity shall be calculated at the rate of the pay last drawn by the officer or employee.

(2) This regulation does not apply to an officer or employee who is not a Bangladeshi national, and the Advisers and Consultants, whether foreign or local, on deputation from Government and workers who are governed by Factories Act, 1965 (E.P. Act No. IV of 1965) and the Shops and Establishments Act, 1965 (E.P. Act No. VII of 1965).

37. **Bonus.**—The Corporation may, at its discretion and subject to such conditions as it may determine, pay bonus to its officers and employees.

38. **Benefits under the Group Insurance Scheme.**—The Corporation may adopt a scheme for the insurance of the lives of its officers and employees on a year to year basis under the Group Insurance Scheme covering accidental and also natural death up to the age of 57 years.

Note.—If not otherwise directed by the Government the Group Insurance Scheme will cover also the Chairman and Directors and deputationists from Government but does not include the daily rated employee).

39. **Encashment of leave on average pay.**—(i) An officer or employee of the Corporation may be permitted to encash at the rate of the pay last drawn, fifty per cent of the leave sanctioned to him provided that the total leave to be encashed shall not be for a period of less than fourteen days; and encashment shall not be allowed for a period of less than seven days. The leave encashed shall also be debited to the leave account as leave availed of.

(ii) Encashment up to a maximum of 2 months may be permitted to an officer or employee.

(iii) An officer or employee on attaining the age of superannuation or resignation may be allowed encashment of leave at his credit in the leave account on that day:

Provided that the leave to be so encashed shall not be more than eight months.

Note.—Leave salary for the balance of leave at credit on death of an officer or employee may be paid to his nominee or legal heirs.

40. **Medical benefits.**—The officers and employees of the Corporation shall be entitled to medical facilities provided by the Corporation in accordance with such instructions as may issue from time to time in this behalf.

41. **Contributory Provident Fund.**—(1) The officers and employees on regular employment of the Corporation shall be required to subscribe to the Contributory Provident Fund of the Corporation in such manner as may be specified by the Corporation.

(2) The rate of contribution into the Fund and the procedure of withdrawal from, and final payment of, the money accumulated in the Fund to the credit of an officer or employee shall be decided by the Corporation with the previous approval of the Government.

CHAPTER IX

SUSPENSION, REMOVAL, DISMISSAL, TERMINATION AND RESIGNATION

42. **General.**—An officer or employee who is removed or dismissed from service or who resigns from the service of the Corporation shall cease to draw pay and allowance from the date of his removal, dismissal or acceptance of the resignation.

43. **Subsistence allowance.**—(1) Subsistence allowance may be paid to an officer or employee of the Corporation who is placed under suspension pending enquiry against him or against whom a criminal case has been registered by police for an offence involving moral turpitude.

(2) When an officer or employee of the Corporation is charged with any criminal offence involving moral turpitude, he shall be put under suspension forthwith and departmental proceedings shall be drawn against him:

Provided that if any injunction with regard to the departmental proceedings is issued by the court the departmental proceedings shall be kept in abeyance until the decision of the Court in this behalf is delivered.

2(A) An officer/employee of the Corporation against whom a warrant of arrest is issued and either he is committed to prison which includes taken into custody or released on bail on surrender to court either for debt or on a criminal charge, he shall be immediately put under suspension and should be allowed subsistence allowance until termination of proceedings against him. If an officer/employee of the Corporation to whom a warrant of arrest is issued by the court absconds to avoid arrest and subsequently surrenders to court and thereafter granted bail by the court, he shall be deemed to have been taken into custody and should be considered as under suspension. Similarly, in any other case of release on bail also, the officer/employee concerned should be considered as under suspension.

(3) In case the officer or employee charged with criminal offence under sub-regulation (2) is acquitted by the court, the Corporation may proceed with the departmental proceedings in accordance with the provisions of these regulations.

(4) An officer or employee put under suspension shall be paid subsistence allowance at a rate not exceeding one-half of his pay and shall be entitled to the medical facility and also housing facility in case he was in receipt of house rent allowance or occupying a hired or other accommodation provided by the Corporation:

Provided that an officer under suspension shall be bound to vacate the residence provided by the Corporation as and when asked for to vacate it and he will be provided with alternative accommodation or house rent ceiling as the case may be.

44. Pay and Allowance on Reinstatement.—(1) When an officer or employee who has been suspended, dismissed or removed on the grounds of moral turpitude is reinstated, the punishing, revising or the appellate authority may grant him leave for the period of absence from duty as admissible under the normal rules.

(2) An officer or employee who is re-instated shall be entitled to:

- (a) if he is honourably acquitted or exonerated, the full pay and allowance to which he would have been entitled had he not been suspended, dismissed or removed, such period being treated as a period spent on duty;
- (b) if otherwise, to such benefit as the competent authority, in its discretion may allow.

45. Leave during Suspension.—An officer or employee under suspension shall not be granted leave or permitted to retire until the enquiry into the charge is concluded and a final order passed thereon:

Provided that an officer or employee who during the period of suspension attains the age of superannuation shall be released and no retirement benefit shall be allowed to him until the case is finalised.

46. The Terminations of Services of Officers.—The Corporation may terminate the service of a probationer,—

- (a) during the period of probation, by thirty days' notice on either side without any reason being assigned;
- (b) during the period of contract, in accordance with the terms of his contract;
- (c) After confirmation:

- (1) by 30 (thirty) days' notice if the Corporation is satisfied on the basis of a report from the Chief Medical Officer/Deputy Chief Medical Officer/Medical Officer appointed by the Corporation that the officer has become physically disabled and is not likely to recover from such disability within reasonable time to discharge his duties efficiently.

Note—For disciplinary measures and measures necessitating termination, discharge dismissal, the employees coming within the purview of the Employment of Labour (Standing Orders) Act, 1965 will be governed by the relevant provisions of the said Act.

CHAPTER X

LEAVE

47. **General.**—Unless otherwise provided, the leave of an officer or employee shall be governed by the provisions of this Chapter. The leave of an officer on contract service with the Corporation shall be governed by the terms of his contract. An officer who is appointed on contract initially but is retained in regular service without interruption shall be entitled to leave under these regulations as if he had been appointed on a regular basis from the date of his appointment.

48. **Leave earned by duty.**—(1) Leave shall be earned by duty only. Leave cannot, however, be claimed as a matter of right. When the exigencies of service so require the Corporation shall have the right, at its discretion, to refuse or revoke leave excepting leave on medical ground.

(2) Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed.

Note—See also note below regulation 12.

(3) When the day immediately preceding the day on which the leave of an officer or employee begins or immediately following the day on which his leave or joining time expires is a holiday or a series of holidays, the officer or employee may leave his station or return to it, with proper permission, at the close of the day before, or as the case may be, on, the day following such holiday or series of holidays.

(4) Every kind of leave may be granted in combination with or in continuation with or in continuation of any other kind of leave.

(5) The Corporation may commute retrospectively period of absence without leave into extraordinary leave.

(6) Leave encashed under regulation 39, shall be treated as leave consumed and shall be debited to leave account.

(7) Normally an officer or employee shall be encouraged to enjoy earned leave every year, as far as practicable, and there should be no bar in encashment and enjoyment of earned leave.

(8) Earned leave shall not be refused normally by the Controlling Officer. In case leave has to be refused, the Controlling Officer shall obtain permission from the next higher authority, giving sufficient grounds of the refusal of leave.

49. **Recall to duty.**—(1) An officer or employee on leave may be recalled to duty. If he is recalled to duty within fifteen days of the commencement of his leave and if the return to duty is compulsory he shall be entitled to travelling allowance as on tour both ways. If however, he is recalled after the expiry of 15 days of leave he shall be eligible for travelling allowance for the return journey (one way) only. In both the cases he will draw leave salary until he joins his post.

(2) An order recalling an officer or employee to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory.

50. **Fitness Certificate.**—(1) An officer or employee on leave granted on medical certificate may not return to duty without first producing a certificate of fitness.

(2) An officer or employee who remains absent after the end of his leave shall not be entitled to any leave salary for the period of such absence, unless the period of absence, is subsequently regularised. Wilful absence from duty after the expiry of leave will render the officer or employee liable to disciplinary action.

51. **Leave for teachers.**—Teachers and staff attached to schools of the Corporation and its enterprises and projects who enjoy long vacations shall be governed by the rules and regulations framed by the Government from time to time in this behalf.

52. **Leave on average pay.**—(1) An officer or employee appointed on regular basis shall earn leave on last pay at the rate of 1/11 of the period spent on duty:

Provided that the accumulation of such leave shall not exceed eight months:

Provided further that the amount of leave on last pay that may be taken at any one time shall not exceed four months. This limit may be raised to six months if the leave is taken on medical certificate or for the purpose of pilgrimage, education or rest and recreation outside Bangladesh.

(2) A temporary officer or employee shall earn leave on last pay at the rate of 1/22 of the period spent on duty and the maximum leave that can be accumulated shall be three months.

(3) Casual employees on daily rated pay shall not earn leave on last pay:

Provided that if a temporary or casual employee is appointed on a regular basis without break of service he shall earn leave from the date of his continuous service.

(4) An officer or employee appointed on contract shall be entitled to such leave as may be admissible under the contract of his appointment.

53. **Leave on half pay on medical certificate.**—An officer or employee appointed on a regular basis may be granted leave on half pay on medical certificate; but such leave shall not exceed twenty-four months in all during the whole period of his service life. Such leave shall be granted only on production of certificate from a Medical Officer of the Corporation and for a period not exceeding that recommended by the Medical Officer.

54. **Authority to grant leave.**—Leave admissible under these regulations shall be granted to an officer or employee by the authority competent to appoint him or by such other authority as may be authorised by the Corporation in this behalf.

55. **Extraordinary leave.**—(1) Extraordinary leave without pay may be granted to an officer or employee in special circumstances, namely,—

(a) when no other leave is admissible under the regulations or

(b) when other leave is admissible but the officer or employee applies in writing for the grant of extraordinary leave.

(2) Extraordinary leave may be granted up to a maximum of two years in all throughout his service life to an officer or employee appointed on a regular basis and up to a maximum of six months to a temporary officer or employee. This leave may be granted for higher education or on medical ground for treatment of tuberculosis or cancer on production of a medical certificate from the Chief Medical Officer of the Corporation.

The Corporation may under special circumstances and on compassionate grounds extend the maximum periods of extraordinary leave beyond the above mentioned limits by six and three months, respectively.

56. **Special disability leave.**—(1) Special disability leave may be granted by the Corporation to an officer or employee who is disabled by injury inflicted or caused in, or in consequence of the due performance of his official duties.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude. If, however, the Corporation is satisfied as to the cause of the disability, such leave may be granted in exceptional cases where the disability manifested itself within six months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by the Chief Medical Officer to be necessary. It shall not be extended except on the certificate of the Chief Medical Officer and shall in no case exceed twenty-four months.

(4) Such leave may be combined with leave of any other kind except casual leave.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than twenty-four months of such leave shall be granted in consequence of any such disability.

(6) Such leave shall be counted as on duty in calculating service for gratuity only, if admissible, and shall not be debited against the leave account except as stated below:—

(7) Leave salary during such leave shall be,—

- (a) for the first four months of any period of such leave, full pay; and
- (b) for the remaining period of any such leave, half pay.

57. **Quarantine leave.**—Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family or household of an officer or employee. Such leave may be granted by the Head of the Department on the certificate of a Medical Officer or Public Health Officer for a period not exceeding 21 days, or in exceptional circumstances, 30 days. Any leave necessary for quarantine purpose in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted, where necessary, in continuation of other leave subject to the above maximum amount of leave. An employee on quarantine leave is not treated as absent from duty and his pay is not intermitted.

Note—No substitutes will be appointed in place of an officer or employee on quarantine leave.

58. **Maternity leave.**—(1) Maternity leave on full pay may be granted to a female officer or employee on regular service. Such leave shall not be debited against the leave on last pay or half pay earned by duty. Such leave may be granted for a period which may be extended up to three months from the date of its commencement, or to the end of six weeks from the date of confinement, whichever is earlier.

(2) Leave of any other kind, including leave on last pay to the extent admissible may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate from the Medical Officer of the Corporation.

Note—In the case of a female officer or employee in temporary employment, maternity leave as prescribed in regulation 58 (1) may be granted provided she has been in the service of the Corporation for at least nine months.

59. **Special sick leave.**—(1) A launch, dredger, barge or tug crew disabled in the performance of his duty may be allowed special sick leave on leave salary equal to full pay for a period not exceeding three months, subject to the fulfilment of the conditions that—

- (a) a certificate from the authorised Medical Officer about the disability is produced;
- (b) the disability is not due to his own carelessness or inexperience;
- (c) the vacancy caused by the absence on leave is not required to be filled in.

(2) The grant of the special sick leave under this regulation is subject also to the condition that the leave salary is not in addition to the benefits that the employee may be entitled to under clause (d) of sub-section (1) of section 4 of the Workmen's Compensation Act, 1923, but is inclusive of them.

(3) Leave granted under this regulation will not be debited against the leave accounts.

(4) The expression, "full pay" in this regulation means the pay at the time of taking the leave.

60. **Leave account.**—(1) Leave account of officers/employees shall be maintained by the Administration Branch of the Corporation in such form as the Corporation may specify and leave shall be sanctioned by the competent authority after verifying that the leave is admissible under these regulations.

(2) Leave account of officers/employees shall be maintained in the form to be specified by the Establishment Branch of the Corporation.

61. **Authority to grant prescribed leave.**—The prescribed leave shall be granted by the competent authority in accordance with the powers delegated to him.

62. **Leave on termination of service or contract.**—An officer or employee shall cease to earn any kind of leave on superannuation or on the date of acceptance of his resignation.

63. **Leave salary.**—An officer or employee shall draw his leave salary in Bangladesh currency irrespective of country where he spends his leave unless the Government permits him to draw his salary in any other currency.

CHAPTER XI

SUPERANNUATION

64. **Superannuation.**—The date of superannuation of an officer or employee shall be the date on which he attains the age of 57 years. He may, subject to physical fitness and continued efficiency, be retained in service beyond that date with the approval of the Board, on year to year basis, subject to the approval of the Government:

Provided that no officer or employee shall be retained in service beyond sixty years of age.

CHAPTER XII

65. **Travelling Allowance.**—Officers and employees of the Corporation shall be entitled to such travelling allowance as the Corporation may, with approval of the Government, determine from time to time.

CHAPTER XIII

DISCIPLINE AND APPEAL

(DISCIPLINE)

66. **Grounds for penalties.**—Where an officer of the Corporation (excepting a Government servant in the employment of the Corporation on deputation), in the opinion of the competent authority,—

- (a) is inefficient, or has ceased to be efficient; or
- (b) guilty of misconduct; or
- (c) has committed an offence involving moral turpitude or has been convicted of such offence by a Court of Law, the competent authority may impose on him one or more of the penalties mentioned in regulation 67.

Explanation—The following acts and omissions shall be treated as

- (i) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful or reasonable order of superior or authority;
- (ii) theft, fraud or dishonesty in connection with the employer's property;
- (iii) taking or giving bribes or any illegal gratification;
- (iv) habitual late attendance;

- (v) riotous or disorderly behaviour or any act subversive of discipline;
- (vi) habitual absence without leave;
- (vii) habitual breach of any applicable law or rule or regulation;
- (viii) frequent repetition of any act or omission or commission;
- (ix) resorting to illegal strike or 'go slow' or inciting others to resort to illegal strike or 'go slow';
- (x) falsifying, tampering with, damaging or causing loss of employer's official records;
- (xi) habitual negligence or neglect of duty;
- (xii) corruption or being considered corrupt for,—
 - (1) the officer or any of his dependants or any other person through him or on his behalf being in possession (which he cannot reasonably account for) of pecuniary resources or property disproportionate to his known source of income; or
 - (2) the officer having assumed a style of living beyond his ostensible means; or
 - (3) having persistent reputation of being corrupt.

67. **Penalties.**—The following shall be the penalties which may be imposed under these regulations, namely:—

- (a) censure;
- (b) withholding, for a specified period, promotion or increment;
- (c) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (d) removal from the service of the Corporation which does not disqualify from future employment;
- (e) dismissal from the service of the Corporation, which disqualifies from future employment.

Note—Penalties mentioned in clauses (a) and (b) are minor penalties and the rest are major penalties.

68. **Authority.**—No authority subordinate to that by which an officer was appointed shall be competent to award any penalty to him.

PROCEDURES FOR IMPOSITION OF PENALTIES

69. **General.**—(1) No penalty under regulation 67 shall be imposed on an officer unless he has been informed in writing the grounds on which it is proposed to take action against him and he has been afforded adequate opportunity to defend himself.

(2) When an officer is to be proceeded against on any ground mentioned in regulation 66 and the competent authority or such other officer as may be empowered by it is of opinion that the allegations, if established, would call for a minor penalty, the competent authority or the officer, as the case may be, shall—

- (a) make the allegations against him known to the accused in writing and call upon him to explain his conduct within a specified time which shall not be less than seven days and not more than fourteen days; and
- (b) consider the explanation, if any, of the accused submitted within the specified time, and, after giving him an opportunity of being heard in person, may award any of the penalties specified in clauses (a) and (b) of regulation 67:

Provided that the competent authority or the officer, as the case may be, if he thinks fit, appoint an officer senior in rank or service to the accused to enquire into the allegations and submit his findings within a specified time for the consideration of the competent authority or, as the case may be, the officer before passing the final order in the case.

(3) When an officer is to be proceeded against for any ground mentioned in regulation 66 and the competent authority or such officer as may be empowered by it is of opinion that the allegations, if established, would call for a major penalty, the following procedure shall be observed, namely:—

- (a) The competent authority or the officer, as the case may be, shall—
 - (i) frame a charge and specify therein the penalty proposed to be imposed, communicate it to the officer (hereinafter called the accused) together with a statement of the allegations on which it is based; and
 - (ii) require the accused to submit, within a period of fourteen days from the date the charge has been communicated to him, a written statement of his defence and to show cause at the same time why the penalty, proposed to be imposed on him should not be imposed and also state whether he desires to be heard in person.
- (b) If the accused so desires to be heard in person, or he denies the charges, the competent authority shall appoint an Enquiry Officer to hold an enquiry at which oral evidence shall be heard and recorded and the person charged shall be entitled to cross-examine the witness, to give evidence in person and to have such witness called as he may wish. The Enquiry Officer may, for sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain sufficient record of the evidence and a statement of the findings and recommendations.
- (c) The Enquiry Officer will conduct the proceedings without interruption unless adjourned under circumstances to be recorded by him in writing.

- (d) The Enquiry Officer shall, within a reasonable time, submit his findings and the grounds therefor to the competent authority or the officer, as the case may be.
- (e) Where the competent authority, or such officer as may be empowered by it, is, after receipt of the findings of the Enquiry Officer, of the opinion that the case calls for imposition of major penalty, the authority or, as the case may be the officer shall, before imposing the penalty, issue a second notice to the accused asking him to show cause within seven days why the proposed penalty should not be imposed on him.
- (f) In awarding penalty the competent authority shall take into consideration the gravity of the offence, the previous record, if any, of the accused.

70. **Suspension.**—(1) An officer against whom an action involving a major penalty under regulation 67 is proposed to be taken, may be placed under suspension if, in the opinion of the authority, suspension is necessary or expedient.

(2) During the period of such suspension, the officer shall be paid a subsistence allowance as prescribed in regulation 43.

(3) The order of suspension shall be in writing and shall take effect immediately on delivery to the person concerned.

71. **Appeal.**—(1) An officer on whom a penalty has been imposed may prefer an appeal against the penalty to the appointing authority.

(2) If the penalty has been imposed by the appointing authority the officer may appeal to the next higher authority.

(3) If the penalty has been imposed by the Chairman, the officer may appeal to the Board of Directors.

(4) Upon an appeal against imposition of a punishment the appellate authority shall consider whether the facts established afforded sufficient ground for taking the action and whether the punishment is excessive. After such consideration the appellate authority shall pass such order as it may think proper.

(5) Every officer preferring an appeal shall do so separately and in his own name and the appeal shall contain all material statement and argument relied on by the appellant. It shall contain no disrespectful or improper language and shall be completed in all respects.

(6) All appeals shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

(7) An appellate authority may call for any paper connected with the appeal.

CHAPTER XIV

CONDUCT

72. **Maintenance of secrecy.**—No officer or employee of the Corporation shall divulge any secret or confidential information which comes to his knowledge during the course of discharge of his duties or any other way relating to the trade and business of the Corporation.

73. **Restriction on participating in policies.**—No officer or employee of the Corporation shall take part, directly or indirectly, in any political activities.

74. **Prohibition of gifts.**—No officer or employee shall accept any gift from any person or body of person having or likely to have dealing with the Corporation or from any candidates for employment in the Corporation.

75. **Restriction on dealings and occupation of employee or officer.**—No officer or employee shall—

(a) engage in any trade or business on his own account without the permission of the Corporation.

(b) accept any outside employment while in the service of the Corporation or an office whether remunerative or honorary, or undertake part time work for a private or public body or private person or accept fees therefor without the permission of the Corporation.

76. **Use of political or other influence.**—Use of any outside influence by an officer or employee for furthering his personal interest shall be considered an act of indiscipline.

77. **Publicity.**—No officer or employee shall make any communication regarding the affairs of the Corporation to press or make any public utterance or broadcast in any media or make any statement of fact or opinion by making appearance in Television except with the prior permission of the Corporation.

By order of the Board of Directors

A. Z. M. WAHIDUZZAMAN

Secretary.