

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
SERVICE RULES, 1979  
(As amended upto 9<sup>th</sup> January, 2020)**



**THE INSTITUTE OF  
Company Secretaries of India**

**भारतीय कम्पनी सचिव संस्थान**

**IN PURSUIT OF PROFESSIONAL EXCELLENCE**

Statutory body under an Act of Parliament

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### The ICSI Service Rules, 1979

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# THE INSTITUTE OF COMPANY SECRETARIES OF INDIA SERVICE RULES, 1979

## CHAPTER – I

### GENERAL

1. These rules shall be known as “The Institute of Company Secretaries of India Service Rules, 1979” hereinafter referred to as Institute’s Service Rules, as amended from time to time.
2. These rules defining conditions of service including pay and allowances, pay scales, recruitment procedure and promotion policy, travelling and daily allowances, leave, medical facilities, provident fund, retirement benefits, conduct, discipline and appeal procedure applicable to the permanent employees of the Institute shall come into force with effect from 1<sup>st</sup> August 1979 or such other dates as may be notified by an Office Order of the Institute.
3. The rules shall apply to all existing regular employees of the Institute at the time of enforcement of the rules as well as to employees who may be appointed.<sup>1</sup>**[Repealed]**.
4. If the rules are silent on any point then the rules prevalent in the Government of India on that point applicable to the Central Government employees may be made applicable as far as possible, by the Institute issuing separate Office Order in this regard.
5. The Institute reserves to itself the right to amend, alter, vary, modify, remake, rescind or add to these rules or any supplementary rules issued in connection with these rules without previous notice or intention to do so and the right to give effect thereto from any date which it may deem fit, provided that if a rule or order, which affect any employee(s) adversely is to be given retrospective effect, suitable protection shall be given to such employees.

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<sup>1</sup>Pursuant to decision taken in the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019. Prior to repeal the sentence read as “....hereinafter except in case if any Government servant is on deputation with the Institute then he will not be governed by the rules to the extent to which the rules are inconsistent with the terms and conditions laid down at the time of the deputation to the Institute or as varied from time to time in consultation with the Government concerned.”

## CHAPTER - II

### DEFINITION

6. In these service rules, unless the context otherwise requires:

- (a) "The Institute" means The Institute of Company Secretaries of India.
- (b) "Council" means the Council of the Institute.
- (c) "President" means the President of the Institute.
- (d) "Vice-President" means the Vice-President of the Institute.
- (e) "Secretary" means the Secretary of the Institute.
- (f) "Family" means an employee, his wife or her husband as the case may be, dependent children, including step children and dependent parents.<sup>2</sup>[The term dependent children is defined further, as under: (1) Son: till he starts earning or attains the age of 25 years or gets married, whichever is earlier.(2) Daughter: till she starts earning or attains the age of 25 years or gets married, whichever is earlier(3) married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the employee and are wholly dependent on the employee (4) Disabled Son or Daughter suffering from permanent disability of any kind (physical or mental);No age limit].The term dependent parent is defined further, as under: A parent will be regarded as wholly dependent on the employee who either normally resides / or does not reside] with the employee concerned and whose (parents) total monthly income does not exceed the pay plus dearness pay (where applicable) of the employee or <sup>3</sup>[Rs.4500/-] per month whichever is low.
- (g) "Medical Officer" means an officer appointed as such by the Institute on whole-time or part-time basis and in the absence of such appointment, any registered medical practitioner recognized by the Institute.
- (h) "Month" means calendar month according to the English Calendar.
- (i) "Office" means Headquarters office, Regional Office or any other office that the Institute may establish anywhere in India.
- (j) "Officer" means an employees working in the pay level 8 and above of the pay matrix of 7<sup>th</sup> CPC.
- (k) "Disciplinary Authority" means the President/Vice-President and/or Secretary of the Institute.
- (l) "Appointing Authority" means the President/Secretary and or officers

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<sup>2</sup> Inserted vide Office Order No.98/11 dated 09.09.11

<sup>3</sup> Substituted for Rs. 1500, in pursuance to the decision of the 262<sup>nd</sup> Council Meeting dated 7.8.2019 in supersession of Office Order No. 11/98 dated 06.04.98.

authorized by the appointing authority to make appointments to the various posts in the Institute or under the control of the Institute.

- (m) <sup>4</sup>[“Competent Authority” means the President / Secretary and or officers authorized to approve / rescind the work brought to their consideration, relating to the area assigned to them regarding the working of the Institute]
- (n) Words imparting the masculine gender shall include the feminine; words in the singular shall include the plural and words in the plural shall include the singular.

## 7. Classification of Employees

The employees of the Institute are classified as Permanent; Probationary; Temporary, Casual and Contractual as defined hereunder:

- (1) **Permanent:** A “Permanent” employee is an employee, who has been engaged on a permanent post and includes any person who has satisfactorily completed the probationary period and has been confirmed thereafter in writing as a permanent employee.
- (2) **Probationary:** A “Probationary” employee is an employee who is provisionally employed to fill any vacancy in a permanent post. An employee will be appointed on probation for a period of <sup>5</sup>[one year] but the total period of probation will not exceed double the normal period even after the expiry of the said period of probation, he will continue to be on probation till he is confirmed in writing. However, the probationary period can be reduced or extended in writing from time to time at the discretion of the appointing authority. If necessary, the service of the employee on probation may be terminated at any time before the expiry of the probationary period.
- (3) **Temporary:** A “Temporary” employee is an employee who is engaged for a limited period at a consolidated salary not exceeding three months at any time. Such temporary employee may be employed on work which is of essentially temporary nature or in case of increase in work of a permanent nature or in place of any leave vacancy and for such other similar purposes. The services of such temporary employee shall come to an end automatically on expiry of the period for which he is employed unless the period is extended in writing.

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<sup>4</sup>Inserted in pursuance to decision taken in the 262<sup>nd</sup> meeting of the Council held on 7.8.2019

<sup>5</sup> Substituted for “two years” vide Circular No. 506:2:Estt. dated 20.06.94

- (4) **Casual:** A “Casual” employee is an employee who is engaged on casual basis and who is paid daily wages. Such employee shall be employed from day to day and the services can be discontinued at any time without notice.
- (5) **Contractual:** A contractual employee is one who is engaged for a specific job at a consolidated rate of pay. The services of such contractual employee shall come to an end automatically on expiry of the period for which he is employed unless the period is extended in writing.
- (6) The Institute may directly engage highly skilled/ qualified manpower on contract, for specific purpose as “Young Professional” or any other nomenclature as may be decided. The Institute shall provide appropriate reimbursement commensurate with the qualification, and experience to such manpower.
- (7) Unless otherwise specifically provided, the provisions contained in Chapter III to VII hereunder will be applicable only to probationary and permanent employees of the Institute.

<sup>6</sup>[REPEALED].

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<sup>6</sup>Repealed in pursuance to decision taken in 262<sup>nd</sup> Meeting of the Council held on 9th August, 2019. Prior to repeal the rule read as: “Rule 7(A) Specified Staff: The employees referred to in Rule 7 shall include ‘Specified Staff’ whose names are included in the Schedule-G.” The Rule 7(A), was inserted in pursuance to decision taken in the 222<sup>nd</sup> meeting of the Council, held on 23.02.2014.

## CHAPTER - III

### PAY & ALLOWANCES AND OTHER CONDITIONS OF EMPLOYMENT

#### 8. Pay Scales:

- (1) The pay scales in the Institute for various categories of employees shall be as given in <sup>7</sup>[Schedule 'A'] to these rules and as may be modified/ revised by the Council of the Institute from time to time.
- (2) The Institute may create any additional grade or revise the grade or grant any special grade to any employee or grant any allowance to a particular employee. The employee may also be given an additional increment in the grades as may be decided by the Council from time to time.
- (3) The annual increment mentioned in each grade shall be granted as provided in para 21 of this Chapter.
- (4) <sup>8</sup>[Deleted]
- (5) <sup>9</sup>[Repealed]
- (6) In the case of persons who have superannuated from the service of the Central or any State Government and have been re- employed in the service of the Institute, the pay admissible shall be the pay last drawn in the service of the Central or State Government less pension but in no case it shall exceed the maximum of the scale of pay applicable to the post.

<sup>10</sup>[While fixing the basic pay and allowances of the person(s) joining the Institute after seeking voluntary retirement from the Central Govt./State Govt., or autonomous institutions, the pension and DA being drawn from their earlier employer(s) shall not be taken into account].

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<sup>7</sup> Amended vide Office Order No. 129/2017 dated 30.11.2017 and in supersession of Office order 17/09 dated 27.02.2009 and in substitution to Office Order No. 118/97 dated 19.11.97

<sup>8</sup> Deleted due to introduction of revised pay scales w.e.f. 1.1.2006 [In case the efficiency bar is proposed to be imposed at the stage at which the efficiency bar is indicated in the grades then that would be done by the appointing authority after taking into consideration the past record and after giving to the employee concerned a chance for representation. If it is decided on considering the representation of the employee concerned that efficiency bar is to be imposed then it will not be necessary for the Institute to communicate the reasons to the employee.]

<sup>9</sup>In pursuance to the decision of the 262<sup>nd</sup> Meeting of the Council held on 7<sup>th</sup> August, 2019. Prior to repeal the rule read as "In the case of officers of the Central or State Government, or public sector undertaking taken on deputation, pay shall be fixed in consultation with the concerned parent authorities.

Provided that the appointing authority may, in lieu of such fixation under rule 8 (5), fix the pay of the deputations at the appropriate stage in the time scale of the post to which he is appointed equal to the pay drawn by him in his parent department at the time of deputation plus 20% thereof, or if there is no such stage, at the stage immediately higher in such time-scale, but not exceeding the maximum of the time-scale.

Provided further that no person shall be appointed on deputation to any post in the Institute, the minimum of the time-scale of which or in the case of post carrying a fixed pay, the fixed pay of which exceeds the actual pay drawn by such person in his parent office at the time of deputation by more than 33/1-3%..]"

<sup>10</sup> Inserted vide Office Order No. 64/95 dated 02.09.95.

## 9. Conditions of Employment

The following conditions shall apply to all appointments under the Institute:

- (a) The candidate shall be certified to be medically fit by the medical officer of the Institute or a qualified registered Medical Practitioner(s) as may be approved by the appointing authority.
- (b) A person who has been dismissed from service by the Institute, Central or State Government or any public sector undertaking including statutory/ autonomous body, shall not be eligible for appointment in the Institute.
- (c) No person shall be eligible for appointment in the Institute who has been convicted by a Court of Law for any offence including moral turpitude.
- (d) <sup>11</sup>[The qualifying degree and experience, wherever prescribed will be verified prior to joining].

## 10. Working hours / Overtime / Reimbursement of Conveyance and Refreshment for working on holidays

Subject to any statutory restrictions, employees shall work during such hours as may be prescribed by the Institute from time to time. Any employee may be asked to work beyond the usual prescribed hours and/or on holidays<sup>12</sup>[including Saturdays/Sundays] notified by the Institute under Rule 29, in case it is necessary or expedient to do so in the interest of the Institute.

The working hours are as under:-

S. No.	Location	Working hours
1	<sup>13</sup> [Working Hours w.e.f. 1 <sup>st</sup> January, 2010 ] Head Quarters: (a) Lodi Road (b) Noida	9.00 AM to 5.30 PM (Lunch Break : 1.00 PM to 1.30 PM) Monday to Friday
2	ICSI- CCGRT  COE, Hyderabad & Kolkata	10.00 AM to 06:30 PM (Lunch Break : 1.30 PM to 2.00 PM) Monday to Friday
3	Regional and Chapter Offices	<sup>14</sup> [10.00 AM to 05:45 PM (Lunch Break : 1.30 PM to 2.00 PM) Monday to Friday; 1 <sup>st</sup> , 3 <sup>rd</sup> and 5 <sup>th</sup> Saturday]
4	<sup>15</sup> [Regional and Chapter Offices (which are conducting oral coaching classes regularly)]	7.00 AM to 2.45 PM / or 1.00 PM to 8.45 PM (for employees on Oral Tuition duty with intimation to HQ ) (Lunch Break : Half an hour) Monday to Friday; 1 <sup>st</sup> , 3 <sup>rd</sup> and 5 <sup>th</sup> Saturday]

<sup>11</sup> Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019.

<sup>12</sup> Inserted vide Office Order No.117/09 dated 16.12.09 and 91/10 dated 05.10.10.

<sup>13</sup> Introduced vide Office Order No.117/09 dated 16.12.09 and 91/10 dated 05.10.10 in substitution to Office Order No. 2/87 dated 21.01.87 and 44/87 dated 16.10.87

<sup>14</sup> Revised vide O/O No. 40/2013 dated 28.06.2013

<sup>15</sup> Introduced Vide Circular dated 15.07.2014



## <sup>16</sup>[Overtime Allowance

The following rates of overtime allowance shall be applicable w.e.f 01.07.2013:

Category	Rate of overtime allowance Per hour (Rs.)
Employees (of the level of <sup>17</sup> [Senior Executive Assistant or equivalent and below other than Chauffeur)	50
Chauffeur (Regular / Casual)	50
Casual Employees	30

Other guidelines governing the payment of overtime allowance shall be as under:

1. Overtime work shall mean work done with the prior written approval of the Head of the Directorate / unit/cell and under the supervision of an officer in excess of one hour over and above the prescribed hours of work done on any working day and the total number of hours of work done on holidays after deducting half an hour lunch break.
2. The payment of Overtime allowance to an employee in any month shall not exceed 20% of his/her gross emoluments and for a Driver shall not exceed 40% of his/her gross emoluments(excluding allowances except DA, HRA and TA) for that month.
3. If an employee opts for overtime allowance, such employee shall neither be entitled to receive any other remuneration in any form nor any compensatory leave / refreshment / refreshment allowance / conveyance reimbursement or alike.
4. The employee(s) may submit the claim / details of overtime work done in a month (in the prescribed form) by 10<sup>th</sup> of succeeding month.
5. The fraction of an hour in the total number of hours of work done in any month shall be taken as under for the purpose of overtime allowance:

Less than 15 minutes	- Nil
More than 15 minutes but less than 45 minutes	- Half an hour
45 minutes and above	- One hour]

## <sup>18</sup>[Reimbursement of Conveyance and Refreshment for working on holidays]

An employee specifically required to work in the office on a holiday may claim the

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<sup>16</sup> Inserted vide Office Order No. 44/2013 dated 03.07.2013 in supersession to Office Order No. 62/2011 dated 29.06.2011

<sup>17</sup> Substituted for the word Senior Executive Assistant and Driver 'vide Office Order No. 09/2016 dated 13.01.2016,

<sup>18</sup> Inserted vide Office Order No. 45/2013 dated 03.07.2013 w.e.f. 01.07.2013 in supersession to Office Order Nos. 38/87, 56/92, 63/11

following amount towards conveyance and refreshment for the hours he/she worked on the holiday:

Category of Employee	(Rs.)	
	Attending the Office on holiday up to 4 hours	Attending the Office on holiday for more than 4 hours
<sup>19</sup> [Director or equivalent and above	500	750
Executive or equivalent and above upto the level of Joint Director	400	600
Senior Executive Assistant or equivalent and below]	200	300

## 11. Appointing Authority

The Authority competent to make appointments to various posts is as under:

- (a) Officers of the level of <sup>20</sup>[Deputy Director and above - President
- (b) Officers below the level of Deputy Director], and supervisory and Non- supervisory staff- Secretary.

## 12. Modes of Recruitment

Any post in the Institute may be filled as per the recruitment policy given in **Schedule B** to these Rules and as may be amended by the Council from time to time.  
<sup>21</sup>[Repealed]

<sup>22</sup>[12(A) Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for SCs/STs and OBCs categories of persons in employment (Direct Recruitment and Promotion) as per Central Government policy on reservation/concession, as amended from time to time].

## 13. Qualifying Service for Promotion

No employee will be considered for promotion unless he has been confirmed after satisfactorily completing the period of probation and has completed five years of qualifying service in the next below post including the probationary period. In case an employee has worked on temporary or casual basis then the period during which he has worked on temporary or casual basis will not be counted for the purpose of completing the five years qualifying period of service.

<sup>19</sup> Substituted for the word 'Joint Director', 'Desk Officer', 'Deputy Director' vide Office Order No.45/2014 dated 01.04.2014 and substituted the word 'Section Officer' and 'Senior Assistant' vide Office Order No. 09/2016 dated 13.01.2016

<sup>20</sup> Substituted for the word "Assistant Director" vide Office Order No. 45/2014 dated 01.04.2014

<sup>21</sup> Repealed in pursuance to the decision taken in 262<sup>nd</sup> meeting of the Council held on 7.8.2019. Prior to repeal the rule read as "The Institute reserves the right to keep any employee of the Central or State Government on deputation for such period as the Institute may deem fit. After the expiry of the period, the Institute may either repatriate such employee or take the employee into its own employment, with the consent of the employee as well as of the Government."

<sup>22</sup> Inserted vide Office Order No.63/06 dated 26.09.06 effective from 01.10.06.

## 14. Promotion and Performance Management

The promotion will be made as per promotion policy given in **Schedule 'C'** to these Rules and as may be amended by the Council from time to time. The Performance Management and Review shall be as per the policy given at <sup>23</sup>[**Schedule 'C-1'**]to these Rules. When an employee of the Institute is promoted from one scale to a next higher scale in the service of the Institute, his initial pay in the time-scale of the higher post shall be fixed at the stage next higher than the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

## 15. Prescription of Qualification and Experience for each Post

The qualifications, age and experience prescribed for each post for the time being in force shall be as given in **Schedule 'D'** to these Rules and as may be amended by the Council from time to time but the appointing authority may relax the qualifications, age or experience for any particular post or candidate, if the candidate selected is otherwise considered by the Selection Committee as the most suitable for that post.

## 16. <sup>24</sup>[Transferability of Service

The services of an employee are transferable to any office of the Institute in India or abroad. For journeys on transfer from one station to another at the instance of the Institute on office exigencies, an employee shall be entitled to Transfer Allowances (which includes Travel Entitlements, Composite Transfer Grant, Transportation of Personal Effects and Transportation of Conveyance) as specified by the Council from time to time. The above Transfer Allowances and TA/DA will not be admissible if a transfer is made by the Institute on personal grounds at the request of the employee.

### Travel Entitlements

1. Actual fare for self and family for journey as per entitlement.
2. An employee whose family does not accompany him/her to the new station while joining on transfer, has an option to claim for himself/herself :
  - either for the journey undertaken to join the new post
  - or for the journey subsequently undertaken along with the family members.
3. Actual conveyance (Taxi/Auto) expense from residence to railway station and vice-versa at both ends for the employee and members of his/her family shall be reimbursed, as per entitlement.

### Composite Transfer Grant

The Composite Transfer Grant shall be paid at the rate of 80% of the last month's Basic Pay in case of transfer involving a change of station located at a distance of or more than 20 kms from each other.

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<sup>23</sup>Inserted in pursuance to decision taken in the 262nd Council Meeting held on 7.8.2019

<sup>24</sup>Inserted vide Office Order No. 11/2022 dated 05.04.2022. The Order is effective w.e.f. 09.03.2022.

In cases of transfer to stations which are at a distance of less than 20 kms from the old station and of transfer within the same city, one third of the composite transfer grant will be admissible, provided a change of residence is actually involved.

### Transportation of Personal Effects

Level	By Train/Steamer	By Road
12 and above	6000 Kg by goods train/4 wheeler wagon/1 double container	Rs. 50/- per km
6 to 11	6000 Kg by goods train/4 wheeler wagon/1 single container	Rs. 50/- per km
5	3000 kg	Rs. 25/- per km
4 and below	1500 kg	Rs. 15/-per km

1. Cost of transportation of "Personal Effects" from residence to railway station (local) and from railway station to residence at new place of posting shall be reimbursed.
2. The rates will further rise by 25% whenever DA increases by 50 percent. The rates for transporting the entitled weight by Steamer will be equal to the prevailing rates prescribed by such transport in ships operated by Shipping Corporation of India. The claim for reimbursement shall be admissible subject to the production of actual receipts/ vouchers by the employee.

### Transportation of Conveyance

Level	Reimbursement
6 and above	1 motor car etc. or 1 motor cycle/scooter
5 and below	1 motorcycle/scooter/ moped/ bicycle

1. If personal conveyance is transported by Train reimbursement shall be paid on actual basis.
2. If personal conveyance is transported by road, the maximum entitlement shall be paid based on the following formula :-

Entitlement = Multiplication Factor (\*) x weight of the vehicle (\*\*) x kms travelled

#### (\*) Multiplication Factor

Level	Rate	Entitlement	Multiplication Factor (*)
6 and above	Rs 50 per km	6000 Kg	Rate / Entitlement = 50/ 6000 = 0.0083
5 and below	Rs 25 per km	3000 Kg	Rate / Entitlement = 25/ 3000 = 0.0083

(\*\*) Weight shall be per the Registration Certificate book of the personal conveyance

3. When the conveyance is sent under its own propulsion, the employee/members of family traveling in the car will not be entitled to separate fare by air/rail/road mileage. Separate air/rail/road mileage will be admissible for the employee and/or members of family if they travel otherwise than by the conveyance being transported under its own propulsion.

## **Retiring Employees**

An employee who retires from the services of the Institute on attaining the age of superannuation as per the Service Rules shall be entitled to the following entitlements from the place of last posting to the declared place of home town :-

1. Travel Entitlements
2. Composite Transfer Grant
3. Transportation for Personal Effects and
4. Transportation of Conveyance.

An employee who takes voluntary retirement from the services of the Institute shall be entitled to the following entitlements from the place of last posting to the declared place of home town:-

1. Travel Entitlements
2. Transportation for Personal Effects and
3. Transportation of Conveyance.

The above entitlements shall be the same as in case of regular employees. The retiring employee can forward application either 6 months prior to retirement or can make application within 1 year of retirement. However, upon receiving the request in writing from a retired employee, the Competent Authority can allow relaxation beyond one year in deserving cases].

### **17. Termination of Service and Discharge**

The services of a confirmed employee may be terminated by the appointing authority on giving such employee:

- (a) 90 days' notice or pay in lieu thereof; or
- (b) As per conditions laid down in the appointment letter.

### **18. Resignation**

- (1) A permanent employee can resign from the service of the Institute on giving 90 days' notice or as mutually agreed upon or as specified in the letter of appointment. A temporary employee can leave the service on giving 24 hours' notice. No notice is required in case of casual employee(s)/ apprentice.

Provided that it shall be open to the appointing authority to waive such notice partially or fully.

- (2) Resignation may be accepted by the appointing authority with immediate effect or at any time before the expiry of the period of notice, in which case an employee shall be paid pay in respect of un-expired period of notice given by him. In case a shorter period of notice is accepted at the request of an employee, he shall be entitled to receive his pay and allowances only in respect of actual period spent on duty in the Institute.
- (3) If a resignation is withdrawn by the employee before its acceptance, the resignation letter shall be ignored. If the withdrawal is communicated after acceptance but before actual relieve, such withdrawal will normally be accepted.

## 19. Superannuation and Retirement

- (1) Every employee appointed for the service of the Institute shall retire when he attains the age of <sup>25</sup>[60 (sixty)]years. <sup>26</sup>[The date of retirement of an employee shall be the last day of the month in which age of superannuation is attained except an employee whose date of birth is the 1<sup>st</sup> of the month shall retire on the afternoon of the last day of the preceding month.]
- (2) Notwithstanding anything contained in Clause (1) above, any employee may be required by the Council or permitted at his request to retire from the service of the Institute on completion of 20 years of service or on attaining the age of 55 years in the Institute whichever is earlier. Such an employee will be eligible to all the retirement benefits for the period of service rendered by him in the Institute.
- (3) Nothing contained in clause (1) and (2) above, shall affect the right of the appointing authority to retire at any time an employee on medical grounds after considering the report of Chief Medical Officer of any Government Hospital regarding the medical condition of the employee.

## 20. Allowances and Reimbursements

- (1) HRA, <sup>27</sup>[Deleted]and DA: An employee of the Institute shall be eligible for House Rent Allowance, <sup>28</sup>[Deleted] and Dearness Allowance as per the rate applicable to Central Government employees and notified by the Institute from time to time.
  - (2) <sup>29</sup>[Repealed]
- <sup>30</sup>[Deleted].
- <sup>31</sup>[(3)Deleted]
- (3) <sup>32</sup>[Transport Allowance: The Transport Allowance is linked with the different Pay levels of employees w.e.f. 1<sup>st</sup> January, 2016. The rates of Transport Allowance are as under:-

Pay Scale	Rate of Transport Allowance
Level 9 and above	Rs.7200/- + DA thereon
Level 3 to 8	Rs.3600/- + DA thereon
Level 1 and 2	Rs.1350/- + DA thereon <sup>33</sup> [ (Rs. 3600/- + DA thereon if Basic Pay is

<sup>25</sup> Substituted for the no. 58 vide Office Order No. 76/98 dated 29.10.1998.

<sup>26</sup> Inserted vide Office Order No. 26/89 dated 02.05.89.

<sup>27</sup> The word "CCA" deleted w.e.f. 01.09.08 vide Office Order No. 17/09 dated 27.02.09.

<sup>28</sup> The word "CCA" deleted w.e.f. 01.09.2008 vide Office Order No. 17/2009 dated 27.02.2009.

<sup>29</sup> Repealed in pursuance to decision taken in the 262<sup>nd</sup> Council Meeting held on 7.8.19

<sup>30</sup> Deleted in pursuance to decision taken in the 262<sup>nd</sup> Council Meeting held on 7.8.19

<sup>31</sup> Deleted in pursuance to decision taken in the 262<sup>nd</sup> Council Meeting held on 7.8.19

<sup>32</sup> Introduced w.e.f. 01.01.2016 vide Office Order No.129/2017 dated 30.11.2017

	more than or equal to Rs 24200) ]
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(4) **Reimbursement of expenses of residential telephone:** <sup>34</sup>[.Repealed]

(5) **Reimbursement of Mobile, Internet and Broadband Expenses:**<sup>35</sup>[effective from 01.11.2019, the Mobile phone, Internet and Broadband expenses combined shall be reimbursed as per the ceiling mentioned below:

S. No.	Designation	Limit of reimbursement Per Month (Rs.)
1	Secretary	Actuals
2	Director, Joint Secretary, and Joint Secretary (SG) and HOD's	Up to Rs. 1500 p.m.]

<sup>36</sup>[REPEALED].

(6) **Reimbursement of Children Education Allowance (CEA):** Children Education Allowance incurred for a maximum of two dependent children of the employee for study up to and including senior secondary qualification shall be reimbursed within limits, as may be specified by the Council from time to time. <sup>37</sup>[The reimbursement will cover tuition fee, admission fee, laboratory fee, special fee charged for agriculture, electronics, music or any other subject, fee charged for practical work under the programme of work experience, fee paid for the use of any aid or appliance by the child, library fee, games/sports fee and fee for extra-curricular activities. This also includes reimbursement for purchase of one set of text books and notebooks, two sets of uniforms and one set of school shoes which can be claimed for a child, in a year. The Children Education Expenses shall also be admissible for more than two dependent children in case the number of children exceeds two as a result of second child birth resulting in twins or multiple births.]

<sup>38</sup>[With effect from 1st July, 2017, the Children Education Allowance shall be maximum of Rs. 2250/- per child per month subject to maximum of two children studying up to class-XII. The amount fixed for reimbursement of Hostel Subsidy shall be Rs. 6750/-pm. The above limits would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%. The allowance shall be double for differently abled children. The reimbursement of Children Education Allowance for Divyang children shall be payable at double the normal rates of CEA prescribed above i.e. Rs.4500/- per month (fixed). The above

<sup>33</sup> Revision of TA for level 1 and 2 vide Office Order No. 19/2018 dated 02.04.2018

<sup>34</sup> Repealed vide 262<sup>nd</sup> Meeting of the Council held on 7.8.2019. Prior to revision the clause read as "For maintenance and use of personal telephone at residence for office exigencies, expenditure incurred on rental, official trunk calls and local calls will be reimbursed to the officers of the grade of [Directors] and above having telephone connections in their names within limits as may be specified by the Council from time to time"

<sup>35</sup> Limits revised vide decision of the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019. and as per 266<sup>th</sup> meeting of Council dated 9.1.2020

<sup>36</sup> Repealed vide 262<sup>nd</sup> Meeting of the Council held on 7.8.2019. Prior to revision the clause read as "The limit for reimbursement of mobile expenses (including internet connection) for Official use to HODs [Director] and above) has been revised to Rs. 1000/- per month w.e.f. 1st July, 2013. The clause was inserted vide Office Note No. 528:1:Estt. Dated 04.07.2013

<sup>37</sup> Inserted vide Office Order No.87/09 dated 10.08.2009 w.e.f. 01.04.2009.

<sup>38</sup> Revised vide Office Order No. 129/2017 dated 30.11.2017 in supersession so f order no.46/2015 dated 17.04.2015 No. 57/2013 dated 02.09.2013 and vide O/O 17/2009 dated 27.02.2009.

rates/ceiling would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%. The Hostel Subsidy and Children Education Allowance can be claimed concurrently.

<sup>39</sup>[Note: The limit is Rs.27,000/- per child per annum w.e.f.01.01.2016]

(7) **Reimbursement of professional membership fee:**<sup>40</sup>[Executive (Admin)/Executive (Academics)/ Executive (Law) ]and above in the administrative and academic grades may be allowed reimbursement of annual membership fees paid by them for any one of the professional membership qualification acquired by them and recognized by the Council as useful and necessary for efficient performance of their duties in the Institute.

(8) <sup>41</sup>**[Service Award to Employees:**

8.1 The Service Awards are being given to the employees on completion of 15 years, 20 years 25 years, 30 years and 35 years of service. Details are given as under:

No. of Completed years of Service	Amount (in Rupees)
15 years	10,000 + memento
20 years	20,000 + memento
25 years	30,000 + memento
30 years	40,000 + memento
35 years	50,000 + memento

For the purpose of granting the Service Award, the number of completed years of service shall be reckoned on 1<sup>st</sup> January/ 1<sup>st</sup> July of each year and shall exclude the following:

- (i) Number of days the employee was on unauthorized leave.
- (ii) Number of days the employee was on leave without pay other the medical grounds.

Notwithstanding anything contained herein above, the Service Award shall not be given to an employee whose services have been terminated on account of dismissal.]

8.2 <sup>42</sup>[The period of service exceeding six months shall be reckoned as one year at the time of superannuation to be eligible for the Service Award.]

21. **Increment**

Increment in the time scale of a grade or post to which an employee is appointed shall ordinarily be drawn subject to the following conditions:-

<sup>39</sup> Revised vide Office Order No. 129/2017 dated 30.11.2017, in supersession of office order no 46/2015 dated 17.04.2015; No. 57/2013 dated 02.09.2013 and vide O/O 17/2009 dated 27.02.2009.

<sup>40</sup> Substituted for the word 'Section Officer' vide Office Order No. 09/2016 dated 13.01.2016 in supersession to Office Order No. 45/2014 dated 01.04.2014.

<sup>41</sup> Revised vide Office Order No. 94/2011 dated 05/09/2011 in supersession to Office Order No. 127/97 dated 29.11.1997 and Office Order No. 114/94 dated 21.12.1994 and Circular No. 7/85 dated 08.08.1985

<sup>42</sup>Inserted new clause vide 180<sup>th</sup> Meeting of the Executive Committee held on 18<sup>th</sup> March, 2015



(a) Annual increments on completion of a year shall be drawn in respect of each employee every year on<sup>43</sup>~~[Deleted]~~ <sup>44</sup>[1<sup>st</sup> July]. Employees completing 6 months and above in the revised pay structure as on 1st July shall be eligible for the increment.

(b) An increment shall not be drawn unless it is sanctioned in writing by the Appointing Authority or any Authority authorized by him.

(c) <sup>45</sup>~~[Deleted]~~

(d) The appointing authority may, in recognition of the merit of an employee, sanction such additional increment(s) as may deem fit and it will be drawn effective from <sup>46</sup>~~[Deleted]~~<sup>47</sup>[1<sup>st</sup> July] of that year as may be specified by him.

(e) Persons appointed or promoted on probation in any grade or post in between a financial year, shall be entitled to draw their first increment on completion of one year of service<sup>48</sup>~~[Deleted]~~.<sup>49</sup>[There shall be a uniform date of Annual Increment viz. 01<sup>st</sup> July of every year.] If the employee is not present on the 1<sup>st</sup> of July, then the benefit of increment will accrue him from the date he joins his duties.

<sup>50</sup>~~[Repealed]~~

<sup>51</sup>[The increment shall be as specified in the vertical cells of the applicable level in the pay matrix]

(f) <sup>52</sup>~~[Deleted]~~.

## 22. <sup>53</sup>**Pursuing of Company Secretary Course, Academic Course(s) / and Training Programme(s) (w.e.f. 23.05.1996)] by the employees of ICSI**

The employees are encouraged to pursue higher qualification as per the ICSI Employees Higher Qualification Incentive Scheme, in-order to motivate them to enhance their qualifications for their career growth and contribute to ICSI in fulfillment of its vision.

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<sup>43</sup> Deleted the words "1st April or 1st October".

<sup>44</sup> Substituted for the words "1st April or 1st October" vide Office Order No. 17/09 dated 27.02.09 w.e.f. 01.01.06.

<sup>45</sup> In view of revision of pay scales vide Office Order No. 17/09 dated 27.02.09, deleted the words "Where an efficiency bar is prescribed, the increment next above the bar shall not be drawn without specific sanction of the appointing authority in writing removing the efficiency bar".

<sup>46</sup> Deleted the words "1<sup>st</sup> April or 1<sup>st</sup> October"

<sup>47</sup> Substitute the words "1<sup>st</sup> April or 1<sup>st</sup> October" w.e.f. 1.1.2006 vide office order no. 17/09 dated 27.02.09.

<sup>48</sup> Deleted the words 'either from 1<sup>st</sup> April or 1<sup>st</sup> October, whichever is earlier. In view of revision of pay scales vide Office No. 17/2009 dated 27.02.09.

<sup>49</sup> Introduced vide Office Order No. 17/09 dated 27.02.09 due to revision of Pay Scales w.e.f. 01.01.06.

<sup>50</sup> Repealed after introduction of pay matrix vide o/o 129/2017 dated 30.11.2017. Prior to repeal the rule read as: "The rate of increment will generally be 3% of the sum of the pay in the pay band rounded off to the next multiple of 10. However, increment at differential rates to outstanding, non/under performers may be considered on the recommendation of a Committee constituted by the competent authority for the purpose. The amount of increment will be added to the existing pay in the pay band"

<sup>51</sup> Introduced vide Office Order No. 129/16 dated 30.11.16 due to revision of Pay Scales w.e.f. 01.01.16.

<sup>52</sup> Deleted after introduction of 6<sup>th</sup> CPC vide o/o No. 17/09 dated 27.02.09 w.e.f. 01.01.06. Prior to deletion the rule read as "An employee stagnated in the maximum of a grade, may be allowed to draw a maximum of two increments beyond the time scale in very alternative year on reaching the maximum of the scale."

<sup>53</sup> Inserted vide Office Order No.55/96 dated 23.05.1996.

This scheme will be applicable to all regular employees of ICSI.

- (i) Employees will be required to obtain prior permission of Competent Authority for attaining a higher qualification in his area of functioning.
- (ii) All employees otherwise fulfilling the terms and conditions therefore will be permitted to pursue Higher Qualification.
- (iii) Qualification to be pursued by the employee should be recognized by Government or any other authority designated by it.
- (iv) Employee's pursuing the course shall in no way affect discharging his duties and responsibilities in ICSI.
- (v) Employee will normally not be considered for grant of preparation leave for the examination(s). However, he will be granted leave for appearing in the examination unless considered absolutely necessary in the exigencies of work of ICSI.
- (vi) This scheme shall also apply to employees pursuing Under-Graduate and Graduate Courses.
- (vii) Not more than one course will be pursued at a time.

Incentive: Following one time incentive will be admissible to the employees for attaining qualifications as mentioned against each:

<b>S.No.</b>	<b>Qualification(s)</b>	<b>Incentive Amount (Rs.)</b>
(i)	IT employees attaining BCA Qualifications	Rs.4,000/-
(ii)	IT employees attaining MCA/ B. Tech (Computer/IT)	Rs.8,000/-
(iii)	Employees qualifying Professional Company Secretary's Course	Rs. 10,000/-
(iv)	Diploma (one year or more) in the relevant field i.e. HR/Material Mgmt./Public Relations etc., (Junior Executive Assistant to Assistant Director level only)	Rs. 5,000/-
(v)	Employees qualifying LL.B.	Rs.4,000/-
(vi)	Diploma or equivalent in Computer Application/IT (not less than 1 year course from IGNOU/NIIT/ Aptech or equivalent institutions ) (all employees except IT Deptt.)	Rs. 4,000/-
(vii)	Ph.D. in the field relevant to the functions of the employees (restricted to Executive (Academics) or equivalent and above)	Rs.10,000/-

1. The Course / Programme to be pursued by the employee should be a recognized by the appropriate authority and be useful for career growth of the employee and beneficial to the Institute.

2. The employee must obtain prior approval/sanctioned in writing from the Competent Authority for registering/enrolling/attending/pursuing any such course / programme.
3. Permanent employees as well as employees under probation may be granted permission to register/pursue the course subject to office exigencies.
4. Employees working in the Directorate of Examination shall ordinarily not be permitted to pursue Company Secretaryship Course. In case any employee desire to pursue the CS Course he shall apply in writing. The competent authority may considering the merit of the case, permit the employee and in such case upon receipt of permission, such employee shall be moved out from the Directorate of Examination.
5. <sup>54</sup> **[Deleted]** <sup>55</sup>[75% rebate in all fees payable by regular employees of the ICSI, their spouse and children for the Company Secretaryship course, including the requisite training programmes, organized by the Institute.]
6. <sup>56</sup> **[Deleted]** <sup>57</sup>[75% rebate in all fees payable by employees of the ICSI who are on probation, for pursuing the Company Secretaryship course, including the requisite training programmes, organized by the Institute.]
7. The pursuance of the permitted course/programme should in no way interfere the employee/s normal official duties and functioning.
8. Due to office exigencies, permission allowed could be withdrawn at any point of time / stage without assigning any reason whatsoever.
9. The Institute shall not pay any TA/DA for attending the programme/course.
10. The permission granted will not confer any right to claim leave for the studies. The leave for appearing in the examination will be granted subject to office exigencies and in case there are a number of employees registered for the course from any particular Directorate and appearing for examination, leave will be granted to a limited number of employees to ensure normal functioning of the concerned Directorate. In such cases, the leave will be granted to the employees in order of seniority and the date of registration for the concerned course.
11. The candidates shall keep the office informed of the results of the examination(s) from time to time, in stages.
12. How to apply:

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<sup>54</sup>Deleted the words "50% concession in payment of fee (excluding examination) may be allowed to permanent employees who are permitted in writing to register and pursue the Company Secretaryship Course." Vide O/o No. 25/2013 dated 01.04.2013

<sup>55</sup>Inserted vide Office Order no. 25/2013 dated 01.04.2013

<sup>56</sup>Deleted the words "Employees who are under probation and are permitted in writing to register and pursue Company Secretaryship Course shall not be allowed any fee concession during their probation period" vide Office order no 02/2014 dated 07.01.2014

<sup>57</sup>Inserted vide Office Order no.025/2014 dated 07.01.2014

Employees having attained a particular qualification for which incentive is admissible shall give intimation through his HoD to the Directorate of HR enclosing:

- (i) Permission of ICSI for pursuing such course;
- (ii) Self-attested Photostat copies of Marks Certificate(s)
- (iii) Examination Qualifying Certificate, etc.

13. Power to Relax:

President is empowered to allow relaxations to any of the above provisions which will then be applied on equitable basis.

## CHAPTER – IV

### TRAVELLING AND DAILY ALLOWANCE, LEAVE TRAVEL CONCESSION AND ENCASHMENT OF LEAVE

23. <sup>58</sup>[Travelling allowance on tour]

The travelling allowance of the employees of the Institute while on tour shall be as under:

Grade Pay	Travel entitlements (By Air/Train)	Travel entitlements (By Road)	Daily Allowance
Officers who are in the pay scale of HAG + and above	Economy Class by air / AC First class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> at prescribed rates of AC Taxi when the journey is actually performed by AC Taxi.	Reimbursement for Hotel accommodation / guest house of up to Rs. 7000/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 900/- per day.
Officers of the Level 13 to 14	Economy Class by air / AC First class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> prescribed rates of AC Taxi when the journey is actually performed by AC Taxi.	Reimbursement for Hotel accommodation / guest house of up to Rs. 6,500/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 800/- per day.
Officers of the Level 12	Economy Class by air / AC First class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> prescribed rates of Taxi when the journey is actually performed by Taxi <b>Or</b> at prescribed rates for journey by auto-rickshaw.	Reimbursement for Hotel accommodation / guest house of upto Rs. 6,000/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 750/- per day.

<sup>58</sup> Substituted vide Office Order No. 123/09 dated 16.12.09

<b>Grade Pay</b>	<b>Travel entitlements (By Air/Train)</b>	<b>Travel entitlements (By Road)</b>	<b>Daily Allowance</b>
Officers of the Level 11	Economy Class by air / AC II Tier class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> prescribed rates of Taxi when the journey is actually performed by Taxi <b>Or</b> at prescribed rates for journey by auto-rickshaw	Reimbursement for Hotel accommodation/guest house of up toRs. 4250/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 750/- per day.
Officers of the Level 10 and 10A	Economy Class by air / AC II Tier class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> prescribed rates of Taxi when the journey is actually performed by Taxi <b>Or</b> at prescribed rates for journey by auto-rickshaw	Reimbursement for Hotel accommodation / guest house of up toRs. 4000/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 700/- per day.
Officers of the Level 6 and 8	AC II Tier Class by train	Actual fare by any type of public bus including air-conditioned bus <b>Or</b> prescribed rates of Taxi when the journey is actually performed by Taxi <b>Or</b> at prescribed rates for journey by auto-rickshaw	Reimbursement for Hotel accommodation / guest house of up toRs. 4000/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 700/- per day.

Grade Pay	Travel entitlements (By Air/Train)	Travel entitlements (By Road)	Daily Allowance
Officials below Level 6	First Class/AC III Tier / AC Chair car by train	Actual fare by any type of public bus other than air-conditioned bus <b>Or</b> at prescribed rates for journey by auto-rickshaw.	Reimbursement for Hotel accommodation/guest house of up to Rs. 3000/- + Taxes per day, reimbursement of travel charges on actual basis for travel within the City and reimbursement of food expenses not exceeding Rs. 600/- per day.

The above travel entitlements are subject to the following:-

- (i) In case of places not connected by Rail, travel by AC Bus for all those entitled to travel by AC II Tier and above by Train and by Deluxe / Ordinary Bus for others may be allowed.
- (ii) In case of Road travel between places connected by Rail, travel by any means of public transport is allowed provided the total fare does not exceed the train fare by the entitled class.

**Note:**

- (i) An employee shall be considered to be on tour while he is away from his designated workplace with proper sanction of the Secretary either within or beyond sphere of his/her duty.
- (ii) If boarding and lodging is provided either by the Institute or any outside organization, 50% of entitled daily food expenses will only be admissible on such days.
- (iii) For the days of Casual Leave and any other leave availed during the tour, no daily allowance will be admissible for such leave period.
- (iv) Reimbursement for hotel accommodation/guest house shall be made only on production of valid receipts.
- (v) Reimbursement for travel within the city and of food expenses shall be made against declaration made by the employee.
- (vi) If any travelling expenses higher than the limits as specified above, have necessarily been incurred, such travelling allowance bills can be approved by the President in the case of Secretary and by the Secretary in the case of all other employees of the Institute.
- (vii) <sup>59</sup>[Accommodation and Food expenses shall only be reimbursed if the Institute does not provide the trainee with Accommodation/ food on the days of the training.
- (viii) Fare for Rajdhani/ Shatabdi/Duronto trains and other Trains in similar category shall be reimbursed only if the employee has actually travelled by Rajdhani / Shatabdi/ Duronto and other Trains in similar category.
- (ix) Tatkal charges shall be reimbursed only if the employee has booked tickets under Tatkal quota.

<sup>59</sup> Inserted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

- (x) In case of Road travel between places connected by Rail, travel by any means of public transport may be allowed provided the total fare does not exceed the train fare by the entitled class, and if it does exceed, the same be restricted to entitled railfare.
- (xi) All employees can travel below their entitled class of travel, in case the tickets in their entitled class are not available.
- (xii) In case of outstation candidates, the day(s) taken for commuting to and from the training venue shall be counted as Official Duty and employees can fill in the OD forms accordingly].

## <sup>60</sup>[International Travel

Travel & Accommodation of employees travelling abroad on official duty will be borne by the Institute. In case the same is not arranged, the following rates will be applicable:

### **I. Travel Cost and Class of Travel**

Payment/reimbursement of actual travel cost by economy class for all employees.

### **2. USE OF AIRLINE**

Any airline, having regard to the place of business and departure & arrival timing of the airline.

### **3. STAY COST**

Not exceeding the rates prescribed for the Council Members.

### **B. DAILY ALLOWANCE**

75 per cent of the rates prescribed for the Council Members.

### **C. INCIDENTAL AND CERTAIN OTHER EXPENSES**

Actual expenses incurred like conveyance, visa charges, medical insurance premium, memento charges, if any, shall be reimbursed against production of respective bill(s).

Other unforeseen expenses like telephone/mobile, fax charges, if any, incurred towards official work/ assigned official duties of the institute shall be reimbursed with the approval of Secretary.” ]

## 24. **Leave Travel Concession**

(a) The LTC is admissible only to the permanent employees.

(b) <sup>61</sup>[The travel entitlements on Leave Travel Concession are under :

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<sup>60</sup> Inserted in pursuance to the decision of the 296<sup>th</sup> Council meeting held on 4-5<sup>th</sup> May,2023

<sup>61</sup> Substituted vide Office Order No. 123/09 dated 16.12.09



<b>Pay Scale (1)</b>	<b>Travel Entitlements (2)</b>
Officers who are in the pay scale of HAG + and above	Economy Class by air/AC First class by train
Officers of the Level 14 and above	Economy Class by air/AC First class by train
Officers of the Level 12 to 13A	Economy Class by air/AC First class by train
Officers of the Level 10 to 11	Economy Class by air/AC II Tier class by train
Officers of the Level 6 and 8	AC II Tier Class by train
Officials below the level 6	First Class/AC III Tier / AC Chair car by train

The employees who are entitled to travel by Air will be allowed only the lowest economy fare.]

<sup>62</sup>[An employee can travel by Rajdhani / Shatabdi trains also while on LTC as per the entitlement and admissibility to their grade and scale of pay. The reimbursement of travel expenses by Shatabdi / Rajdhani Express/Duronto shall be admissible only in those cases where journey is actually undertaken by these trains and not for the purpose of determining entitlement on notional basis.]

- (c) The LTC is admissible either to Home Town or any other place in India once in a block of two calendar years in respect of the employee and his family and not exceeding<sup>63</sup>[two unmarried dependent children.]

An employee travelling to any place other than Home Town will be entitled to reimbursement of travelling expenses incurred on rail/bus/steamer fare not exceeding one month's gross salary (excluding conveyance and any other allowance) or alternatively, the employee can travel to home town by the admissible mode of transport and class of travel by a practicable direct route and claim reimbursement as normally applicable to Central Government employees.

- (d) The LTC is admissible once in alternative block of two calendar years to any place in India by the admissible mode of transport and class of travel by practicable direct route and the employee can claim reimbursement as normally applicable to the Central Government employees in respect of himself, his wife/ her husband, the wholly dependent parents who are residing with the employee and a maximum of two unmarried dependent children. <sup>64</sup>[Provided that the dependent children whose income from all sources does not exceed Rs.4,500 per month].

- (e) For travel to a place other than home town, the employee and his family

<sup>62</sup>Inserted vide Office Order No. 05/06 dated 02.01.06 w.e.f. 01.01.06

<sup>63</sup>Substituted for three unmarried dependent children vide Office Order No. 05/92 dated 23.03.92

<sup>64</sup> Inserted vide Office Order No. 11/98 dated 06.04.98 w.e.f. 01.04.98

member(s) should travel together.

- (f) The block of two calendar years will be treated to have commenced from 1<sup>st</sup> January, 1984.
- (g) The LTC will be granted to an employee only when he avails the earned leave <sup>65</sup>[or Casual Leave] for a minimum period of five days, <sup>66</sup>[which can be prefixed/suffixed with the closed holidays including the Restricted Holidays] subject to prior permission of HOD/Secretary.
- (h) In all cases of LTC, necessary proof of travel to be produced to the satisfaction of the Institute/ <sup>67</sup>[Competent Authority] for reimbursement of expenses as admissible.
- (i) If an employee avails LTC to visit a place other than the home town under clause (c) above, he may use a higher mode of transport but the reimbursement will be limited to the bus/steamer/rail fare of the class of travel to which he is entitled.
- (j) In the case of journey to any place other than home-town, the route of journeys should be on the practicable direct route and should not be farther than the destination declared for the purpose of LTC. In case the journey is to be performed on a route other than the practicable direct route, the same has to be indicated in the application for LTC advance for approval.
- (k) If the employee avails LTC in respect of spouse employed in an office other than the Institute the employee should furnish a certificate as under at the time of preferring the claim for LTC:

“Certified that my wife/husband for whom LTC is claimed by me is employed in \_\_\_\_\_ (Name of the Government Department/Public Sector Undertaking/Corporation / Autonomous Body, etc.) which provides Leave Travel Concession facilities but he/she not preferred and will not prefer, any claim in this behalf to his/her employer.”

<sup>68</sup>[An employee (including unmarried) having his/her family residing at his/her declared HomeTown, can avail the LTC for himself/herself alone ‘every year’ as per admissible class of entitlement, instead of having it for both i.e. self and family members, as admissible under Rule 23 (c) and (d).

**Note:** Such employees opting for LTC shall have to exercise their option immediately in writing, for the existing Block (year 2010-2013) and also at the beginning of the subsequent Block Year (2014-2015) and so on.]

## 25. Encashment of Earned Leave

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<sup>65</sup> Inserted vide Office Order No. 21/07 dated 01.06.07

<sup>66</sup> Inserted vide Office Order No. 21/07 dated 01.06.07

<sup>67</sup> Inserted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

<sup>68</sup> Inserted vide Office Order No. 21/07 dated 01.06.07

Encashment of Earned Leave can be allowed to an employee once in a year, after leaving a minimum of 15 days earned leave to his credit. The advance credit of leave will not be allowed for the purpose of counting of 15 days. For the purpose of computation of leave encashment, only the Basic Pay, <sup>69</sup>~~[Deleted]~~<sup>70</sup>~~[Deleted]~~ and Dearness Allowance will be taken into account.

**26. Encashment of Sick Leave**

- (1) An employee be allowed encashment of Sick Leave lying at his credit up to a maximum of 120 full days for good, efficient and faithful services on the termination of his employment due to :
- (a) Discharge or abolition of post;
  - (b) Permanent incapacity on account of bodily or mental infirmity;
  - (c) Retirement (voluntary or superannuation);
  - (d) Death or disablement due to accident or disease;
  - (e) Resignation or termination on any ground except on account of dismissal from service, subject to the condition that entitlement for encashment of sick leave on resignation or termination shall be as under:
    - (i) 20% of the Sick Leave at credit where the employee has rendered continuous service of up to 5 years.
    - (ii) 40% of the Sick leave at credit where the employee has rendered continuous service of more than 5 years but not exceeding 10 years
    - (iii) 60% of the Sick leave at credit where the employee has rendered continuous service of more than 10 years but not exceeding 15 years.
    - (iv) 80% of the Sick leaves at credit subject to maximum of 120 full days where the employee has rendered continuous service of more than 15 years but not exceeding 20 years.
    - (v) 100% of the Sick Leave at credit subject to maximum of 120 full days where the employee has rendered continuous service of more than 20 years.
- (2) The following employees shall not be eligible for encashment of leave:
- (a) Casual, temporary and probationary employees;

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<sup>69</sup> Deleted word 'Dearness Pay if applicable' w.e.f. 01.01.06.

<sup>70</sup> Deleted word 'Grade Pay' vide Office Order No. 129/2017 dated 30.11.2017

- (b) <sup>71</sup>**[Deleted]**;
  - (c) Employees on contract basis; and
  - (d) Re-employed persons.
- (3) For the purpose of computation of encashment of sick leave, only the Basic Pay, <sup>72</sup>**[Deleted]**, <sup>73</sup>**[Deleted]** and Dearness Allowance will be taken into account.

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<sup>71</sup> Deleted word "government servants employed on deputation" in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

<sup>72</sup> Deleted word "Dearness Pay if applicable" w.e.f. 1.1.06

<sup>73</sup> Deleted word 'Grade Pay' vide Office Order No. 129/2017 dated 30.11.2017

## CHAPTER – V

### LEAVE AND HOLIDAYS

#### 27. Leave Entitlement

- (1) All leave will be granted at the convenience of the Institute and nothing shall limit the free discretion of the Institute to refuse, revoke or curtail leave as the exigencies of the Institute may require from time to time.
- (2) In the interest of the Institute and at the sole discretion of the Institute, an employee may be directed to go on leave for a specified period.
- (3) All <sup>74</sup>[Saturdays], Sundays and Holidays which fall at the beginning and/or at the end of the period of leave shall not be counted as part of the leave. <sup>75</sup>[Saturdays], Sundays and Holidays which fall within the leave period shall, however, be counted as part of the leave except in case of Casual Leave.
- (4) The employees on leave shall not take up any other service, assignment or employment without the prior written approval of the Secretary and in the case of Secretary with the prior written approval of the President.
- (5) For the purposes of calculating leave account, year shall mean calendar year commencing on the first day of January of each year.
- (6) For the purpose of these rules “Leave Pay” shall mean regular monthly emoluments drawn by the employee immediately before proceeding on leave.

#### 28. Types of leave and their Entitlement

The following types of leave shall be admissible to an employee:

- (1) **Casual Leave:** 12 days in the course of a year. Casual leave will be admissible to all employees excluding casual and temporary employees but including probationers. Unavailed Casual Leave shall lapse at the end of every year and no pay shall be due or payable in lieu of Casual Leave. Casual leave may ordinarily be granted for religious ceremonies, sickness and/or unforeseen reasons. Applications should normally be made in advance. If it is not possible for an employee to apply in advance, then he shall apply for the same as soon as practicable. Casual leave shall not be combined with any other leave except Restricted Holiday, Listed Holiday and Compensatory leave.
- (2) **Special Casual Leave:** Special casual leave may be granted to an employee who is not able to attend office due to civil disturbances, curfew or riotsetc. An employee who donates blood on a working day

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<sup>74</sup> Inserted word “Saturday” due to introduction of five day week w.e.f. 1.1.2010 vide Office Order No. 107/10.

<sup>75</sup> Inserted word “Saturday” due to introduction of five day week w.e.f. 1.1.2010 Office Order No. 107/10.

may be granted Special Casual Leave for that day. Any employee participating in sports events of national or international importance in a representative capacity may be granted Special Casual Leave for a period not exceeding 30 days in any one calendar year.

**(3) Earned Leave:**

- (a) A permanent employee shall be credited 30 days Earned Leave (EL) during the course of a year. Credit of 15 days leave will be given to an employee on the first day of January and July every year for every completed period of service. For service of less than 12 months, proportionate Earned Leave shall be credited to an employee for every completed month. Earned leave may be accumulated up to a maximum period of <sup>76</sup>[300 days]. All accumulated leave in excess of this period shall lapse and stand forfeited and no leave pay shall be due or payable in respect of such excess leave unless such excess accumulation is sanctioned in writing by the President. For the purpose of calculating the period of Earned Leave due to an employee, his probationary period of service, if any, shall be taken into account.
- (b) Except and to the extent provided by any law, no employee shall be entitled to encashment of leave if he is dismissed or discharged on account of misconduct.
- (c) Pay in lieu of accumulated earned leave may be paid to an employee who resigns from service after due notice and who has completed a minimum period of 2 years' service.
- (d) On retirement, an employee may be allowed encashment up to a maximum of <sup>77</sup>[300]days of his accumulated earned leave.
- (e) Earned leave shall not be combined with casual Leave. Restricted Holiday can be prefixed or suffixed with Earned Leave. EL cannot be clubbed with Casual Leave / Compensatory Leave. However, it can be clubbed with Listed Holidays, Sick Leave and Maternity / Paternity Leave.)
- (f) No employee on leave shall return to duty before the expiry of the period of leave granted to him except with the permission of the competent authority.
- (g) When an employee who has proceeded on leave with pay is directed by the Institute to rejoin the duty before he has fully availed the leave granted to him, he shall be deemed to have rejoined duty on the date on which he commences his journey from leave station for reporting to the place of duty as directed by the Institute. In such an event, an employee shall be permitted on rejoining duty either:

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<sup>76</sup> Substituted for '240 days' vide Office Order No. 5/98 dated 18.2.1998 w.e.f. 18.02.98

<sup>77</sup> Substituted for '240 days' vide Office Order No. 5/98 dated 18.2.1998

- (i) To carry forward to his leave account the portion of the sanctioned leave not availed of by him;
- (ii) To retain the leave pay, if already drawn by him whereupon his leave account shall be debited for the full period of leave as sanctioned.

**(4) Leave on Half Pay:**

- (a) A permanent employee shall be eligible for leave on half pay in two installments of 10 days each on 1<sup>st</sup> January and 1<sup>st</sup> July of each year.
- (b) An employee may be granted sick leave without certificate of sickness for a period not exceeding two days.
- (c) An employee may be granted sick leave for a period exceeding two days on production of medical certificate of sickness from a medical practitioner(s).
- (d) An employee may be granted leave on half pay either on a certificate of sickness or on private/personal purpose. The leave on half pay for private/personal purpose shall not be granted unless the earned leave to the credit of an employee is exhausted.
- (e) The leave on half pay on certificate of sickness may be commuted to leave on average pay for the period of leave due on half pay.
- (f) The leave on half pay account of the employee will be debited for twice the period of such commuted leave.
- (g) Half pay leave cannot be clubbed with Casual Leave/ Compensatory Leave. However, it can be clubbed with Listed Holidays, Sick Leave and Maternity / Paternity Leave.

**(5) Maternity Leave:**

Maternity leave on full pay for a period not exceeding <sup>78</sup>[180 days], may be granted to a female employee on not more than two occasions during the entire service. Maternity leave may be combined with any other leave except Casual Leave. However, any leave applied for in continuation of the former leave may be granted only on sickness of the employee or her child, supported by a medical certificate approved by the medical officer of the Institute. It may also be granted to employee on probation; provided no maternity leave shall be admissible in the first nine months of employment.

Maternity leave on full pay for a period not exceeding 45 days may also be granted to a female employee (irrespective of the number of surviving children) during the entire service of that female employee in case of miscarriage including abortion on production of medical certificate..

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<sup>78</sup> Substituted for 135 days vide Office Order No. 90/2017 dated 11.08.2017

## **(6) Extraordinary Leave:**

6.1 Extraordinary leave may be granted in special circumstances when no other leave is admissible or when it is specifically asked for in writing, subject to the following conditions:

- (a) It is not debited against the leave account.
- (b) No leave salary is admissible during such leave. <sup>79</sup>[However, HRA <sup>80</sup>[Deleted] will be admissible for the first 180 days of all types of leave including extraordinary leave without pay.]
- (c) It may be combined with any other leave but the total period of such combined absence should not exceed <sup>81</sup>[five years].
- (d) The appointing authority, to grant leave, may commute retrospectively periods of absence without leave into extraordinary leave.
- (e) "Extraordinary leave allowed otherwise than on medical grounds, supported by medical certificate approved by the medical officer of the Institute, will not be counted for increments."<sup>82</sup>[deleted].

<sup>83</sup>[deleted].

## **(7)<sup>84</sup>Acceptance of service or employment while on leave**

7.1 An employee of the Institute, while on leave including leave preparatory to retirement shall not take up any service or employment elsewhere without obtaining the previous sanction of :-

- (i) The President of the Institute, if the proposed service or employment lies elsewhere than in India, or
- (ii) The authority empowered to appoint him, if the proposed service of employment lies in India.

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<sup>79</sup> Inserted vide Office Order No. 19/96 dated 09.02.1996

<sup>80</sup> Deleted words "and CCA" due to discontinuation of 'CCA' w.e.f. 01.09.08 vide Office Order No. 17/09 dated 27.02.09.

<sup>81</sup> Substituted for the word 'three years' vide circular no. 515:5:Estt. dated 1.9.2001

<sup>82</sup> [In view of revision of pay scale vide Office Order No. 17/2009 dated 27.02.09], deleted the words "As there are only two increment dates in the Institute viz., 1st April and 1st October every year."

<sup>83</sup> In view of revision of pay scale w.e.f. 1.1.2006 vide Office Order No. 17/2009 dated 27.02.09, deleted the words " in case of extraordinary leave allowed for a period not exceeding 30 days in the previous year, on grounds other than medical grounds the annual increment date will be deferred by one month and for that year. [For example, if an employee has been allowed 30 days (or less) extraordinary leave without pay in January 1991 and his annual increment falls on 1st April, 1991, he will be eligible for grant of annual increment with effect from 1st May, 1991 for the year and the next increment will fall due for release on 1st April, 1992. However, if he had taken 31 days (or more) of such extraordinary leave in January 1991 his/her annual increment date will be postponed to 1st October, 1991 and the next increment will become due for release on 1st October 1992".

<sup>84</sup> Inserted new clause vide Office Order No. 128/97 dated 08.12.97 w.e.f. 08.12.97.



**(8)<sup>85</sup>Paternity Leave :**

- (a) On and from 1.10.2004, a male employee, whether on probation or permanent, with less than two surviving children may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days during the confinement of his wife i.e. 15 days before or up to six months from the date of the delivery of the child. If paternity leave is not availed within this stipulated period it shall lapse.
- (b) The Paternity Leave of 15 days would be availed by the employee in one spell only.
- (c) The employee availing Paternity Leave should furnish the requisite medical certificates in support of the delivery of the child.
- (d) The Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave except Casual Leave.
- (e) During the period of Paternity Leave, he shall be eligible for leave salary equal to the pay drawn immediately before proceeding on leave.

**(9) <sup>86</sup>[Compensatory Leave**

An employee specifically required to work in the office on a holiday/closed day would be granted a Compensatory off if he has worked for full day (7 hours 45 minutes at Regional Offices and Chapter Offices OR 8 hours 30 minutes at other offices including half an hour lunch break). The compensatory leave should normally be availed of within three months from the date of holiday/closed day.

An officer specifically required to work in the office on a holiday shall be eligible Compensatory Leave OR specified consolidated amount.

An employee of the level of Senior Executive Assistant or equivalent and below specifically required to work in the office on a holiday may claim Compensatory Leave OR specified Consolidated amount OR Overtime Allowance at the specified rates].

**29. Over-stay after expiry of leave**

No employee will be allowed to over-stay after expiry of leave unless the authority has otherwise directed him in writing. If an employee over-stays or extends leave for more than 8 days without any substantial reason to the satisfaction of the Institute, he will be liable for disciplinary action.

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<sup>85</sup> Introduced vide Office Order No. 44/04 dated 1.10.04 w.e.f. 1.10.04

<sup>86</sup> Inserted vide Office Order No. 45/2013 dated 03.07.2013 w.e.f. 01.07.2013 in supersession to Office Order Nos. 38/87, 56/92,63/11

30. **Procedure for grant of leave**

- (1) An employee before proceeding on leave shall make an application in such form as may be prescribed by the Institute and shall also state in writing his address while on leave and shall keep the Institute informed through his immediate officer of any subsequent change in such address.
- (2) No employee shall ordinarily proceed on leave unless it has been sanctioned except in cases of emergency and for satisfactory/plausible reasons.
- (3) Every employee on return from leave shall submit his joining report in the form as may be prescribed by the Institute.

31. **Holidays -Public and Restricted**

An employee of the Institute shall be eligible for such public and restricted holidays as may be notified by the Institute for each calendar year.

<sup>87</sup>[ ICSI Headquarter at Delhi,Noida, CCGRT at NaviMumbai, CERT at Hyderabad and other Regional Offices at Delhi, Kolkata, Mumbai and Chennai and other Chapters will observe Public Holidays and Restricted Holidays, as notified by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training(DoPT) from time to time].

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<sup>87</sup> Inserted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

**CHAPTER - VI**  
**REIMBURSEMENT OF MEDICAL EXPENSES**

32. All permanent employees shall be eligible for reimbursement of medical expenses as notified by the Council from time to time and for assistance as per “Medical and Hospitalization Plan” as given in **Schedule-‘F and F-1’** to these Rules; and as may be amended by the Council from time to time.

If at any time the Employees State Insurance Scheme is made applicable to the Institute, the medical reimbursement scheme shall stand replaced by the Employees State Insurance Scheme.

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## CHAPTER – VII

### ADVANCES TO EMPLOYEES OF THE INSTITUTE

#### 33. Type of Advance

Advances admissible to the employee of the Institute are classified as under:-

- (a) Advance on tour
- (b) Festival Advance
- <sup>88</sup> [(c) Deleted]
- (d) Medical Advance
- (e) Salary Advance
- <sup>89</sup> [(f) Deleted ]
- <sup>90</sup> [(g) Deleted]
- <sup>91</sup> [(h) Deleted]

#### 34. Eligibility

The grant of advance will be in accordance with the procedure laid down by the Council from time to time as given in the prescribed proforma and will, in all cases be subject to the condition that the Secretary is satisfied that the employee will, in the normal exigencies of his services, continue in the employment of the Institute until the expiry of the period within which the advance is recoverable.

#### 35. Advance on Tour

The amount to be granted shall not exceed the amount of travelling expenses to which the employee would ordinarily be eligible for the proposed tour. The advance will ordinarily be recoverable in one installment by cash or by adjusting against the amount payable to him by way of travelling allowance or salary within a period of one month from the date of his return from tour.

#### 36. Festival Advance

<sup>92</sup> [The Festival Advance has been abolished w.e.f. 1<sup>st</sup> July, 2017]

#### 37. Advance for purchase of conveyance<sup>93</sup> [abolished]

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<sup>88</sup> Deleted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019. Prior to deletion it was Advance for purchase of conveyance

<sup>89</sup> Deleted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019. Prior to deletion it was special advance

<sup>90</sup> Deleted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019. Prior to deletion it was house building advance

<sup>91</sup> Deleted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019. Prior to deletion it was computer advance

<sup>92</sup> abolished Vide Office Order No. 129/2017 dated 30.11.2017

<sup>93</sup> Abolished in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

38. **Medical Advance**

For medical expenses incurred in excess of the reimbursable amount due in any year, advance may be given up to 75% of expenditure reimbursable during the block of 3 years, at the discretion of the Secretary. The advance shall be adjusted against the amount due to the employee in successive year(s).

39. **Salary Advance**

Under the special circumstances, the Secretary may grant advance of a month's salary after 10th of any month to a permanent employee, which will be adjusted in from the salary of following month(s).

40. **Special Loan<sup>94</sup> [Abolished]**

41. **House-Building Advance<sup>95</sup> [Abolished]**

42. **Computer Advance<sup>96</sup> [Abolished]**

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<sup>94</sup>Abolished in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019.

<sup>95</sup>Abolished in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

<sup>96</sup>Abolished in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019

## CHAPTER – VIII

### GRATUITY, PROVIDENT FUND AND PENSION

#### 43. **Gratuity**

- (1) Gratuity shall be payable for good, efficient and faithful service by a permanent employee of the Institute who has rendered a continuous service of not less than five years and on the termination of his employment due to:
- (a) discharge or abolition of post;
  - (b) permanent incapacity on account of bodily or mental infirmity;
  - (c) superannuation;
  - (d) retirement or resignation;
  - (e) death or disablement due to accident or disease; and
  - (f) termination on any ground, except on account of dismissal from service.

Provided that the completion of the continuous service of five years shall not be necessary where the termination of the employment is due to death or disablement.

- (2) Continuous service shall mean uninterrupted service but shall include service which is interrupted by sickness, accident leave, layoff, strike, lockout, or cessation of work not due to any fault of the employee concerned (but shall not include service rendered as casual, temporary or leave without pay not on medical grounds). It shall also include the period of probation.
- (3) Gratuity shall not be payable to the following :
- (a) Casual, temporary and probationary employees;
  - (b) <sup>97</sup>**[Deleted]**
  - (c) Employees on contract basis; and
  - (d) Re-employed persons.
- (4) The amount of gratuity payable to an employee shall be equal to 15 days salary for each completed year of service (or part thereof in excess of six months service) or <sup>98</sup>[Rs. 20 lacs, whichever is lower. The word “salary” for the purposes of this para would mean the Basic Pay plus Dearness Allowance and shall not include any other payment including other]allowances, perquisites ex-gratia payment, bonus or commission.

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<sup>97</sup>Deleted in pursuance to the decision of the 262<sup>nd</sup> Council meeting held on 7.8.2019. Prior to deletion the proviso read as “Government servants and others employed on deputation terms;”

<sup>98</sup> Revised vide office order no. 129/2017 dated 30.11.2017 and circular no 13/2018 dated 22.11.2018 in supersession to order no. 52/10 dated 29.06.2010 in substitution to Rs. 10.00 lacs vide office order no.109/11 dated 24.10.11.

<sup>99</sup>[Effective from 1.1.2016 the maximum limit of retirement and death Gratuity shall be Rs. 20 lakh. The ceiling on Gratuity will increase by 25% whenever the Dearness allowance increases by 50% of the Basic Pay. In the case of death, the amount of gratuity shall be in accordance with the above provision or as per the following slab, whichever is higher:

Length of qualifying service	Rate of Death Gratuity
Less than One year	2 times of monthly emoluments
One Year or more but less than 5 years	6 times of monthly emoluments
5 years or more but less than 11 years	12 times of monthly emoluments
11 years or more but less than 20 years	20 times of monthly emoluments
20 years or more	Half month's emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments.

- (5) Every employee shall make a nomination in the prescribed form nominating one or more persons of his family the right to receive the gratuity in the event of the employee's death while in service or on his leaving the service but before the payment of gratuity is made, indicating the share payable to each member of his family. In the case of an employee having no family member, the nomination may be made in favour of person(s), or a body of persons, corporate or incorporate.
- (6) In the absence of nomination, the gratuity on death shall be paid to the legal heirs of the deceased employee.

<sup>100</sup>[The existing ICSI Group Gratuity Trust Rules are given in **Schedule 'F-2'**]

#### 44. **Provident Fund**

<sup>101</sup>[All the Employees of the Institute joined on or before 31.12.2004 are governed by ICSI Employees Provident Fund Trust Rules as given in **Schedule 'F-3'** and as amended by the Council from time to time.]

<sup>99</sup> Revised vide office order no. 129/2017 dated 30.11.2017 and circular no 13/2018 dated 22.11.2018 in supersession to order no. 52/10 dated 29.06.2010 in substitution to Rs. 10.00 lacs vide office order no.109/11 dated 24.10.11.

<sup>100</sup> Substituted by the ICSI Employees' Group Gratuity Trust Rules (as amended up to 16.09.19).

<sup>101</sup> Substituted by the ICSI Employees' Provident Fund Rules (as amended up to 16.09.19).

45. **Pension**

<sup>102</sup>[(a) All the Employees of the Institute joined on or before 31.12.2004 are governed by “ICSI Employees’ Pension Fund Trust Rules” as given in **Schedule ‘F-4’.**]

<sup>103</sup>[(b) All the regular employees joined the Institute on or after 1.1.2005 shall be governed under the “ICSI Employees’ New Pension Fund Trust Rules” as given in **Schedule‘F-5’.**]

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<sup>102</sup> Substituted by the ICSI Employees’ Pension Fund Trust Rules (as amended up to 16.09.19).

<sup>103</sup> Introduced vide Office Order No. 13/05 dated 16.3.05.



## CHAPTER –IX

### CONDUCT

#### 46. General

- (1) Every employee shall at all times
  - (a) maintain absolute integrity;
  - (b) remain devoted to duty;
  - (c) do his best to achieve the objectives set by the Institute; and
  - (d) do nothing unbecoming of an employee.
- (2) Every employee shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

#### (3) <sup>104</sup>[Sexual Harassment]

No employee of the Institute shall indulge in any act of sexual harassment of themen / women. For the purpose, “sexual harassment” includes such unwelcomesexually determined behaviour (whether directly or by implication)as:-

- a) Physical contact and advances;
- b) Demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing any pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

<sup>105</sup> [The complaints of sexual harassment shall be dealt as per the Provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013; by the Internal Complaints Committee (ICC) constituted at Head Quarters and Regional Offices.

The ICC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Institute.

The ICCshall take cognizance of complaint by an aggrieved woman at Work Places. At Chapter Offices where such committee has not been constituted, the ICCof the concerned Regional Office shall act as the Internal Complaints, Committee for complaints, if any filed by an aggrieved woman.

If a complaint made under POSH Act is found to be false, the ICC can recommend action against the complainant. The Institute will investigate the matter and take appropriate action, considering all the facts and circumstances.

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<sup>104</sup> Inserted new clause vide Office Order no. 24/04 dated 1.5.04

<sup>105</sup> Inserted in pursuance to the 262<sup>nd</sup> meeting of the Council meeting held on 7.8.2019

47. **Misconduct**

Without prejudice to the generality of the term “misconduct”, it includes all acts of omissions and commissions as given in **Schedule ‘G’** to these rules and as amended by the Council from time to time.

48. **Disclosure of employee’s interest in any matter**

No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or to any other person if any member of his family or near relative is employed in that undertaking or with that person, without referring every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

49. **Taking part in demonstration, strikes, gherao and association**

(1) No employee shall:

(a) Engage himself or participate in any demonstration or do such things which involve incitement to offence, contempt of court or considered prejudicial by the Disciplinary Authority, in his sole discretion, to the interest of the Institute, public order, decency or morality;

(b) Resort to or in any way abet any form of unlawful strike, gherao, coercion or duress in connection with any matter pertaining to his service or the service of any other employee of the Institute.

(2) No employee shall join or continue to be a member of an Association, the object or activities of which are considered by the Disciplinary Authority in his sole discretion, prejudicial or likely to become prejudicial to the interest of the Institute, public order, decency or morality.

50. **Connection with Press or Radio**

(1) No employee shall, except with the previous sanction in writing of the Competent Authority, own wholly or in part, conduct or participate in the editing or management of any newspaper or other periodical publication.

(2) No employee shall, except with the previous sanction in writing of the competent authority or except in the bonafide discharge of his assigned duties, participate in a radio broadcast or contribute any article or write any letter whether in his own name or anonymously, pseudonymous or in the name of any other person to any newspaper or periodical.

PROVIDED THAT no such sanction shall be required, if such broadcast or such contribution is of a purely professional, literary, artistic or scientific character having no bearing whatsoever on any of the activities of the

Institute.

51. **Criticism of Government and the Institute**

No employee shall, in any radio broadcast or in any document published anonymously, pseudonymously or under his name or in the name of any other person or in any communication to the press, or in any utterance, make any statement or opinion:

(a) Which has the effect of an adverse criticism of any policy or action of the Central or State Governments, or of the Institute, or

(b) Which is capable of embarrassing the relations between the Institute and the Government or the general public.

PROVIDED THAT nothing in this rule shall apply to any statement made or views expressed by an employee of purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him.

52. **Evidence before Committee or any other Authority**

(1) No official shall, except with the previous sanction in writing of the Appointment Authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded no employee giving such evidence shall criticize the policy or any action of the Central or State Government or of the Institute.

(3) Nothing in this rule shall apply to:

(a) evidence given at any enquiry before an authority appointed by the Government, Parliament, or a State Legislature or the Institute;

(b) evidence given in any judicial enquiry or any court proceedings; or

(c) evidence given at any departmental enquiry ordered by the Institute.

53. **Unauthorized Communication of Information**

Every employee shall sign an Oath of Secrecy on joining the Institute and no employee shall, except in accordance with any general or special order of the Institute or in the performance in good faith of the duties assigned to him communicate, directly or indirectly, any official document or any part thereof or information to any other employee, or person to whom he is not authorized to communicate such document or information.

54. **Subscription**

No employee shall except with the previous sanction in writing of the Appointing Authority, ask for or accept contribution to or otherwise associate himself with the raising of any funds or other collections in cash or in kind in

pursuance of any object whatsoever in the premises of the Institute.

**55. Acceptance of gifts and favour**

- (1) Save as otherwise provided in these rules, no employee shall accept or permit any member of his family or any person acting on his behalf, to accept any gift the value of which exceeds Rs. 2000/ without the previous sanction of the Appointing Authority.

PROVIDED THAT when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the Appointing Authority, if the aggregate of the gift exceeds Rs. 4000/-.

*Explanation: The expression 'gift' shall include free transport; boarding, lodging or other service or any other pecuniary advantage when provided without the specific knowledge of the Institute by any person other than a near relative or a personal friend having no official dealings with the Institute. A casual meal, lift or other hospitality shall not be deemed to be a gift.*

- (2) An employee may accept gifts from his near relatives or personal friends having no official dealings with him but he shall make a report to the Appointing Authority, if the value of the gift exceeds Rs.5000/-.
- (3) No employee will have any personal dealing with any person or undertaking with which the Institute has any official dealing. No employee will ask for or solicit any personal favour from such undertaking or person or induce or recommend any of his relation or friend either for appointment or for any information with such person or undertaking. If any of his son, daughter or near relation is appointed by any such person or undertaking or has any dealing with the said person or undertaking then the employee will disclose the same immediately when it comes to his knowledge.

**56. Private Trade or Employment**

- (1) No employee shall except with the previous sanction in writing of the Appointing Authority, engage himself directly or indirectly in any trade or business or undertaking any assignment having pecuniary benefit.

Provided that an official may, without such sanction, undertake occasionally honorary work of a social, religious or charitable nature, literacy, artistic or scientific character, subject to the condition that he has not used the material acquired by him in his official discharge of duties and his official duties do not thereby suffer.

- (2) No employee shall, without the previous sanction in writing of the Appointing Authority except in the discharge of his official duties, take part in the registration, promotion or management of any business which

is required to be registered under any law for the time being in force.

PROVIDED THAT an official of the Institute may take part in the registration, promotion or management of a co-operative society substantially for the benefit of employees of the Institute, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific, religious or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force after intimating such fact to the appointing authority.

**57. Investment, Lending and Borrowing**

No employee shall save in the ordinary course of business with a bank, the Life Insurance Corporation or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowings, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

**58. Insolvency and Habitual Indebtedness**

- (1) An employee shall manage his private affairs so as to avoid habitual indebtedness or insolvency unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control.
- (2) An employee against whom any legal proceeding is instituted for the recovery of any debt due from him or who applies to be, or is adjudged or declared insolvent shall forthwith report the full facts of the proceedings to the appointing authority.

**59. Bigamous Marriage**

- (1) No employee shall enter into or contract a marriage with a person having a spouse living; and no employee having a spouse living, shall enter into, or contract, a marriage with any person.
- (2) PROVIDED THAT the Council may permit an employee to enter into or contact any such marriage, if it is satisfied that :-
  - (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; or
  - (b) there are other grounds for so doing which are not contrary to any law.

**60. Consumption of Intoxicating Drinks and/or Drugs**

An employee shall:

- (a) strictly abide by any law relating to intoxicating drinks and/or drugs in force in any area in which he may happen to be for the time being;

- (b) not administer or cause to be administered or be under the influence of any intoxicating drinks or drugs while on duty whether within or outside the premises of the Institute;
- (c) not administer or cause to be administered or be under the influence of any intoxicating drinks or drugs while within the premises of the Institute;
- (d) not attend, or allow to be served in any official function/party arranged for the employees and their families by the Institute whether within the premises of the Institute or outside, any intoxicating drinks or drugs.

61. **Canvassing for election**

An employee shall be liable to disciplinary action by the Council, if in connection with election to the Central Council, Regional Council or Chapters of the Institute, he is found to have taken part, directly or indirectly, either himself or through any other person, in any of the following activities:

- (a) issuing manifestoes letters or circulars;
- (b) canvassing support for any candidate.

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## CHAPTER - X

### DISCIPLINE AND APPEAL

#### 62. **General**

Notwithstanding anything contained in any other Regulations, and without prejudice to such action to which an employee may become liable under any other regulations or law for the time being in force, any or all of the following penalties may be imposed for good and sufficient reasons on any employee of the Institute. Provided that every employee shall be given sufficient opportunity before imposing any penalty or termination or dismissal of his service.

#### 63. **Minor Penalties**

- (a) Censure or fine.
- (b) Withholding of increment with or without cumulative effect.
- (c) Withholding of promotion.
- (d) Recovery from pay or from such other amount as may be due to the employee of the whole or part of the pecuniary loss caused to the Institute by negligence or breach of duty.

#### 64. **Major Penalties**

- (a) Reduction to a lower post or grade or to a lower stage in existing time scale for a period not exceeding three years without cumulative effect and not adversely affecting his pension;
- (b) Removal from service which shall not be a disqualification for future employment in the Institute;
- (c) Dismissal from service which shall ordinarily be a disqualification for future employment in the Institute;
- (d) Compulsory retirement;
- (e) Suspension from service imposed as a penalty;
- (f) Any other penalty considered appropriate by the Disciplinary Authority or an Authority higher than it.

*Explanation: The following shall not amount to a penalty within the meaning of this Rule:*

- (a) Withholding of an increment of an employee, on account of his work being found unsatisfactory or not being of the required standard or for failure to pass the prescribed test or examination.
- (b) Stoppage of an employee at the efficiency bar in a time scale, on the ground of his being unsuitable to cross the bar.
- (c) Non-appointment, whether in an officiating capacity or otherwise, of an employee to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case or an

administrative grounds unconnected with misconduct.

- (d) Reversion to a lower post or grade of an employee officiating in a higher post or grade on the ground that he is considered after trial, to be unsuitable for such higher post or grade or an administrative grounds unconnected with his conduct.
- (e) Reversion to the previous grade or post of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment.
- (f) Non-grant of any additional increment or incentive from time to time.
- (g) Termination of Service :
  - (i) of an employee appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment;
  - (ii) of an employee appointed in a temporary capacity otherwise than on contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of the appointment;
  - (iii) of an employee on reduction of establishment
- (h) Compulsory retirement of an employee in accordance with the provision relating to superannuation or retirement
- (i) Discharge of an employee for failure to pass a medical test prescribed for appointment to any category of post

**65. Authority competent to impose penalty**

The Secretary of the Institute under the existing regulations or Appointing authority or any other authority designated by the Council who may be superior to the appointing authority, may impose on an employee any of the penalties specified herein.

**65(A)Special procedure in certain cases**

*Notwithstanding anything contained in rule 65*

- i. where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or*
- ii. where the Council is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in Rule 65, or*



- iii. *where the Council is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in Rule 65,*

*The Council may consider the circumstances of the case and make such orders thereon as it deems fit:*

- a) *Provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i):*
- b) *Provided further, that the Council shall be consulted where such consultation is necessary, before any orders are made in any case under this rule.*

*The guiding note for exercising the aforementioned provisions as mention below must be referred before taking decision in such circumstances.*

**Guiding note for exercising the provisions of Rule 65 (A):**

**(1) Scope of clauses (i), (ii) and (iii) of the Rule 65 (A):-**

- a. In the first place, it may be understood that the Supreme Court in its judgment has not established any new principle of law. It has only clarified the constitutional provisions, as embodied in Article 311 (2) of the Constitution. In other words, the judgment does not take away the constitutional protection granted to employees by the said Article, under which no employee can be dismissed, removed or reduced in rank without an inquiry in which he has been informed of the charges against him and given a reasonable opportunity to defend himself. It is only in three exceptional situations listed in clauses (i), (ii) and (iii) of the Rule 65 (A) the requirement of holding such an inquiry may be dispensed with. Even under these three exceptional circumstances, the judgment does not give unbridled power to the competent authority when it takes action under any of the three clauses. The competent authority is expected to exercise its power under this proviso after due caution and considerable application of mind. The principles to be kept in view by the competent authority while taking action under the clauses (i), (ii) and (iii) of the Rule 65 (A). These are reproduced in the succeeding paragraphs for the information, guidance and compliance.
- b. When action is taken under clauses (i), (ii) and (iii) of the Rule 65 (A), the first pre-requisite is that the disciplinary authority should be aware that the employee has been convicted on criminal charge. Having come to know of
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the conviction of employee on a criminal charge, the disciplinary authority must consider whether his conduct, which had led to his conviction, warrants the imposition of a penalty and if so, what that penalty should be. For that purpose, it will have to peruse the judgment of the criminal court and consider all the facts and circumstances of the case. In considering the matter, the disciplinary authority will have to take into account the entire conduct of the delinquent employee, the gravity of the misconduct committed by him, the impact which his misconduct is likely to have on the administration and other justifying circumstances or redeeming features. This however, has to be done by the disciplinary authority by itself. Once the disciplinary authority reaches the conclusion that the employee's conduct was blameworthy and punishable, it must decide upon the penalty that should be imposed on the employee. The principle, however, to be kept in mind is that the penalty imposed upon the employee should not be grossly excessive or out of all proportion to the offence committed or one not warranted by the facts and circumstances of the case.

- c. After the competent authority passes the requisite orders as indicated in the preceding paragraph, an employee who is aggrieved by it, can appeal, that the penalty was too severe or excessive and not warranted by the facts and circumstances of the case. If it is his case that he is not the person who was in fact, convicted, he can also agitate this question in appeal, revision or review. If he fails in all the departmental remedies available to him and still wants to pursue the matter, he can seek judicial review.
- d. There are two conditions precedent which must be satisfied before action under this clause is taken against an employee. These conditions are :
  - (i) There must exist a situation which makes the holding of an inquiry contemplated by clauses (i), (ii) and (iii) of the Rule 65 (A) not reasonably practicable. What is required is that holding of inquiry is not practicable in the opinion of the reasonable man taking a reasonable view of the prevailing situation. It is not possible to enumerate all the cases in which it would not be reasonably practicable to hold the inquiry. Illustrative cases would be :-
    - (i.i.) Where an employee, through or together with his associates, terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of punishment in order to prevent them from doing so; or

- (i.ii) where the employee by himself or with or through others threatens, intimidates and terrorizes the officer who is disciplinary authority or members of his family so that the officer is afraid to hold the inquiry or direct it to be held; or
- (i.iii) where an atmosphere of violence or of general indiscipline and insubordination prevails at the time the attempt to hold the inquiry is made.

The disciplinary authority is not expected to dispense with a disciplinary inquiry lightly or arbitrarily or out of ulterior motives or merely in order to avoid the holding of an inquiry or because the Department's case against the employee is weak and is, therefore, bound to fail.

- (ii) Another important condition precedent to the application of clause (b) of the second proviso to clauses (i), (ii) and (iii) of the Rule 65 (A) is that the disciplinary authority should record in writing the reason or reasons for its satisfaction that it was not reasonably practicable to hold the inquiry contemplated by clauses (i), (ii) and (iii) of the Rule 65 (A) or corresponding provisions in the service rules. It should also be kept in mind that the recording in writing of the reasons for dispensing with the inquiry must precede an order imposing the penalty.
5. Another important guidelines with regard to these clauses which needs to be kept in mind is that an employee who has been dismissed or removed from service by applying to his case clauses (i), (ii) and (iii) of the Rule 65 (A) can claim in appeal or revision that an inquiry should be held with respect to the charges on which such penalty has been imposed upon him, unless a situation envisaged by the second proviso is prevailing at the hearing of the appeal or revision application. Even in such a case the hearing of the appeal or revision application should be postponed for a reasonable length of time for situation to return to normal.

**(2) Issue of charge-sheet where action is taken under clauses (i), (ii) and (iii) of the Rule 65 (A) :-**

- a) in a case where clause (ii) of the second proviso Rule 65 (A) is invoked, the disciplinary authority may dispense with the issuing of charge memo listing the charges. Clause (ii) is attracted in a case where the disciplinary authority concludes, "that it is not reasonably practicable to hold such an inquiry". The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. In such a case also, the disciplinary authority would be entitled to apply clause (ii) of Rule 65 (A) because the word "inquiry" in that clause includes part of an inquiry".

- b) if the circumstances even before the commencement of an inquiry are such that the disciplinary authority holds that it is not reasonably practicable to hold an inquiry, no action by way of service of charge-sheet would be necessary. On the other hand, if such circumstances develop in the course of inquiry, a charge-sheet would already have been served on the employee concerned.

## 66. Procedure for imposing penalties

No penalty shall be imposed on any employee unless the charge or charges on which it is proposed to take disciplinary action against an employee has been communicated to him in writing and he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him. The competent authority may, if circumstances so warrant hold an enquiry into the charges or cause such an enquiry to be held by any officer subordinate to him but superior to the person <sup>106</sup>[or an outside inquiry officer, whenever so required, having expertise in holding such Domestic/Disciplinary enquiry] against whom action is proposed to be taken for the purpose of ascertaining the truth or otherwise of the charges. If it is decided to hold an enquiry, an employee shall be permitted to cite witnesses on his behalf and examine the relevant documents but, shall not be permitted to engage a lawyer at the enquiry.

<sup>107</sup> [If there is complaint of sexual harassment, the Internal Complaints Committee established for the purpose in HQ/RO for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority

The inquiry shall normally be completed within 120 days of issue of charge sheet. The Disciplinary Authority may consider extension of 30 days in circumstances where the inquiry cannot be completed within 120 days. The Disciplinary Authority will pass final order in the matter within 60 days.

No confirmed employee shall be terminated or compulsorily retired from service on any ground whatsoever except under Rule 65 (A) or as a major penalty imposed on the employee after following due procedure of inquiry and providing sufficient opportunity of being heard to the employee in accordance with Principles of Natural Justice].

## 67. Appeal to President

- (1) Every appeal received against the penalty imposed under these rules (Discipline and Appeal) within a period of one month from the date on which the appellant receives a copy of the order imposing the penalty shall be submitted to the President.

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<sup>106</sup> Inserted words vide Office Order No. 6/05 dated 10.2.2005

<sup>107</sup> Inserted in pursuance to the decision of the 262<sup>nd</sup> meeting of the Council held on 7.8.2019

Provided that the President may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

(2) Every appeal shall be submitted through the authority which passed the order appealed against and such authority shall transmit the appeal to the President as early as possible.

(3) The President may in consultation with the Council:

(a) set aside, reduce, confirm or enhance the penalty;

(b) remit the case to the authority which imposed penalty or to any other authority with such directions as he may deem fit in the circumstances of the case;

Provided that the President shall not pass any order imposing an enhanced penalty unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against imposition of such enhanced penalty.

(4) The decision of the President shall be final.

## 68. **Suspension**

(1) The appointing authority or any authority to which the appointing authority is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the President by general or special order may place an employee under suspension:

(a) Where a disciplinary proceeding against him is contemplated or is pending; or

(b) Where a case against him in respect of any criminal offence (except in the due performance of official duties) is under investigation or trial.

(2) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted back for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal or compulsory retirement and shall remain in force until further orders.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty or dismissal or removal or compulsory retirement was originally imposed, the employee shall be deemed to

have been placed under suspension from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

- (4) An order of suspension made or deemed to have been made under those rules may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- (5) An order of suspension made or deemed to have been made shall continue to remain in force until it is modified or revoked.

## **69. Subsistence Allowance**

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition he shall be entitled to Dearness Allowance admissible on such subsistence allowance and <sup>108</sup>**[Deleted]**, House Rent Allowance etc., of which he was in receipt on the date of suspension provide the suspending authority (Secretary) is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- (2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:
  - (a) the amount of subsistence allowance may be increased to 75 per cent of basic pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
  - (b) if the period of suspension is prolonged because departmental enquiry against him is incomplete due to reasons attributable to the employee then the subsistence allowances will be reduced to 25%.

## **70. Treatment of the period of suspension**

- (1) When the employee under suspension is reinstated, the competent authority shall grant to him the following pay and allowances for the period of suspension:
  - (a) if the employee is exonerated and is not awarded any of the penalties mentioned in these rules, the full pay and allowance less the subsistence allowance already paid to him; and
  - (b) if otherwise, such proportion of pay and allowances as the appointing authority may prescribe.
- (2) In the case of exoneration of an employee under rule 69(2)(a) the period of absence from duty on account of suspension will be treated as period spent on duty. In a case falling under 69(2)(b), it will not be treated as a period spent on duty unless the appointing authority so specifically directs.

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<sup>108</sup> Deleted the words "any other compensatory allowance such as City Compensatory Allowance" in view of Office Order No. 17/2009 dated 27.02.09.

- (3) An appeal against any order or suspension shall lie to a higher authority next to the one issuing the order of suspension.

**71. Provisions regarding officers borrowed from Central or State Governments, Public Sector Undertakings and other sources**

- (1) Where an order of suspension is made or disciplinary proceedings are taken against a Government Servant or an employee of a Public Sector Undertaking whose services have been borrowed from that Government or an authority subordinate thereto, or from such undertaking, the authority lending his services (hereinafter in this regulation referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of disciplinary proceedings, as the case may be.
- (2) In the light of the findings in the disciplinary proceedings taken against the borrowed employee of the Government/Public Sector Undertaking :

if the disciplinary authority is of the opinion that any of the penalties specified in these rules should be imposed on him he may, after consultation with the lending authority pass such orders as it deems necessary.

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority of the Government servant or employee of the Public Sector, the employee shall immediately be replaced at the disposal of the lending authority.

72. Employee can take any number of permissions for applying for jobs outside the Institute; however, the Institute will forward/ grant NOC for job application(s) at its discretion, not more than one in case of persons who have not completed at least three years in the Institute. In case of persons who have completed three years and above, not more than two applications may be forwarded/ NOC granted per calendar year at the discretion of the Institute. In deserving cases, the Secretary on the recommendation of Head of Directorate may allow more than two permissions

73. <sup>109</sup>**Grievance Redressal Mechanism.** The Grievance Redressal Mechanism for employees is given at Schedule "H".

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<sup>109</sup>Inserted vide Circular No.09/2019 dated 12.07.2019 and decision taken in 266<sup>th</sup> Meeting of the Council dated 9.1.2020

**SCHEDULE 'A'****(See Rule 8 of Service Rule)**

S. No.	Post	Pay Scales (Rs.)		G.P. (Rs.)	Revised Pay Scales	Level
		Existing Pay Scales	Pay Band / Scale			
1	Secretary	90000 (Fixed) (applicable for future incumbent)	Cab. Sec.	Nil		
		80000 (Fixed) (applicable for future incumbent)	Apex Scale	NIL		
2	Additional Secretary and Chief Executive	75500-(annual increment @3%)- 80000 67700-(annual increment @3%)- 79000 (applicable for future incumbent)	HAG + Scale	Nil		
3	Joint Secretary (SG)	37400-67000	PB-4	10000	144200-218200	14
4	Joint Secretary	37400-67000	PB-4	10000	144200-218200	14
5	Associate Professor	37400-67000	PB-4	9000	131400-217100	13A**
6	Director	37400-67000	PB-4	8700	123100-215900	13
7	Joint Director	15600-39100	PB-3	7600	78800-209200	12
8	Deputy Director	15600-39100	PB-3	6600	67700-208700	11
9	Assistant Professor	15600-39100	PB-3	6000	57700-182400	10 *
10	Assistant Director	15600-39100	PB-3	5400	56100-177500	10
11	Executive (Admin )/ Executive (Academics )/ Senior Programmer	9300-34800	PB-2	4800	47600-151100	8



12	Senior Executive Assistant / Programmer	9300-34800	PB-2	4200	35400-112400	6
13	Executive Assistant / Junior Programmer / Senior Electrician	5200-20200	PB-1	2400	25500-81100	4
14	Senior Attender / Junior Executive Assistant / Driver / Electrician	5200-20200	PB-1	1900	19900-63200	2
15	Attender	4440-7440	-1S	1650	18000-56900	1
16	Sweeper	4440-7440	-1S	1400	18000-56900	1
17	Senior Office Assistant	2000-6000	-	1200	18000-56900	1
18	Office Assistant	1800-4000	-	1000	18000-56900	1

**Fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 01.01.2006  
(See Rule 8(1) of Service Rules)**

**Fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 1.1.2016, will be fixed on the initial cell of the corresponding level in the pay matrix to which the employee will be appointed.**

**The details**

S. No.	Previous Designation	S. No	Revised designation/ new posts*	Pay Level
1	Secretary	1.	Secretary	
2	Additional Secretary and Chief Executive	2.	Additional Secretary and Chief Executive	
3	Joint Secretary (SG)	3.	Joint Secretary (SG)	Level-14
4	Joint Secretary/ Dean	4.	Joint Secretary/ Dean	Level-14
		5.	Associate Professor *	Level-13A
5	Director	6.	Director	Level-13
6	Joint Director	7.	Joint Director	Level-12
7	Deputy Director	8.	Deputy Director	Level-11
		9.	Assistant Professor*	Level-10A
8	Assistant Director	10.	Assistant Director	Level-10
9	Section Officer/ Assistant Education Officer/ Senior Programmer	11.	Executive (Admin )/ Executive (Academics )/ Senior Programmer	Level-8
10	Senior Assistant / Programmer	12.	Senior Executive Assistant / Programmer	Level-6
11	Assistant / Junior Programmer / Senior Electrician	13.	Executive Assistant / Junior Programmer/ Senior Electrician	Level-4
13	Junior Assistant/ Electrician/ Senior Attender / Driver	14.	Junior Executive Assistant/ Electrician / Desk Assistant / Chauffeur	Level-2
17	Attender /Sweeper	15.	Attender / Housekeeper	Level-1
18	Specified Staff "B"	16.	Senior Office Assistant	Level-1
19	Specified Staff "A"	17.	Office Assistant	Level-1

**RECRUITMENT PROCEDURE  
(See Rule 12 of Service Rules)**

The Council shall have full discretion to recruit employees for any post in any manner as it deems fit. The Council hereby lays down the following recruitment procedure to be observed for appointment to all posts of the Institute until further announcement is made in this behalf by the Council. Any deviation from this procedure should have the specific approval of the President for posts up to and including the level of <sup>110</sup>[Deputy Directors and the Executive Committee for posts above the level of Deputy Directors.]

**1. <sup>111</sup>[Sources of Recruitment:**

Any post in the Institute will generally be filled up through following sources:

- (i) Direct Recruitment
- (ii) Promotion
- (iii) Transfer
- (iv) Placement /Head Hunting Agencies /Job Sites]

**2. <sup>112</sup>[Methods of Recruitment**

Few common methods of recruitment are:

- (i) Online screening and shortlisting
- (ii) Interviews
- (iii) Competency based interview
- (iv) Psychometric testing
- (v) Ability and aptitude tests.
- (vi) Personality profiling
- (vii) Presentations
- (viii) Group discussions
- (ix) Test

The above methods are indicative and not exhaustive. The method will vary on the type of the post and as per the decision of the Competent Authority / Selection Board].

**3. Recruitment for Officers' Posts**

- (i) For direct recruitment of posts of officers of the level of <sup>113</sup>[Assistant Director]and above, the vacancy will be advertised in Chartered Secretary and/or in one or more English newspapers largely circulated in the local area of appointment, apart from considering other avenues for receiving applications.
- (ii) <sup>114</sup>[Candidates having been interviewed for a particular post and not being selected need not apply 2nd time within for one year of earlier advertisement

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<sup>110</sup>Substituted for the word "Assistant Director" vide Office Order No. 45/2014 dated 01.04.2014

<sup>111</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019.

<sup>112</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019.

<sup>113</sup>Substituted for the word "Administrative Officer" vide Office Order No. 45/2014 dated 01.04.2014

<sup>114</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

for the same post. However, he may apply for a different post at the same Level or for a post at a lower level.

- (iii) Candidates will be given around 20 days' time to upload their applications online. Applications received after the last date of receipt, as mentioned in the advertisement, will not be entertained.
- (iv) In case the number of candidates is higher, a written test may be conducted. The written test shall form the basis for the candidates being called for interview.
- (v) Candidates fulfilling the requisite qualifications and experience after preliminary screening as may be decided by the Secretary/President shall be called for interview. Ordinarily the number of persons called for interview shall be five times the number of vacancies. However, where screening/short listing may be apparently difficult keeping in view merit of the competing candidates, such ratio may be suitably up scaled.
- (vi) Shortlisted candidates of the post of Executive (Admin/Academic/ Law /SrProg) or equivalent and above will be called for interview before a duly constituted Selection Board. The recommendations of the Selection Board shall be put up to appointing Authority for approval.
- (vii) The Selection Board constituted under the rules, shall interview and draw a panel of candidates for appointment in order of merit and forward the same to the appointing authority for necessary action.
- (viii) Selection Board will first interview the candidates belonging to SC/ST/OBC communities and then the General Category. A SC/ST Representative will be co-opted as member of the Selection Committee. Appointing Authority may nominate an OBC/Minority/Woman Representative in the Selection Committee, if deem necessary.
- (ix) Recommendations of the Selection Committee shall be made separately for the posts reserved for SCs/STs/OBCs and Unreserved (UR)-General Category in the Evaluation Sheet.
- (x) The Appointing Authority shall make appointments in accordance with the recommendations of the /Selection Board. Such recommendations to be approved by the President in case the Selection Board consist of members other than the President for posts above the level of <sup>115</sup>[Joint Director.]
- (xi) <sup>116</sup>[When the Appointing Authority has himself chaired the Selection Committee, or not, recommendations will separately be submitted to him for approval, and the release of offers of appointments in accordance with the availability of posts, requirements from time to time, and reservation status.
- (xii) Select panel will be valid for one year from the date drawn. Validity of the panel can be extended by the Appointing Authority by six months. Panel may be scrapped by the Appointing Authority at any time with the reasons to be recorded in writing.
- (xiii) Selected candidates shall be allowed to join after verification of their character and antecedent from police (in case of candidates employed on private sector) or from previous employer (in case of candidates employees in government/ public sector/ autonomous bodies), Verification for the internal candidates can be done by the Directorate of HR itself].

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<sup>115</sup>Substituted for the word "Assistant Director" vide Office Order No. 45/2014 dated 01.04.2014

<sup>116</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

#### 4. Eligibility of fare to outstation candidates called for Interview:

S.No.	Pay Scale	Maximum Reimbursable Amount restricted to travel by
1	Officers of the Level 14 and above	Economy Class by air
2	Officers of the Level 08 to 13 A	AC II Tier class by train
3	Officers of the Level 6 and below	AC III Tier class by train

- (i) The maximum amount reimbursable to the candidate (level 6 to 13A) shall be restricted to the amount as mentioned in the table above. Rail fare from the place mentioned as 'Address for Communication' in his application or from any other place, whichever is shorter in distance, on submission of ticket/e-ticket. The candidate can opt for any higher mode of transport [Air/ Rajdhani / Shatabdi trains etc., however the maximum amount reimbursable to him/her shall be restricted to the amount as mentioned in the table above.
- (ii) No reimbursement of travel expenses shall be paid to candidates appearing for a written test.
- (iii) No reimbursement of expenses for local travel either at the originating place or the place where interviews are fixed shall be admissible.
- (iv) In case the interview spills over to another day or if for any reason (including Law and Order situation) interviews are delayed, no expenses towards boarding lodging and local transport will be admissible to the candidate. [Call letters will make a mention to this effect.]
- (v) In case the candidate is found to be Not Eligible for the post after he/she called for the interview, he/she shall not be reimbursed the travel expenses.

#### 5. Recruitment for other Posts

- (i) For other supervisory and all non-supervisory posts, the <sup>117</sup>[Repealed] <sup>118</sup>[procedure from (a) to (e) at para 3 above shall be generally followed].
- (ii) Appointment for the post up to and including and up to the level of Senior

<sup>117</sup>Repealed in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019. Prior to repeal the proviso read as "appointing authority may either arrange for the issue of an advertisement in a newspaper or invite applications from Employment Exchanges, professional organizations and institutions which provide such services and also entertain unsolicited applications received and registered in the Institute from time to time. The course of action in this regard will depend on the number of vacancies and the time available to fill up the vacancies. Suitable candidates shall be called for interview after preliminary screening and shall ordinarily be four times the number of vacancies. Candidates registered with Employment Exchange will normally be given preference for the posts up to and including the level of Senior Assistants. The final selection shall be made by the appropriate Selection Board on the basis of personal interview and written tests, if any, arranged by the appointing authority as the exigencies may demand. The panel will be valid for a period of one year or any longer or shorter period as specified by the Selection Board or appointing authority. The President may relax age, educational qualifications and/or experience if any candidate is otherwise considered to be most suitable for the post."

<sup>118</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

Executive Assistant will be on the basis of written test only. Outstation candidates may be given single return rail fare not exceeding first class fare

- (iii) Every selected candidate shall be required before appointment to undergo medical examination by a qualified registered medical practitioner as appointed by the Institute.
- (iv) <sup>119</sup>[Regular employees of the Institute are eligible to apply for appointment to the higher posts advertised by the Institute from time to time provided the said employees have completed three years of regular service as on the date of advertisement in the next below grade in the Institute. Application of such employees will be considered subject to their having at least two “Good” and above relating in the annual appraisal reports out of last 3 years reports].

## 6. Selection Boards

For officers of the level of <sup>120</sup>[Joint Directors] and above, the selection will be made by the Executive Committee or a Selection Board constituted for this purpose as under:

### <sup>121</sup>[Selection Board for Direct Recruitment <sup>122</sup>[deleted]]

(a) For officers posts of the level of <sup>123</sup>[Joint Directors] and above, the Selection for Direct Recruitment <sup>124</sup>[deleted] will be made by the Executive Committee or a Selection Board / Departmental Promotion Committee comprising of the following:

1. President
2. Vice-President
3. A Council member nominated by the Executive Committee
4. Secretary / <sup>125</sup>[Additional Secretary and Chief Executive
5. An Outside Expert to be decided by the President
6. <sup>126</sup>[HOD of the HR Directorate
7. <sup>127</sup>[SC/ST/OBC representative (if required)]

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<sup>119</sup> Inserted new para as per internal note no. 515:5:Estt. dated 11.7.95

<sup>120</sup> Substituted for the word “Deputy Director” vide Office Order No. 45/2014 dated 01.04.2014

<sup>121</sup> Substituted vide office order no. 56/2012 dated 09.05.12. ( For officers posts of the level of Deputy Directors and above the selection will be made by the Executive Committee or a Selection Board constituted to it including the following:

- (a) President/Vice-President
- (b) A Member of the Council nominated by the Executive Committee
- (c) Secretary
- (d) Any outside expert, if so desired by the Council/Executive Committee/President

For other officers, supervisory and non-supervisory posts, the Selection Board will consist of not less than three persons constituted by the Secretary with the approval of the President out of the following:

- (a) President/Vice-President/Council Member/Secretary
- (b) Departmental Head or an officer not below the rank of Deputy Director
- (c) Any outside expert in the relevant field or personnel specialist from Government or any member (serving or retired) on the panel of the Union Public Service Commission.

<sup>122</sup> Deleted the words “and Increments” in pursuance to the decision taken in 275<sup>th</sup> Council Meeting held on 26-27.03.2021

<sup>123</sup> Substituted for the word “Deputy Director” vide Office Order No. 45/2014 dated 01.04.2014

<sup>124</sup> Deleted the words “and Increment” in pursuance to the decision taken in 275<sup>th</sup> Council Meeting held on 26-27.03.2021

<sup>125</sup> Substituted for the word ‘Chief Executive’ and ‘Deputy Director’ vide Schedule –A of Rule 8(1) of ICSI Service (2<sup>nd</sup> Amendment) Rules, 2014 dated 01.04.2014

<sup>126</sup> Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

<sup>127</sup> Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

(b) For other officers, supervisory and non-supervisory posts, the Selection for Direct Recruitment <sup>128</sup>**[deleted]** will be made by the Executive Committee or Selection Board / Departmental Promotion Committee constituted by the Executive Committee comprising of the following:-

1. President / Vice-President /A Council member nominated by the Executive Committee
2. Secretary / Additional Secretary and Chief Executive
3. An Outside Expert to be decided by the President
4. <sup>129</sup> [HOD of the HR Directorate
5. <sup>130</sup> [SC/ST/OBC representative (if required)

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<sup>128</sup>Deleted the words "and Increment" in pursuance to the decision taken in 275<sup>th</sup> Council Meeting held on 26-27.03.2021

<sup>129</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

<sup>130</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

**PROMOTION POLICY**  
**(See Rule 14 of Service Rules)**

**1. Criteria for promotion**

Whereas the Council has inherent right and absolute discretion to fill up any post in any manner in the best interest of the Institute as it deems fit, in order to provide job satisfaction and growth opportunity lays down the following Promotion Policy in pursuance of Rule 14 of the Institute's Service Rules.

- (i) As far as possible, first opportunity will be given to employees eligible for internal promotions subject to availability of suitable employees having prescribed qualifications and experience for each post. In exceptional cases, the Executive Committee may relax the educational qualifications, experience and other requirements for any particular post.
- (ii) The basic principles of promotion will be merit-cum-seniority. The merit will be ascertained by a Selection Board or Departmental Promotion Committee based on the assessment reports maintained for each employee and the general conduct and behaviour of the employee.
- (iii) Subject to office exigencies employees may be allowed to attend part-time courses which are of use for the promotional opportunities within the Institute after office hours with the prior written approval of the Institute, but such permission may be withdrawn if office exigencies so demand.
- (iv) Only an employee who has put in at least five years of service in his existing grade or post <sup>131</sup>**[as on 1<sup>st</sup> July of the year]** will normally be eligible for consideration for promotion to the next higher level, grade or post. <sup>132</sup>**[Deleted]** However, this does not give a right to the employee to claim promotion after the expiry of such period.
- (v) Seniority for the purposes of promotion will be counted from the date of confirmation on the post or equivalent post and if more than one employees have been confirmed on the same date, then the seniority in next lower post will be the determining factor. If by chance, they have been confirmed on such post also on the same date, then confirmation on next to next lower post and so on till the date of joining. If the date of joining happens to be same, then the person older in age will be considered senior.

Seniority of an officer under suspension and of officers against whom enquiries are pending.

An officer under suspension who on conclusion of the departmental proceeding against him/her, is completely absolved, should be promoted in the first vacancy that could be made available for the purpose and his/her seniority in the next higher grade fixed as if he/she had been promoted in accordance with his/her position in the select list. In such a case, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service prescribed for purpose of eligibility for promotion to the higher grade.

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<sup>131</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

<sup>132</sup> Deleted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019. Prior to deletion the proviso was read as "The criteria of five year's service could be relaxed by the Executive Committee in highly meritorious and deserving cases".



Fixation of seniority of an employee reverted to a lower post/grade/service as a measure of penalty and subsequently promoted to a higher post.

An order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify:-

- (i) the period of reduction, unless the clear intention is mentioned that the reduction is permanent or for a definite period;
- (ii) whether upon such re-promotion, the employee will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

In cases where the reduction is for a specified period and is not to operate, postpone future increments, the seniority of the employee may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his/her reduction.

Where the reduction is for a specified period and is to operate postpone future increments, the seniority of the Govt. servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him/her in the higher service, grade or post or higher time-scale

- (vi) <sup>133</sup>[While considering the promotion of the employees, the vacancy, if any, be enhanced to accommodate the deserving employees.
- (vii) The date of promotion shall be effective from 1st July of the year.
- (viii) While promoting, the Selection Board, Departmental Promotion Committee/Secretary will ensure that the employee is not losing monetarily as a result of promotion to the next post/grade].

<sup>134</sup>[In the interest of objectivity, uniformity and transparency, the DPC should assign 50% weightage to PARs for the preceding five years and the balance 50% to its own assessment, with the eligible candidates. The employees who have completed five years on 30<sup>th</sup> June of the year (cut-off date) shall be considered for promotion. The date of promotion shall be effective from 1<sup>st</sup> July of the year.]

## 2. Reservation for Internal Promotions

The general policy of the Council is to encourage involvement of all employees to work for the further growth of the Institute. Accordingly, the Council will always consider eligible employees for further promotion before considering direct recruitment for any post. The promotion to the following posts are specifically reserved for internal candidates and direct recruitment will be resorted for such posts only when the Executive Committee decides that no internal candidate is suitable for the post although the employee might fulfill the qualifications and experience for the post.

- (a) 100% of posts for promotion as Desk Assistant.
- (b) 90% of posts for Executive Assistants.
- (c) 66-2/3% of posts for Senior Executive Assistants, Executive

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<sup>133</sup>Inserted in pursuance to the decision taken in 232<sup>nd</sup> Council Meeting dated 20.12.2015, 232<sup>nd</sup> (adjourned) Council Meeting dated 29.12.2015 and 262<sup>nd</sup> Council Meeting held on 7.8.2019

<sup>134</sup> Inserted – Decision of 167<sup>th</sup> Executive Committee held on 2<sup>nd</sup> August, 2013 and approval of 217<sup>th</sup> Council meeting held on 23<sup>rd</sup> – 24<sup>th</sup> August, 2013

(Admin/Academics/Law/ SrProg/ Assistant Engineer).

(d) 50% of posts for<sup>135</sup>**[Assistant Director]**.

(e) 50% of posts for<sup>136</sup>**[Deputy Directors and Joint Director]**.

3. External Recruitment in respect of Promotion Posts: If internal candidates are not found suitable for promotion even though they might possess the requisite qualifications and experience, the appointing authority with the approval of an authority superior to him (viz. President/Executive Committee/Council) will be free to recruit from outside the Institute, persons with requisite qualifications and experience.
4. <sup>137</sup>Sealed Cover Envelope Procedure: Where departmental proceedings are pending against an employee who may otherwise be eligible for promotion, "sealed cover envelope" procedure will be adopted. In other words, DPC's recommendations will be drawn separately and sealed in an envelope. It will be opened only if the employee concerned has been exonerated of the charges.[Imposition of minor penalty of 'censure' will not mean exoneration.]In the event of imposition of penalty upon an employee by Disciplinary Authority, "Sealed Cover Procedure" will again be followed if he has preferred an appeal to the Appellate Authority or the time limit for preferring such an appeal is yet not over. This procedure will apply mutatis-mutandis in cases of suspension of employee who has otherwise become eligible. Approval of the Appointing Authority shall be obtained for opening the "Sealed Cover Envelope".
5. Retrospective Promotion: In case of promotion of an employee as a result of opening of "Sealed Cover", benefit of seniority shall be given retrospectively but the pay and allowances shall be prospectively.
6. Appeal against non-promotion: An employee not promoted may prefer an appeal to an authority next higher than the one which is competent to approve such promotion. Where President is Competent Authority, appeal may be preferred to the Council. Concerned Appellate Authority may consider giving a personal hearing to the employee.
7. All officials promoted and all direct recruits shall be placed on probation for a period of one year from the date of assumption of charge in the next higher grade. The period of probation may be extended at the discretion of the Competent Authority but will not be extended by more than one year save for exceptional reasons to be recorded in writing.
8. Every official promoted to the higher grade, will be issued a formal order of confirmation on satisfactory completion of the probationary period or the extended period of probation, as may be applicable. The official will be deemed to be on probation until so confirmed in writing.
9. Departmental Promotion Committee (DPC):

Selection Board for Departmental Promotion Committee (DPC)

- a) For officers posts of the level of Joint Directors and above, the Selection Departmental Promotion will be made by the Executive Committee or

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<sup>135</sup> Substituted for the word 'Administrative Officer' and 'Education Officer' vide Office Order No. 45/2014 dated 01.04.2014

<sup>136</sup> Substituted for the word 'Assistant Director' and 'Deputy Director' vide Office Order No. 45/2014 dated 01.04.2014

<sup>137</sup> Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

Departmental Promotion Committee constituted by the Executive Committee comprising of the following :-

1. President
2. Vice-President
3. A Council member nominated by the Executive Committee
4. Secretary
5. HOD of the HR Directorate
6. An Outside Expert to be decided by the President

b) For the posts of Deputy Director and Below, the Selection for Departmental Promotion will be made by the Executive Committee or Departmental Promotion Committee constituted by the Executive Committee comprising of the following:-

1. President / Vice-President / A Council member nominated by the Executive Committee
2. Secretary
3. HOD of the HR Directorate
4. An Outside Expert to be decided by the President

#### 10. <sup>138</sup>Scrutiny of Employees for Promotion

The scrutiny of the employees falling in the zone of consideration will be done as follows:

- (i) The scrutiny of employees of the level of Joint Director and above will be done on the basis of Competency Framework.
- (ii) The scrutiny employees of the level up to Deputy Director will be done on the basis of written test.
- (iii) The eligible employees who are recommended after the scrutiny will be interviewed across all levels; to assess their suitability for the next higher post.

#### 11. Qualification for Internal Promotion

The qualification for internal promotion shall be as below:

S.No.	Promotion to the Post of	Qualification
1	Upto Executive Assistant	10 <sup>th</sup>
2	Senior Executive Assistant to Deputy Director	Graduation
3	Joint Director and above	Post Graduate /Professional Degree

#### 12. Promotion of employees who do not possess the prescribed qualification for the next higher post:

The employees who are stagnating in the same post and cannot get promotion at the next higher post due to lack of prescribed qualification; will be provided minimum 5 days (or any such period as may be decided) training on institute Vision and Mission, Noting and Drafting, computer knowledge, Typing, Functional areas related training (or any other relevant area felt necessary).

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<sup>138</sup>Amended in pursuance to the decision taken in 266<sup>th</sup> Council Meeting held on 9.1.2020

- (i) Upon completion of the training a test will be taken to assess their understanding. The employees who clears the test will be given a certificate;
- (ii) The candidates who qualify the test will come in the zone of consideration for promotion to the next post subject to fulfillment of other criteria for promotion.
- (iii) If the DPC does not find the candidates suitable for promotion; his candidature will be considered in the next DPC subject to fulfillment of other criteria for promotion.
- (iv) The above method will be restricted to the non-officer cadre and up to the post of Senior Executive Assistant and equivalent level only.
- (v) The employee will have to acquire the prescribed qualification for promotion to the officer cadre i.e. Executive and above.

13. The career progression for the Assistant professor/ Associate Professor in the Institute will be as below:

<b>Existing Post</b>	<b>Minimum experience for promotion to the next post</b>	<b>next post/ level</b>
Assistant Professor	5 years	Non-Functional promotion to Level 11 of the Academic Pay matrix of UGC
	5 years	Non -Functional promotion to Level 12 of the Academic Pay matrix of UGC
	5 years	Promotion to Associate Professor at Level 13A of the Academic Pay matrix of UGC
Associate Professor	5 years	Promotion to Professor at Level 14 of the Academic Pay matrix of UGC

- (i) The matrix however, does not give right to the candidate to claim for promotion after 5years in the existing post. All the cases of promotion will be considered by the DPC and the candidate will be promoted to the next post / level, only if he is found suitable].
- (ii) The Institute will not follow the UGC rules with regard to the service conditions in case of the employees of the level Assistant/ Associate Professor; other than the above mentioned career progression.

14. <sup>139</sup>[The career progression for the Office Assistant/ Senior Office Assistant in the Institute will be as below:

<b>Existing Post</b>	<b>Next Post/ Level</b>	<b>Next Post/ level</b>
Office Assistant Level 1 (Rs. 18000-Rs. 56900)	Desk Assistant Level 2 (Rs. 19900-Rs. 63200)	To be Re-designated as Junior Executive Assistant Level 2 (Rs. 19900-Rs. 63200) with one extra increment
Senior Office Assistant Level 1 (Rs. 18000-Rs. 56900)	Junior Executive Assistant Level 2 (Rs. 19900-Rs. 63200)	Executive Assistant Level 4 (Rs. 25500-Rs. 81100)

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<sup>139</sup>Inserted in pursuance to the decision taken in 217<sup>th</sup> (Adj.) Executive Committee Meeting held on 6.10.2021

**<sup>140</sup> [ICSI Employees Performance Management Policy  
(See Rule 14 of Service Rules)**

**1. OBJECTIVE:**

- a) To assess the performance of employees in a fair, transparent and objective manner.
- b) To provide consistent feedback to employees for improvement/ development.
- c) To instill a performance based work culture in the Institute.
- d) To make application of PMS as a tool for Career Advancement of officers and Succession Planning.

**2. SHORT TITLE**

This will be known as ICSI Employees Performance Management System .

**3. APPLICABILITY**

The Policy shall be applicable to all regular employees of the Institute.

**4. DEFINITIONS**

- a) APPRAISEE means the employee concerned, whose performance will be evaluated.
- b) REPORTING OFFICER or Appraiser means the immediate Superior officer to whom the appraise is reporting.
- c) REVIEWING OFFICER means the officer to whom the Appraiser reports [generally, the Head of Directorate(HOD)] in case of officers and Sectional Head for the staff. The Reporting and Reviewing Officer can be the same for e.g. in case of some chapters where there is direct reporting of staff level employees to the Chairman.
- d) MANAGEMENT REVIEW: It means review of the rating of the officer of the level of Deputy Director and above by the Secretary or President].
- e) PERFOROMANCE REVIEW: It means the mechanism established to deal with cases of non-performance.

**5. GENERAL SYSTEM AND PROCEDURE**

- a) The following procedure will be followed for the Performance appraisal of the employees of the level of Executive and above only
- b) The Appraisal Forms will be sent to the concerned appraiser in respect of regular employees for every financial year or as may be decided by the Executive Committee.
- c) The Appraisal Forms will be sent to the concerned appraiser in respect of employees who are on probation (either recruitment or after promotion)in everyquarter or as may be decided by the Executive Committee.
- d) The Overall rating of the employee shall be taken into account, on the following five parameter :-

<b>Rating</b>	<b>Marks</b>
Outstanding	10 Marks

<sup>140</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

Very Good	08 Marks
Good	06 Marks
Satisfactory	04 Marks
Unsatisfactory	02 Marks

- e) The marks against the ratings scored by the employee can be changed by the Executive Committee.
- f) However, where two or more reports are written in any appraisal year by reason of an executive being posted under different reporting/countersigning officers, the rating of higher period of assessment will be counted as the final rating and a single rating for the year will be determined.
- g) For probationary period, the average scores of all the quarters or the scoring of higher quarters; whatever the case may be taken.
- h) In case of employees working in chapters whose ACRs have been filled by the RD and Chapter Chairman, the total score is calculated by taking the average score given by both.
- i) Appraisal for less than 2 months in a year shall not be counted towards final appraisal.
- j) If APAR for some period is not written due to some reason, the DPC will average the score of available APAR and add the same against the missing period to ensure the number of APAR is uniform in all cases.
- k) Employees working in Regional / Chapter offices shall be appraised as under:-

S. No.	Officer / Employee	First Appraising Authority	Second Appraising Authority
1	Senior most Officer of the Regional Office	Chairman of the Regional Council (50%) and Chief Executive (50%)	Secretary
2	Other officers and employees of Regional Office	Senior Most Officer of Regional Office	Secretary
3	Senior most Officer / Employee of the Chapter Office	Chairman of the Chapter Management Committee (50%) Senior Most Officer of Regional Office (50%)	Secretary
4	Other officers and employees of Chapter offices	Senior most Officer of the Chapter Office *(Chairman, in absence of an Officer)	Senior Officer of the Regional Office

## 6. Performance Review Mechanism:

- 1) The skill traits, competency traits as well as behavioral traits as mentioned in the Annual Performance Assessment Reports of all the employees of the Institute will be evaluated with respect to key activities and other routine work performed by them.

- 2) The rating of traits in assessment reports will be done after evaluating the performance made against the targets.
- 3) The benchmark for assessment of traits shall be on the basis of achievement made and shall be rated as:
 

a) More than 100%	Outstanding
b) More than 85% or less than/ equal to 100%	Very Good
c) More than 75% or less than/ equal to 85%	Good
d) More than 50% or less than/ equal to 75%	Satisfactory
e) Upto to 50%	Unsatisfactory
- 4) <sup>141</sup> [If the employee is not performing on the above benchmarks and falls in the category of unsatisfactory in firstquarter, proper feedback should be shared with him/her. He/ she will be counseled for assessing the reasons behind non-performance and appropriate corrective measures which will include training shall be provided to the said employee.
- 5) If the benchmark for assessment in secondquarter remains unsatisfactory the employee may be considered for transfer in another Directorate/ Chapter so that his performance may be evaluated under another appraiser.
- 6) If the benchmark for assessment in third quarter remains unsatisfactory, the employee may be considered as non-performer].
- 7) The case of non-performers shall be referred to a committee comprising of three senior officers; who will evaluate the service record of non-performer and shall suggest the corrective measures and submit the report to Secretary, who after analyzing all the factors, will recommend the case to the Executive Committee for appropriate action.
- 8) The Executive Committee will consider such recommendation and will suggest measures including conducting enquiry to find out the facts behind the non-performance. The enquiry will inter-alia suggest corrective measure ordinarily. In case where any penalty has been suggested the same will have to follow the procedure as mentioned in Rule 64 of the Service Rule.
- 9) The non-performer will have the right to file grievance at any stage, in case he is having any working / behavior issues (with colleagues, supervisor, HOD) which is affecting his performance.

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<sup>141</sup>Amended in pursuance to the decision taken in 266<sup>th</sup> Council Meeting held on 9.1.2020



## SCHEDULE 'D'

### **QUALIFICATIONS AND EXPERIENCE PRESCRIBED FOR EACH POST IN THE INSTITUTE (See Rule 15 of Service Rules)**

- 1) The appointing authority, with the approval of President in the case of posts up to and including the level of <sup>142</sup>[Deputy Director and with the approval of the Executive Committee in the case of other officers posts, may relax the qualifications age or experience, if a candidate is otherwise considered most suitable for the post.
- 2) <sup>143</sup>[Normally, maximum age limit for posts up to and including the post of Executive and equivalent will be 35 years, for posts from Assistant Director to Deputy Director and Equivalent level will be 40 years and for posts of Joint Director and above will be 50 years
- 3) <sup>144</sup>[The cutoff date regarding Age and Experience for Candidates (External/Internal) will be calculated on first date of the month in which the advertisement /recruitment notice appears.
- 4) MBA or Post Graduate Diploma in Business Management (PGDBM)/PG Diploma in specific stream will mean either full-time course of minimum 2 years duration or part time MBA/PGDBM/ PG Diploma in specific stream of minimum 3 years duration or MBA through distance learning/correspondence/Part time.
- 5) All Qualifications acquired shall be recognized by UGC/ AICTE etc. or an authority designated by Govt of India.
- 6) Computer application knowledge and skills will be essential for External Candidates
- 7) The Qualifications of posts in same/similar fields would be similar even though they may be at different levels for e.g. the qualification of Executive (Law), Assistant Director (Law), DD (Law) and so on shall be the same as they all pertain to Law.
- 8) The below qualifications shall be used only for recruitment purposes and not for any other purposes like Promotion/Internal Transfers etc.
- 9) Training experience forming a part of the curriculum of any Degree / Diploma will not be counted towards total experience.
- 10) Practicing Experience shall be counted towards total experience in case of candidates who are ACS/ ACA/ ACMA/LLB.
- 11) For internal candidates applying for posts through recruitment, the following shall be the criteria :-

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<sup>142</sup>Substituted for the word 'Assistant Director', 'Administrative Officer' and 'Education Officer' vide Office Order No. 45/2014 dated 01.04.2014

<sup>143</sup>Substituted for the word 'Assistant Director', 'Administrative Officer' and 'Education Officer' vide Office Order No. 45/2014 dated 01.04.2014

<sup>144</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

Qualification	The internal candidates should possess the qualifications as prescribed for external candidates
Age	There is no upper age limit
Experience	3 yrs of regular service in the next below grade as on the date of advertisement with at least 2 "Good" and above ratings in the ACR out of the last 3 yrs. The applications of candidates should be forwarded through proper channel

12) The usual experience prescribed for the posts given below (as well for posts which may be created subsequently) shall be as follows:-

S.No.	Post	Pre Revised Scale	Revised Scale	Experience
1	Office Assistant	1800 - 4000, Grade Pay - 1000	Level 1 (18000-56900)	N/A
2	Senior Office Assistant	2000 - 6000, Grade Pay - 1200	Level 1 (18000-56900)	N/A
3	Housekeeper	4440-7440 (-1S), Grade Pay - 1400	Level 1 (18000-56900)	Experience preferred but not essential
4	Attender	4440-7440 (-1S), Grade Pay - 1650	Level 1 (18000-56900)	Experience preferred but not essential
5	Desk Assistant / Chauffeur / Junior Electrician	5200-20200 (PB-1), Grade Pay - 1900	Level 2 (19900-63200)	2 year experience
6	Junior Executive Assistant / Telephone Operator	5200-20200 (PB-1), grade Pay - 1900	Level 2 (19900-63200)	2 year experience
7	Executive Assistant / Junior Programmer/Proof Reader/ Publication Assistant / Executive Assistant	5200-20200 (PB-1), Grade Pay - 2400	Level 4 (25500-81100)	3 year experience

S.No.	Post	Pre Revised Scale	Revised Scale	Experience
	(Secretarial)/ Telephone Operator			
8	Senior Executive Assistant / Programmer/ Web Designer	9300-34800 (PB-2), Grade Pay - 4200	Level 6 (35400- 112400)	4 year experience
9	Executive (Admin) / Executive / Senior Programmer/ Assistant Engineer (construction)	9300-34800 (PB-2), Grade Pay - 4800	Level 8 (47600- 151100)	5 year experience
10	Assistant Director / Research Associate / SQL Database Administrator / Oracle Apps Functional	15600-39100 (PB-3), Grade Pay - 5400	Level 10 (56100-177500)	7 year experience
11	Assistant Professor	15600-39100 (PB-3),Grade Pay - 6000	Level 10A (57700-182400)	A minimum of three years of teaching, research or industry experience, excluding the period of research for Ph.D. degree
12	Deputy Director	15600-39100 (PB-3), Grade Pay – 6600	Level 11 (67700-208700)	9 year experience
13	Joint Director	15600 - 39100 (PB-3),Grade Pay - 7600	Level 12 (78800-209200)	13 year experience out of which 5 years' experience in Senior Executive position
14	Director	37400-67000 (PB-4), Grade Pay - 8700	Level 13 (123100- 215900)	15 year experience out of which 7years experience in Senior Executive position
15	Associate Professor	37400-67000 (PB-4) Grade Pay - 9000	Level 13A (131400- 217100)	A minimum of Nine years of teaching, research or industry experience, excluding the period of research for Ph.D. degree

S.No.	Post	Pre Revised Scale	Revised Scale	Experience
16	Joint Secretary / DEAN	37400-67000 (PB-4), Grade Pay - 10000	Level 14 (144200-218200)	20 year experience out of which 10years experience in Senior Executive position
17	Joint Secretary (SG)	37400-67000 (PB-4), Grade Pay - 10000	Level 14 (144200-218200)	20 year experience out of which 10years experience in Senior Executive position
18	Secretary	Consolidated salary	Consolidated salary	20 year experience out of which 10years experience in Senior Executive position

### 13) . Qualification for Administrative Positions (Executive and above Level)

S.No	Field	Qualification
1.	General	A Graduate degree from a recognized University and ACS OR PG degree in Economics/ Commerce/ Management/ Law or equivalent with 50% marks
2.	Law	Degree in Law with 50%
3.	Placement	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration )
4.	Marketing	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration ) (with specialization in Mktg)
5.	Training	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration )
6.	Career Awareness	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration ) (with specialization in Marketing)
7.	Finance and Accounts	A Graduate degree in Commerce from a recognized University and Membership of ICSI/ICAI/ICAI(Cost)/ Two years full-time Post Graduate Degree / Diploma in Management with specialization in Finance from Government recognized Universities / Institutes
8.	Internal Audit	A Graduate degree in Commerce from a recognized University and Membership of ICSI/ICAI/ICAI(Cost)/

S.No	Field	Qualification
		Two years full-time Post Graduate Degree / Diploma in Management with specialization in Finance from Government recognized Universities / Institutes
9.	Infrastructure / Building Maintenance	B.E /B.Tech in Civil Engineering or equivalent from Government recognized Universities / Institutes
10.	Housekeeping and Event Management	Graduate Degree in Hotel Management or equivalent degree/ Diploma (of at least 3 year duration) from a recognized University / Institute "OR" MBA / PGDBM or equivalent degree/ Diploma with 50% marks (of at least 2 year duration)
11.	Corporate Communication	Post Graduate Degree in Mass Communication / Advertising and Public Relations with 50% marks "OR" Graduate Degree in any discipline with 50% marks alongwith Diploma ( of at least 1 year duration ) in Mass Communication / Advertising and Public Relations
12.	Liaisoning	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration )
13.	Purchase	MBA / PGDBM or equivalent degree/ Diploma with 50% marks ( of at least 2 year duration)
14.	Human Resource	MBA / PGDBM/ MSW/ MA(Personnel Management/social work specialization in PMIR) / MHROD or equivalent degree/ Diploma with 50% marks (of at least 2 yrs duration) (with specialization in HR/HRD/Industrial Relation/ Personnel Management)
15.	Exams	A Graduate degree from a recognized University and ACS OR PG degree in Economics/ Commerce/ Management/ Law or equivalent with 50% marks
16.	International Affairs & Research	Post Graduate Degree - Management/ Public Policy/ Diplomacy/ Foreign Policy/ International Relations

#### 14. Qualification for Academic Positions (Executive and above Level)

S.No.	Field	Qualification
1.	General	A Graduate degree in Commerce from a recognized University and ACS /ACA / ACMA  OR PG degree in Economics/ Commerce/ Management/ Law

S.No.	Field	Qualification
		or equivalent with 50% marks
2.	Corporate Governance	A Graduate degree in Commerce from a recognized University and ACS /ACA / ACMA  OR PG degree in Economics/ Commerce/ Management/ Law or equivalent with 50% marks
3.	Research	Master's Degree with at least 55% marks or equivalent grade on a point scale, wherever grading system is followed  Good academic record with MPhil degree in Economics/ Law / Commerce/ Management/ Accounts/ Finance. Preference will be given to candidates with Ph.D qualification and NET pass candidates
4.	Printing and Publications	(i) ACS "or" PG degree in Economics / Commerce / Law/ Management or equivalent from Government recognized Universities / Institutes. AND (ii) A Degree / Diploma in Printing Technology.

### 15. Qualification for IT Positions (for all levels)

S.No.	Field	Qualification
1.	All posts	MCA or B.Tech (Computer Science/IT/Electronics) or equivalent with 1 <sup>st</sup> or 2 <sup>nd</sup> Division from recognized Institute / University

16. The posts for which the Qualifications have not been prescribed (from the above table) are given in the table below :-

#### l) ADMINISTRATIVE GRADE / POSTS

S. No.	Category/ Post	Grade/	Qualification
			Existing
1.	Housekeeper		Literate
2.	Attender		8 <sup>th</sup>

S. No.	Category/ Grade/ Post	Qualification
		Existing
3.	Desk Assistant	10 <sup>th</sup>
4.	Junior Electrician	Matriculation and recognized diploma or certificate as qualified linesman/ electrician possessing license to work as qualified electrician
5.	Chauffeur	Matriculation and valid commercial driving license
6.	Junior Executive Assistant / Telephone Operator	Graduate in Commerce / Graduate with proficiency EPABX exchange
7.	Executive Assistant/ Senior Telephone Operator	Graduate in Commerce Graduate with proficiency EPABX exchange
8.	Senior Executive Assistant	Graduate in Commerce
9.	Proof Reader/ Publication Assistant	Graduate with recognized Certificate / Diploma in Proof Reading / Printing Technology
10.	Assistant (Secretarial)	Graduate
11.	Assistant Engineer (Construction)	BE/ B Tech (Civil/ Electrical) from recognized / reputed University.
12.	Dean	(i) Master's Degree in Economics / Law/ Commerce/ Management / Accounts /Finance with atleast 55% marks or equivalent grade on a point scale, wherever grading system is followed.  (ii) Good academic record with Ph.D. degree in Economics/ Law/ Commerce/ Management/ Finance
13.	Secretary	Member of the Institute of Company Secretaries of India  OR  CS Final/ Professional Programme passed with additional qualification such as Member of The Institute of Chartered Accountants of India/ Member of The Institute of Cost Accountants of India / Bachelor of Law (LLB) / Chartered Financial Analyst (CFA) / Two years full-time Post Graduate Diploma in Business Management or Masters of Business Administration (MBA).

S. No.	Category/ Post	Grade/	Qualification
			Existing

**ii) ACADEMICS and RESEARCH GRADE / POSTS**

SI No.	Post / Level	Qualification	Experience
1.	Executive (Academics / Research )  Level-8	A Graduate degree in Commerce from a recognized University and ACS /ACA / ACMA  OR PG degree in Economics/ Commerce/ Management/ Law or equivalent with 50% marks	Experience of 5 years in teaching, research or industry.
2.	Assistant Professor  Level-10A	(i) Good academic record with Ph.D. degree in Economics/ Law/ Commerce/ Management/ Accounts/Finance / any other subject relevant to CS course  (ii) Master's Degree with atleast 55% marks or equivalent grade on a point scale, wherever grading system is followed or a pass in CS/CA/CMA.	(i) A minimum of three years of teaching, research or industry experience, excluding the period of research for Ph.D. degree;  (ii) Contribution to educational innovation such as design of new curricula and courses and technology-mediated teaching process.
3.	Associate Professor Level-13A	(i) Good academic record with Ph.D. degree in Economics/ Law/ Commerce/ Management/ Accounts/ Finance / any other subject relevant to CS course  (ii) Master Degree with at least 55% marks or equivalent grade on a point scale, wherever grading system is followed or a pass in CS/CA/CMA.	(i) A minimum of nine years of teaching, research or industry experience, excluding the period of research for Ph.D. degree;  (ii) Reasonable publications as expected of an eminent academics  (iii) Contribution to



<b>SI No.</b>	<b>Post / Level</b>	<b>Qualification</b>	<b>Experience</b>
			educational innovation such as design of new curricula and courses and technology-mediated teaching process.

**<sup>145</sup>[Transfer Policy  
(See Rule 16 of Service Rules)**

1. Employees, who have spent more than 5 years in a Directorate / Chapter / Regional Office, may be considered for transfer or as per the exigencies/requirement of the Institute.
2. To the extent possible the employee maybe rotated within cadre and position, if there is any requirement for the same.
3. To the extent possible the qualification of the employee; the cadre in which he is working and the conditional of transfer must be evaluated before transferring an employee.
4. The transfer of an employee will invariably be made against the requirement. The criticality of manpower for both the Directorate/ Regional / Chapter Office shall also be kept in view while ordering for such transfers.
5. To the extent possible the transfers shall be done during the month of February/March or along with the orders of promotion, except under those circumstances where Institute's exigencies may so warrant.
6. Employees who are transferred whether on routine basis or upon their requests, shall be allowed joining time with reference to the distance between the old location and the new location by direct route and ordinary mode(s) of travel as given in the following schedule. When holiday(s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s).

<b>Distance between the old location and the new location</b>	<b>Joining Time admissible</b>	<b>Joining Time admissible where the transfer necessarily involves continuous travel by road for more than 200 kms.</b>
1,000 km or less	10 days	12 days
More than 1,000 km	12 days	15 days
More than 2,000 km	15 days except in cases of travel by air for which the maximum will be 12 days.	15 days

7. The joining time shall commence from the date of relinquishment of existing post. If the employee is in transit on transfer is directed to proceed to a place different from that given in the initial transfer orders, he/she will be entitled to a fresh spell of joining time as admissible from the date of receipt of the revised order, in addition to the period of joining time already availed. Fresh spell will be calculated from the place at which he receives the transfer order.

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<sup>145</sup>Inserted in pursuance to the decision taken in 262<sup>nd</sup> Council Meeting held on 7.8.2019

8. In the event of local transfer to join a new assignment at the same station which does not involve change of residence from one station to other, 3 days joining time will be allowed excluding holidays and weekly off. Same station will mean the area falling within the jurisdiction of the municipality or corporation including such sub-urban municipalities, notified area or cantonment as are contiguous to the named municipality etc.
9. Joining time may be combined with the vacation and/or regular leave of any kind or duration except casual leave and should be availed within 3 months from the date of reporting at new location. Un-availed joining time shall stand lapsed.
10. An employee, who is transferred on the basis of his request shall not be entitled to transfer related benefits except joining time.

The following categories of employees shall be exempted from Transfer.

- (i) Employee who is 58 years of age and above
  - (ii) Widow
  - (iii) Widower – One term of 5 years exemption will be given provided such employees are having small and school going children.
  - (iv) Physically Handicapped Employee whose relevant disability is to the extent of minimum 40% and who has been given Disability certificate by the Chief Medical Officer.
  - (v) Employee with cardiac ailment who has undergone by-pass surgery / open heart surgery upto three years from the date of surgery and those affected/ suffering from paralysis.
  - (vi) Employee who has undergone angioplasty.
  - (vii) Employee who is suffering from Arrhythmias including Ventricular Arrhythmia.
  - (viii) Employee suffering from cancer and kidney ailment involving dialysis.
  - (ix) Employee whose children are getting married in the next six months.
  - (x) Employee whose children are differently abled should as far as possible be posted at the place of their choice or at a place which will facilitate special medical care, education and rehabilitation of the child.
  - (xi) As far as possible employee should be posted at his request to the same place or the place nearest to where his spouse is stationed.
  - (xii) As far as possible unmarried female employee should be posted to the same place or the place nearest to where her parents are stationed.
  - (xiii) Employee whose children (eldest two) are studying in std. XII should normally be not transferred during this period till the children pass Std. XII (first attempt only).
11. Employee recruited with specialized qualification should be placed suitably, so that Institute can draw maximum utilization out of his specialized knowledge and experience.
  12. For journeys on transfer from one station to another at the instance of the Institute on office exigencies, an employee will be entitled to the actual cost of transportation and travelling allowances as specified from time to time by the Council. No

transportation or transfer, TA/DA will be admissible if the transfer is made by the Institute on personal grounds at the request of the employee.

**SCHEDULE 'F'**

**ICSI's FAMILY HOPITALIZATION and MEDICAL PLAN  
(See Rule 31 of Service Rules)**

With the object of providing basic protection to the employees and their family members against hospitalization and medical expenses caused by sickness and accident and to relieve them to the extent specified herein from the financial burden that employees might otherwise incur, the Hospitalization and Medical Plan is given here under in pursuance of Rule 30 as amended by Council from time to time:

1. This plan will go into effect for the employees and eligible members of his family starting with the first day of regular confirmed employment.<sup>146</sup>[The Medical facility during probation at par with the permanent employee of the Institute, in respect of officers who have joined the services of the Institute on 'lateral entry basis and against the permanent vacancy as well as where adequate past experience etc. was prescribed for such vacancy/post(s). However, in the event of resignation of such employees, prior to one year of service or confirmation; whichever is later, the said employees shall be entitled to such benefits on pro-rata basis only. The officials recruited in the Institute against permanent vacancy at the induction level (i.e. MTs etc.) shall be entitled to such regular benefits only upon their completion of probation as per the existing rules.] For the purpose of this Plan 'family' as defined in the Service Rules<sup>147</sup>[and the dependent parents shall mean :-

- a) <sup>148</sup>[A parent will be regarded as wholly dependent on the employee who either normally resides / or does not resides] with the employee concerned and whose (parents) total monthly income does not exceed the pay plus dearness pay (where applicable) of the employee or <sup>149</sup>[Rs.4500/-] per month, whichever is low.
- b) The declaration regarding the income and resident of the parents should be furnished by the employee along with other particulars of family to the Directorate of Finance &Accounts during joining of services and should subsequently inform the change in family particular, as and when it occurs.
- c) Lump sum non-recurring income such as contributory Provident Fund benefits, Gratuity/Commutated Gratuity, insurance benefits, etc. will not be regarded as 'income' for this purpose.
- d) Recurring monthly income from sources, such as houses, land holdings, etc. will, however be taken into account for the purpose of assessing the income.

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<sup>146</sup> Inserted vide Office Order No.08/05 dated 03.03.05

<sup>147</sup> Inserted vide circular No.03/81 dated 20/25.03.81

<sup>148</sup> Inserted vide circular No.03/81 dated 20/25.03.81

<sup>149</sup> Substituted for Rs. 4500, in pursuance to the decision of the 262<sup>nd</sup> Council Meeting dated 7.8.2019, in supersession of Office Order No. 11/98 dated 06.04.98.

- e) In case of parents drawing pension from Government/State Government, the interim relief granted to a Central Government pensioner will not be treated as part of the income of the dependent parents for the purpose of determining their dependence on the employee for the purpose of medical benefit.
- f) In case the members of the family of the employee reside at a place other than his duty station and his parents also reside with the rest of the family members, the condition regarding residence of the parents with the employee may be waived.
- g) Female employee(s) will be given the choice to include either her parents or her parents-in-law for the purpose of availing the benefits under the ICSI Family Hospitalization and Medical Plan, subject to the fulfillment of conditions of dependence and residence as stipulated above.
- h) The female employee should immediately after her marriage or if already married within two months, give a declaration as to whether she would like to include her parents or parents-in-law for the purpose of availing the medical benefits under this Medical Plan. She can change her option only once during the entire period of her service].

2. All claims under this Plan should be submitted in the prescribed form duly signed by the Head of the Directorate and submitted to the Directorate of Finance &Accounts.

3. Directorate of Finance &Accounts shall scrutinize the claims and arrange for payment as per the rates given in Rule 30 and as per procedure prescribed by the Secretary from time to time.

<sup>150</sup>[The limit of yearly reimbursement of medical expenses w.e.f. 01.04.05 in respect of the employees in the different slabs of Pay Scale as per table given below:

<b>S.No.</b>	<b>[Pay Scale]<sup>151</sup> (Rs.)</b>	<b>[Revised Limit]<sup>152</sup> (Financial year basis) (Rs.)</b>
(i)	Level 1 to 11	15,000/-
(ii)	Level 12 and above	20,000/-]

4. At the time of submission of the claim, the employee will give a declaration for its genuineness and correctness. Any false information in this regard will make the employee liable for misconduct under the Service Rules. At its own discretion, the Institute may refer any of the claims to a Doctor or a panel of

<sup>150</sup> Inserted new para 3 "limits of reimbursement"

<sup>151</sup> Substituted to Level vide Office Order No.129/17 dated 30.11.17 due to revision of pay scales w.e.f. 1.1.16.

<sup>152</sup> Limits of reimbursements revised vide decision of 260<sup>th</sup> Council Meeting dated 4-5 may, 2019, Office Order No. 16/05 dated 21.3.05, read with Office Order No. 63/02 dated 29.11.02, 48/99 dated 16.12.99, 75/96 dated 14.08.96, 62/95 dated 04.09.95, 06/94 dated 07.01.94, 38/90 dated 29.06.90, 94/79 dated 12.12.79.

Doctors for their perusal and approval which shall be binding on the employee.

5. The employee is expected to obtain the services of a qualified registered medical practitioner or any Ayurvedic, Homeopathic or Unani medical practitioner as recognized and approved by the Institute from time to time. However, it will be the choice of the employee to consult any recognized medical officer or specialist for himself and his family members.

6. All the claims should be accompanied by prescriptions, receipts and vouchers of the Doctors. The prescriptions may be returned to the employee, if specifically requested.

7. The employees will be entitled to claim re-imbusement of medical expenses for the spouse who is in employment provided that the spouse is not entitled for any medical benefit from that employer or transfers such benefit to the Institute.

8. Tonics and general vitamins will be admissible only when prescribed by the Institute/panel medical officer and certified as essential.

9. For bills pertaining to medicines supplied by the attending physician, complete details thereto with dates should be provided.

10. All cases of illness should be reported to the office soon after the treatment is started in case the treatment is likely to prolong for a period of more than 7 days.

11. Employees undergoing medical treatment and desiring to claim while attending office at the same time, should normally report illness in advance to the Dte. of Accounts through his Departmental Head.

12. Reimbursement for medical expenses incurred when out of station (with the approval of the Institute) will be considered by the Institute on the basis of medical report given by the medical officer(s) appointed by the Institute for this purpose.

13. Routine dental check-up will not be covered under this plan.

14. <sup>153</sup>[Spectacles and Eye testing from the qualified eye specialist (excluding testing optician) indicating therein the specific problem and recommending the use of spectacles alongwith cash memo indicating separately cost of glasses and frame for the purchase of spectacles should invariably be attached with the medical claim for reimbursement. The reimbursement of cost of spectacles (i.e. glasses and frames) will be limited to a maximum of Rs.1,000/- will be reimbursable once in two years to the employee and also to each eligible member of his family will be reimbursed from the eligibility limit. The reimbursement will also be made for the cost of

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<sup>153</sup> Inserted vide Office Order No.68/90 dated 29.11.90 read with Office Order No.63/02 dated 29.11.02.

contact lens prescribed by a specialist once in a two year, subject to a maximum of Rs. 1,000/- on each occasion. In such cases cost of spectacles will not be reimbursed. ]

15. Any relaxation in the above provisions may be made only by the Secretary in deserving cases. Cases not covered under these rules will be dealt with on individual merits by the Secretary.

16.<sup>154</sup>[The un-availed yearly limit of medical reimbursement amount can be carry forward to the subsequent and following years as admissible from time to time which will be restricted to 75% of the limits subject to a maximum of Rs. 7,500/-]

17.The rates prescribed for the purpose of rule 3 of the Plan would be as prescribed from time to time.

18.The attending doctor will normally prescribe the medicines and the employees shall purchase the same from the chemists. If the attending doctor is required to provide medicines for any spell of illness, consulting fees and medicines not exceeding Rs. 100/- for the spell of disease may be reimbursed by the Institute under the medical plan. In case medicine is dispensed by the attending doctor and he has not given the details, the attending doctor, where considered necessary by the Institute, would be required to indicate the details/nature of illness, amount of consultation fee charged and the cost of medicines dispensed along with the dates, which should be submitted by the employees along with their claims for reimbursement. This procedure will equally be applicable in the case of treatment given by the Homeopathic/Ayurvedic/Unani medical practitioner.

19.The Institute reserves the right to amend, modify and alter the rules mentioned above from time to time and to bring it in uniformity with the rules regarding medicines prescribed and medical services provided by the Central Government to its employees under the C.G.H.S. Scheme.

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<sup>154</sup> Substituted vide Office Order No. 63/02 dated 29.11.02.

*Schedule - F-1*

**THE ICSI EMPLOYEES' MEDICAL  
HOSPITALIZATION TRUST RULES**



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# ICSI EMPLOYEES MEDICAL HOSPITALISATION TRUST RULES

## 1. SHORT TITLE AND COMMENCEMENT

- a) These rules shall be called the ICSI Employees Medical Hospitalization Trust Rules, 1997, as amended from time to time.
- b) These rules shall come into force with effect from the 10<sup>th</sup> day of November, 1997.
- c) Reimbursement of medical treatment will be admissible for the diseases covered under these rules.

## 2. DEFINITIONS

In these Rules, unless excluded by or repugnant to the context:

- a) 'Institute' shall mean the Institute of Company Secretaries of India constituted under the Company Secretaries Act, 1980.
- b) 'Employees' shall mean (i) a confirmed employee of the Institute <sup>155</sup>[including the officers (on probation) who have joined the services of the Institute on 'lateral entry basis' and against the permanent vacancy as well as where adequate past experience etc., was prescribed for such vacancy / post(s).]
- c) <sup>156</sup>[For the purpose of this Rule 'family' and the dependent parents shall have same meaning as defined in the Chapter –II of the Service Rules.
- d) "Major Disease" shall mean and include Cancer, Leukemia, Thallassaemia Major, Tuberculosis, Paralysis, Cardiac Ailments, <sup>157</sup>[spinal injuries and ailments, multiple fractures and joint replacements,] Pleurisy, Leprosy, Kidney Ailments, Epilepsy, Parkinson's disease, Psychiatric disorder and diabetes, Poliomyelitis, Cerebral Palsy, Spastics and <sup>158</sup>[COVID-19]. <sup>159</sup>[Any treatment involving surgery or procedure where the total expenditure to be claimed more than Rs. 1,00,000/- (on the specific request of the claimant to reimburse the same from category of Major disease, else will be considered under Minor category)] and any other disease as approved by the Institute on the recommendations of the Institute's Doctor from time to time.

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<sup>155</sup> Inserted vide O/O No. 8/2005 dated 3<sup>rd</sup> March, 2005, w.e.f. 27.1.2011.

<sup>156</sup> Inserted vide O/O No. 8/2005 dated 3<sup>rd</sup> March, 2005, w.e.f. 27.1.2011.

<sup>157</sup> Inserted words, "spinal injuries and ailments, multiple fractures and joint replacements" w.e.f. 27.1.2011.

<sup>158</sup> Inserted words, "COVID-19" vide Circular No. 02/2021 dated 18.01.2021.

<sup>159</sup> Inserted words "Any treatment involving surgery or procedure where the total expenditure to be claimed more than Rs. 1,00,000/- (on the specific request of the claimant to reimburse the same from category of Major disease, else will be considered under Minor category) in place of words "Eye treatment through Lasik laser and surgery or procedure where the expenditure involves more than Rs. 50,000/- (Rupees Fifty Thousand Only" vide Circular No. 03/2023 dated 17.03.2023.

- e) "Minor Disease" shall mean and include any other disease not covered under the rule 2(d) above.
- f) 'Recognized Hospital/Nursing Home' shall mean and include the Government Hospital of Central, State level/Private Hospital/Nursing Home (with a minimum of <sup>160</sup> [15] beds) registered with Central Government / State Governments / Government of Union Territory and recognized by the Institute from time to time. <sup>161</sup> [Further, in case of any emergency, in which treatment is taken at any Private Hospital / Nursing Home having less than 15 beds, the Executive Committee may consider and decide on the recommendations of the Trust.]
- g) 'Rules' shall mean the ICSI Employees Hospitalization Trust Rules and any other amendment thereof for the time being in force.
- h) 'Amendment' shall mean and include alteration, deletion, rescission, addition, change or variation.

### 3. ELIGIBILITY

These Rules shall apply to (i) the confirmed employee of the Institute and shall cover the employee and his/her spouse and not more than two living children dependent upon and residing with him/her (ii) <sup>162</sup> [the employees who retired from the services of the Institute on attaining the age of superannuation <sup>163</sup> [including the employees who joined the Institute on or after 1.1.2005] (iii) <sup>164</sup>[Their dependent Family members] (iv) <sup>165</sup> [the dependents of the employees of the Institute who died while in service].

### 4. <sup>166</sup> [QUALIFYING LIMITS and REIMBURSEMENTS]

- a) In the case of reimbursement of expenditure incurred on the treatment of diseases covered under the rule 2 (d), the liability of the employee would be 10% of the approved expenditure, whereas in the case of treatment of diseases covered under rule 2(e), the liability of the employee would be <sup>167</sup>[15%] of the approved expenditure.
- b) The employee's contribution can be paid/adjusted out of the accumulation of unutilized portion of the amount lying in his/her account under the Scheme of reimbursement of medical expenses of the Institute for diseases/ailments other than those covered by these rules.

<sup>160</sup> Substituted for figure "30" vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005.

<sup>161</sup> Inserted vide Circular No. 03/2023 dated 17.03.2023.

<sup>162</sup> Inserted vide O/O No. 36/2009 dated 25<sup>th</sup> March, 2009.

<sup>163</sup> Replaced in pursuance to the decision of the 262<sup>nd</sup> Council Meeting dated 7.8.2019. Prior to replacement the rule read as (and were granted superannuation pension)

<sup>164</sup> Inserted vide O/O No. 24/2013 dated 1<sup>st</sup> April, 2013

<sup>165</sup> Inserted vide O/O No. 41/2010 dated 26<sup>th</sup> April, 2010.

<sup>166</sup> Substituted for the word "LIMITATION".

<sup>167</sup> Substituted for figure "25%" vide O/O No. 57/2008 dated 4<sup>th</sup> September, 2008.

- c) <sup>168</sup>[DELETED] <sup>169</sup>[The overall ceiling limit for reimbursement of medical expenses for “Major” and “Minor Diseases” including room rent incurred by the employee]<sup>170</sup> [DELETED] <sup>171</sup>[shall be as per the table given below] : <sup>172</sup> [Table ]

S.No.	Category	Entitlement (in Rupees)		
		For Major disease ( lifetime )	For Minor disease (per annum)	Room Rent [(per day)] <sup>173</sup>
1	<sup>174</sup> [Non-Officers including Office Assistant and Senior Office Assistants	<sup>175</sup> [6.00 lacs	<sup>176</sup> [ 60,000	3,000
2	<sup>177</sup> [Executive (Admin) / Academics / Law / / AD and equivalent	8.00 lacs	72,000	4,500
3	DD / JD and equivalent	10.00 lacs	84,000	5,500
4	Director / Joint Secretary and equivalent	14.00 lacs	96,000	8,500
5	Joint Secretary [(SG)]and above	20.00 lacs	1,20,000	10,500

<sup>178</sup>[Limits under Major category is being available on recurring basis at an interval of every 5 financial years span of time. Unutilised amount shall be forfeited on expiry of said 5 years of period and will not be accumulated for coming block of next 5 years.]

<sup>179</sup>[DELETED]

<sup>180</sup>[In case, if the entitlement limit under Major category gets exhausted and requires additional amount for medical treatment, the same shall be considered by

<sup>168</sup> Deleted words, “w.e.f. 1<sup>st</sup> May, 2002” w.e.f. 27.1.2011.

<sup>169</sup> Inserted vide O/O Nos. 57/2008 dated 4<sup>th</sup> September,2008 and 22/2009 dated 7<sup>th</sup> March,2009.

<sup>170</sup> Deleted words, “On self and each of the member of his/her family” on 27.1.2011.

<sup>171</sup> Inserted words, “shall be as per the table given below” w.e.f. 27.1.2011.

<sup>172</sup> Inserted “Table - entitlement for Major and Minor Diseases”.

<sup>173</sup> Inserted word, “per day” w.e.f. 27.1.2011.

<sup>174</sup> Inserted 01.04.2018 vide Circular No. 14/2018 dated 22.11.2018

<sup>175</sup> Entitlement of amount revised vide Office Order No. 50/2012 dated 12.4.2012 w.e.f 1.4.2012. Prior to revision the entitlements for “major” disease were Rs. 3.00, 4.00, 5.00, 7.00 10.00 lacs and for “minor” disease Rs. 25,000, 30,000, 35,000, 40,000, 50,000.

<sup>176</sup> Entitlement of amount revised vide Circular No. 03/2023 dated 17.03.2023 w.e.f 11.01.2023. Prior to revision the entitlements for “Minor” disease were Rs. 50000, 60000, 70000, 80000 and 100000 and for Room Rent was 1500, 2500, 3500, 5500 and 7000.

<sup>177</sup> Substituted for the word ‘DO/PS/EO/AO’, ‘AD/DD’, ‘Jt. Director/Director’, ‘Sr. Director’ vide Office Order No. 45/2014 dated 01.04.2014

<sup>178</sup> Inserted the Clause vide Circular No. 12/2023 dated 12.07.2023

<sup>179</sup> Deleted the Clause – I, II and III of office order no. 50/2012 dated 12.4.2012.

<sup>180</sup> Inserted the Clause vide Circular No. 03/2023 dated 17.03.2023.

the Executive Committee on the basis of recommendation from the Trust, which may be further provided upto 100% of the entitlement ]

<sup>181</sup>[A flat entitlement upto Rs. 1,00,000/- be allowed to (i) Non-Officers including Office Assistant and Senior Office Assistants and (ii) Executive (Admin/Academics/ Law)/ AD & equivalent, for treatment of Covid-19 disease subject to, the rules of the Trust, over and above the entitlement as per the rules of the Trust.

If any of the employees above, claims reimbursement for Covid-19 treatment as per the rules of the Trust, same shall be reimbursed firstly from this special limit of upto Rs.1,00,000/- and then from his existing remaining limit as per the rules of the Trust.]

<sup>182</sup>[Further, it has been decided that:

- (i) The Serving, Superannuated and the dependents of the employees who died while in servicewill be entitled to preventive medical health check-up under the Preventive Medical Health Check-up Scheme of the Institute, as at **Annexure – I**, out of their entitlements under the category of ‘Minor Diseases’.
- (ii) The Serving, Superannuated and the dependents of the employees who died while in service will be reimbursed outpatient benefits at the same level as available to serving employees of the corresponding grade, but within their entitlement for Minor Diseases.]
- d) <sup>183</sup> [The benefits to major diseases under these Rules to (i) the superannuated employees and (ii) the dependents of the employees who died while in servicewill be limited to the unutilized portion of the total entitlement.]
- e) <sup>184</sup>[In case of admission in Intensive Care Unit (ICU), the reimbursement of bed charges will be limited to the extent twice the room rent entitlement as mentioned above.]
- f) The medical treatment relating to maternity/miscarriage/abortion is not covered under these rules.
- g) In case of hospitalization for medical treatment due to accident, the employee <sup>185</sup> [shall] claim the benefit of medical treatment under the existing group accident insurance policy as arranged by the Institute <sup>186</sup> [and shortfall, if any, may be claimed under these rules.]
- h) The employee whose spouse is employed and is entitled to medical/hospitalization benefit in his/her organization shall <sup>187</sup> [first claim the benefit from his/her organization and may claim the shortfall, if any, under these rules.] Further, the employee shall have to give an

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<sup>181</sup> Inserted the Clause vide Circular No. 16/2021 dated 20.05.2021.

<sup>182</sup> Inserted new clause – I and II vide office order no. 69/2014 dated 12.05.2014 w.e.f 01.04.2014.

<sup>183</sup> Inserted vide O/O Nos. 36/2009 dated 25<sup>th</sup> March, 2009 and 41/2010 dated 26<sup>th</sup> April, 2010.

<sup>184</sup> Inserted new Clause (e) w.e.f. 27.1.2011.

<sup>185</sup> Substituted for the word “will have to” on 27.1.2011.

<sup>186</sup> Inserted the word “and shortfall, if any, may be claimed under these rules” on 27.1.2011.

<sup>187</sup> Substituted for the words “be eligible for the benefit under these rules only on production of a certificate from the respective employer that he/she is not availing any kind of medical/hospitalization benefit” on 27.1.2011.

undertaking that he/she has <sup>188</sup>[already availed such benefits and / or such benefits is not available to his/her spouse.]<sup>189</sup> **[DELETED]**.

- i) Within the overall limits given above, the charges actually incurred for engaging a nurse/attendant may be reimbursement in deserving cases on the recommendations of the Institute's Doctor.

<sup>190</sup> [j)] The minimum period of hospitalization for 24 hours would be necessary except in the following cases in order to qualify for the benefits:-

(i) Dialysis

(ii) Chemotherapy

(iii) Radio therapy

(iv) Eye Surgery

<sup>191</sup> [(v) Lasik Laser]

(vi) Dental<sup>192</sup> [Treatment and] Surgery

(vi) Lithotripsy (Kidney stone removal)

(viii) Tonsillectomy

<sup>193</sup> [DELETED]

<sup>194</sup> [(ix) Endoscopic Procedures and Surgeries,]

<sup>195</sup> [(x) Orthopedic procedures]

<sup>196</sup> [w.e.f. 24.09.2019 the following diseases have been added

x) Orthopedic.....treatment and Injuries

(xi) Prostate Gland Treatment

(xii) Depression Treatment

(xiii) ENT treatment

(xiv) Neurological Treatment

(xv) Respiratory illness and Diseases

(xvi) Asthma

(xvii) Piles and Fissures

iii) Gynecological Procedures and Treatment ( not related to Pregnancy ) ]

<sup>188</sup> Inserted words "already availed such benefits and / or such benefits is not available to his/her spouse/" on 27.1.2011.

<sup>189</sup> Deleted words, "not availed the benefit from any other source, the reimbursement of which is being claimed from the Institute" on 27.1.2011.

<sup>190</sup> Inserted Clause(j) vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005.

<sup>191</sup> Inserted words, "Lasik Laser" w.e.f. 27.1.2011.

<sup>192</sup> Inserted words, "Treatment and" w.e.f. 27.1.2011.

<sup>193</sup> Deleted word, "(ix) DandC" on 27.1.2011.

<sup>194</sup> Inserted words, "Endoscopic Procedures and Surgeries" w.e.f 27.1.2011.

<sup>195</sup> Inserted words, "Orthopedic procedures" w.e.f 27.1.2011.

<sup>196</sup> Inserted in pursuance to the decision of the Council Meeting held on 7.8.2019.

<sup>197</sup> [(k)] Medical expenses incurred in respect of the <sup>198</sup>[major/minor] diseases which need domiciliary treatment as may be specified by the recognized hospital/nursing home authorities and Institute's doctor shall be deemed as hospitalization expenses and reimbursement shall be to the extent as prescribed in Rule 4 above.

(l) The cost of medicines, etc. in respect of domiciliary treatment shall be reimbursed for the period stated in the Specialist's prescription. If no period is stated, the prescription for the purpose of reimbursement shall be valid for a period of 90 days.

<sup>199</sup> [DELETED - para 6(iii)]

<sup>200</sup> [m] The reimbursement under these Rules shall cover nursing charges, room charges, fees to medical practitioners/surgeons/ anesthetists / consultants/obstetricians and the charges for pathological and diagnostic tests/ ECG/ X-rays,<sup>201</sup>[etc. It will also cover the cost of Prosthesis,] artificial limbs, pacemakers, <sup>202</sup> [DELETED]<sup>203</sup> [stents, intraocular lenses], artificial dentures, Blood, Oxygen, <sup>204</sup>[Respirator, Ventilator], Operation Theatre, injections, cost of medicines, drugs/<sup>205</sup>[disposables and consumables]and other relevant items including diet charges,<sup>206</sup>[etc.]

Expenditure incurred on the following items shall not be reimbursed:

(i) Cost of spectacles, contact lenses and hearing aids;

<sup>197</sup> Deleted the headings under para (vi) "extent of reimbursement of expenses in the case of major disease" on 27.1.2011 and in place of para 6(i) to 6(ii) substituted to para 4 (k), (l).

<sup>198</sup> Inserted the word "major / minor" on 27.1.2011.

<sup>199</sup> - Deleted clause No.6 (iii) (a) and (b) reading as under :

"Package Charges :-

a) Subject to the overall limits prescribed under Rule 4 above, the package charges in the case of following diseases shall be reimbursed as under:

1. Coronary Bypass Surgery	UptoRs. 2,00,000/-
2. Coronary Angiography	UptoRs. 1,50,000/-
3. Angioplasty	UptoRs. 1,00,000/-
4. Kidney Transplant	UptoRs. 1,50,000/- and (including Donor and Recipient

Provided that in deserving cases the Executive Trustee may grant higher package charges within the overall limits on the recommendations of the Institute's Doctor /Medical Board constituted by the Institute.

b) The above rates included charges from the date of admission to the date of discharge, service charges, nursing/medical care, surgeon's and anesthetist's fees and operation theatre charges."

<sup>200</sup> Inserted para 4 (m) vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005.

<sup>201</sup> Inserted words, "etc. It will also cover the cost of Prosthesis" w.e.f 27.1.2011.

<sup>202</sup> Deleted words, "hearing aids, spectacles, lasiklazer".

<sup>203</sup> Inserted words, "stents, intraocular lances " w.e.f. 27.1.2011.

<sup>204</sup> Inserted words, "Respirator, Ventilator" w.e.f. 27.1.2011.

<sup>205</sup> Inserted words, "disposables and consumables " w.e.f 27.1.2011.

<sup>206</sup> Inserted words, "etc. " w.e.f. 27.1.2011.

- (ii) <sup>207</sup>**[DELETED]**
  - (iii) Expenses of vitamins and tonics unless forming part of treatment for injury or disease as certified by the attending Physician and Institute's Medical Consultant;
  - (iv) Charges incurred at Hospital / Nursing Home primarily for diagnostic, X-ray or Laboratory examinations not consistent with or incidental to the diagnosis and treatment of the positive existence or presence of any ailment, sickness or injury, for which confinement is required at a Hospital/Nursing Home.
- <sup>208</sup> [(n)] The reimbursement of other <sup>209</sup> **[DELETED]**<sup>210</sup>**[medical expenses]** not covered under these Rules will be reimbursed as per Central Government Rules.
- (o) <sup>211</sup>**[Advance payment to the following extent can be made to the employee if so demanded by the hospital/nursing home, for treatment of major diseases.**
    - (a) Advance demanded by the Nursing Home/Hospital; **OR**
    - (b) 90% of entitlement of the concerned employee, whichever is less.]
- <sup>212</sup>[(p)] The expenses incurred on the Periodical Preventive Medical Health Check-up for the Regular Employees will be met by the ICSI Employees' Medical Hospitalization Trust as per the Preventive Medical Health Check-up Scheme;
- (q) The superannuated employees are entitled for Annual Preventive Medical Check-up as per the Preventive Medical Health Check-up Scheme. The expenses incurred by them will be met by the ICSI Employees' Medical Hospitalization Trust;
  - (r) The reimbursement of expenses on such Periodical / Annual Preventive Medical Check-up for Regular and Superannuated Employees, respectively, shall be met out of their entitlements under the category "Minor Diseases" covered under the ICSI Employees' Medical Hospitalization Trust Rules.]
  - (s) **[The expenses incurred on "Preventive Medical Health Check-up" by the regular as well as Superannuated Employees shall be 100% met by the ICSI Employees Medical Hospitalization Trust under the category "Minor Disease".]**<sup>213</sup>

<sup>207</sup> Deleted Clause 7(a) (ii) on 27.1.2011 reading as – "Dental treatment or surgery of any kind unless requiring hospitalization".

<sup>208</sup> Inserted para 4 (n) vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005.

<sup>209</sup> Deleted words, "treatments undergone in Hospital/Nursing Home" on 27.1.2011.

<sup>210</sup> Inserted words, "medical expenses" w.e.f. 27.1.2011.

<sup>211</sup> Inserted para 4 (o) vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005

<sup>212</sup> Inserted new clause (p) (q) (r) vide office order no. 50/2012 dated 12.4.2012 w.e.f 1.4.2012.

<sup>213</sup> Inserted vide /O No. 127/2012 dated 15<sup>th</sup> December,2012.



- (t) [Effective from 30<sup>th</sup> September, 2021; the expenses incurred on “Preventive Medical Health Check-up” paid directly by the regular as well as superannuated employees shall be 100% reimbursed by the ICSI Employees Medical Hospitalization Trust under the category “Minor Disease” as per the entitlement as if the same has been done as per the tie-up of the Institute]<sup>214</sup>.

## 5. RECOGNISED HOSPITALS/NURSING HOMES

The medical aid and reimbursement of expenses under these Rules shall be admissible only in case of treatment taken from the Government Hospitals/ Central/ State level/ Private Hospitals/ Nursing Homes (with a minimum of<sup>215</sup>[15] beds) registered with Central/State Government/ Government of Union Territory <sup>216</sup> [DELETED].

## 6. AMBULANCE CHARGES

a) Ambulance charges for removing the employee or his/her spouse or their dependent children from residence to the hospital/nursing home or from hospital/nursing home to residence on discharge from one hospital/nursing home shall be reimbursed in full.

b) Actual expenses incurred on conveyance by mode other than ambulance shall be reimbursed subject to the maximum as under:-

- |     |                  |  |
|-----|------------------|--|
| i)  | By public taxi   | Actual subject to maximum of <sup>217</sup> [Rs. 1,000/-] per trip |
| ii) | By Auto rickshaw | Actual subject to maximum of <sup>218</sup> [Rs. 300/- ]per trip   |

## 7. GENERAL

- i) <sup>219</sup> [DELETED]
- ii) In the case of<sup>220</sup>[DELETED] hospitalization the admission in any Hospital/Nursing Home for treatment of diseases may be made by the

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<sup>214</sup> Inserted vide Circular No. 04/2022 dated 05.04.2022.

<sup>215</sup> Substituted for figure “30” vide O/O No. 34/2005 dated 3<sup>rd</sup> June, 2005.

<sup>216</sup> Deleted words, “and recognized by the Institute from time to time” on 27.1.2011.

<sup>217</sup> Substituted for the figure “Rs. 300/-” w.e.f. 27.1.2011.

<sup>218</sup> Substituted for the figure “Rs. 150/-” w.e.f. 27.1.2011.

<sup>219</sup> Deleted Clause 9 (i) on 27.1.2011 reading as - “The admission in Hospitals/Nursing Homes for treatment of diseases as referred in Rule 2(d) shall be made by the employee with the prior approval of the Medical Board consisting of at least 3 doctors to be constituted by the Institute.”

<sup>220</sup> Deleted words, “emergency requiring urgent” on 27.1.2011.

employee and his/her spouse or their dependent children and the intimation thereof shall be given by him/her in writing to the Institute at the earliest opportunity and in any case not later than two working days from the time of admission.

## 8. PREFERENCE OF CLAIM

- i) The <sup>221</sup> **[deleted]** claim under these Rules shall be preferred by the employee, in the prescribed form, supported with the relevant <sup>222</sup>**[original]** hospital bills, receipt, etc. within 15<sup>223</sup> **[fifteen]** days of the completion of the treatment.
- ii) <sup>224</sup> **[ DELETED ]**
- iii) <sup>225</sup> **[ DELETED ]**
- iv) The payment for the treatment shall be made by the Institute directly to the Hospital/Nursing Home by way of Cheque/Demand Draft/Cash provided that in special cases the Institute may at its discretion reimburse the claim to the employees where he has made the payment himself and produced the necessary reports/ receipts <sup>226</sup> **[in original]**.
- v) The Institute will have discretion to refuse payment of bills in cases where it is not satisfied about the genuineness of the claim.

9. The Trust reserves to itself the right to amend, alter, vary, modify, remake, rescind or add to these rules without previous notice or intention to do so and the right to give effect thereto from any date which it may deem fit, provided that if a rule or order which affect any employee(s) adversely is to be given retrospective effect, suitable protection shall be given to such employees.

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<sup>221</sup> Deleted word, "medical" on 27.1.2011.

<sup>222</sup> Inserted word, "original" w.e.f. 27.1.2011.

<sup>223</sup> Inserted word, "fifteen" w.e.f. 27.1.2011.

<sup>224</sup> Deleted Clause 10 (ii) on 27.1.2011 reading as - "(ii) The Hospital/Nursing Home bills should be signed by the concerned specialist and countersigned by the Medical Superintendent of the Hospital/Nursing Home."

<sup>225</sup> Deleted Clause 10 (iii) on 27.1.2011 reading as - "(iii) The Cash Memos in the case of medicines/drugs purchased from the chemists other than the Hospital/Nursing Home, must be authenticated by the specialist of the Hospital/Nursing Home."

<sup>226</sup> Inserted words, "in original" w.e.f. 27.1.2011.

### PREVENTIVE MEDICAL HEALTH CHECK-UP SCHEME

The ICSI Employees Medical Hospitalization Trust shall have an arrangement with the Escorts Heart Institute and Research Centre with regard to Periodic/ Annual Preventive Medical Health Check-Up for its regular and superannuated employees, respectively as per details given below -

#### Category I-Officials up to the level of <sup>227</sup>[Deputy Director] or equivalent grade

Age Group	Eligibility	Entitlement of Package
Above 35 to 45 years	Once in 5 years	<b>Package -1 (Annexed)</b>
Above 45 years	Once in 4 years	-do-
Above 55 years	Once in 2 years	-do-
Superannuated	Once in a year	-do-

#### Category II-<sup>228</sup>[Joint Director / Director / Joint Secretary]

Age Group	Eligibility	Entitlement of Package
Above 35 to 45 years	Once in 4 years	<b>Package - II (Annexed)</b>
Above 45 years	Once in 2 years	-do-
Above 55 years	Once in a year	-do-
After 58 years	Once in a year	<b>Package - III (Annexed)</b>
Superannuated	Once in a year	-do-

#### Category III- <sup>229</sup>[Joint Secretary(SG)] and above

Age Group	Eligibility	Entitlement of Package
Upto 55 years	Once in a year	<b>Package-II (Annexed)</b>
After 55 years	Once in a year	<b>Package-III (Annexed)</b>
Superannuated	Once in a year	-do-

Payment with regard to aforesaid Health Check- up will be made/released by the Trust directly to the Escorts Heart Institute and Research Centre upon receipt of the bill(s).

Regular Employees eligible under the Scheme and wish to undergo the Periodic Preventive Health Check-up, may send their request in writing through their respective Departmental Head to Directorate of HR. As regard to Superannuated Employees, they may send their request in writing to the Head of HR directly.

<sup>227</sup>Substituted for the word "Assistant Director" vide Office Order No. 45/2014 dated 01.04.2014

<sup>228</sup>Substituted for the word Deputy Director / Joint Director / Director" vide Office Order No. 45/2014 dated 01.04.2014

<sup>229</sup>Substituted for the word 'Sr. Director' vide Office Order No. 45/2014 dated 01.04.2014

## **PACKAGE I**

- Doctors Consultation and Full Medical Examination
- Examination by Cardiologist
- Complete Haemogram (Hb, TLC, DLC, ESR, Haematocrit, Peripheral Smear)
- Blood Group (ABO, RH)
- Blood Sugar (Fasting and Post Prandial)
- Blood Urea
- Serum Uric Acid
- Serum Creatinine
- Complete Lipid Profile
- Urine Examination
- X-Ray Chest PA
- ECG
- Post Check-up Consultation

**(inclusive of Registration Fee)**

## **PACKAGE II**

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### **ALL THE ABOVE PLUS TESTS :**

- Exercise Stress Test (TMT)

**(inclusive of Registration Fee)**

## **PACKAGE III**

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- Doctors Consultation and Full Medical Examination
- Examination by Cardiologist
- Haemogram (Hb, TLC, DLC, ESR)
- Blood Group (ABO, RH)
- Blood Sugar (Fasting and Post Prandial)
- Blood Urea
- Serum Uric Acid
- Complete Lipid Profile
- Urine Examination
- X-Ray Chest PA
- Stress Echo
- ECG
- Ultrasound- Whole Abdomen
- Pulmonary Function Test – Routine (RFT)
- Consultation with Dietician
- Post checkup Consultation

**(inclusive of Registration Fee)**

**THE ICSI EMPLOYEES' GROUP GRATUITY  
TRUST RULES**

(see Rule 42)

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# THE ICSI EMPLOYEES' GROUP GRATUITY TRUST RULES

## SECTION – I

### DEFINITIONS, ELIGIBILITY and REQUIREMENTS FOR MEMBERSHIP

#### 1. DEFINITIONS

In these Rules, where the context so admits the masculine shall include the feminine, the singular shall include the plural and the following words and expressions shall unless repugnant to the context, have the following meanings:

- (i) "INSTITUTE" shall mean the Institute of Company Secretaries of India constituted under the Company Secretaries Act, 1980.
- (ii) "CORPORATION" shall mean the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956.
- (iii) "SCHEME OR FUND" shall mean the ICSI Employees' Group Gratuity Trust.
- (iv) "RULES" shall mean the ICSI Employees' Group Gratuity Trust Rules as amended from time to time.
- (v) "TRUSTEES" shall mean the Trustees for the time being of the Trust.
- (vi) "EMPLOYEES" shall mean permanent employees of the Institute.
- (vii) "MEMBER" shall mean an employee who has been admitted to the membership of the Trust.
- (viii) "NOMINEE" shall mean the person nominated by the member to receive the benefits in the event of his death.
- (ix) "EFFECTIVE DATE" in relation to the Trust shall mean the 20<sup>th</sup> March, 1992 the date as from which the Trust takes effect.
- (x) "ENTRY DATE" shall mean (a) in relation to the original members, the Effective Date and (b) in relation to new Members admitted to the after the Effective Date, the 1<sup>st</sup> Day of the month which is co-incident with or which next follows the date on which they become eligible.
- (xi) "ANNUAL RENEWAL DATE" in relation to the Trust shall mean the 20<sup>th</sup> March and the 20<sup>th</sup> March in each subsequent year.
- (xii) "NORMAL RETIREMENT DATE" shall mean in respect of each member the date on which he completes the age of <sup>230</sup>[60] years.
- (xiii) "SERVICE RULES" shall mean the "Institute of Company Secretaries of India Service Rules, 1979" as amended from time to time. "SERVICE OR CONTINUOUS SERVICE" shall mean uninterrupted service but will include service which is interrupted by sickness, accident leave, lay-off, strike, look-out or cessation of work not due to any fault of the employee concerned, (but will not include service rendered as casual, temporary or leave without pay not on medical grounds; but will include the period probation).

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<sup>230</sup> Substituted for the age 58 vide office order no. 76/98 dated 29.10.98

- (xiv) "ANTICIPATED SERVICE" shall mean in relation to a Member who dies while in service before the Normal Retirement Date the service which he would have completed had he lived up to his Normal Retirement Date.
- (xv) "SALARY" shall mean <sup>231</sup>[ the Pay in the applicable level in the revised pay structure and Dearness Allowances and shall not include any other payment including other allowances, perquisites, ex-gratia payment, bonus or commission].

## **2. THE TRUSTEES TO ACT FOR THE COMPANY AND MEMBERS**

The Trustees will act for and on behalf of the Institute of Company Secretaries of India and members in any matter relating to the Trust and every act done by agreement made with and notice given to the Corporation by the Trustees shall be binding on the Company and the members.

## **3. ELIGIBILITY**

a. Gratuity shall be payable for good, efficient and faithful services to a permanent employee of the Institute who has rendered a continuous service of not less than five years and on the termination of his employment due to :

- i. Discharge or abolition of post;
- ii. Permanent incapability on account of bodily or mental infirmity;
- iii. Superannuation;
- iv. Retirement or resignation;
- v. Death or disablement due to accident or disease;
- vi. Termination on any ground except on account of dismissal from service;

PROVIDED that completion of continuous service of five years shall not be necessary if the termination of the employment is due to death or disablement.

b. The following employees are not eligible:

- i. Casual, temporary and probationary employees;
- ii. Government servants and others employed on deputation basis;
- iii. Employees on contract basis; and
- iv. Re-employed persons.

c. All permanent employees who are in the service of the Institute on the effective date shall join the Trust as from that date. Employees of the Institute who are not permanent on the effective date and employees appointed by the Institute after the effective date shall join the Trust on which they become eligible.

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<sup>231</sup>Inserted w.e.f. 01.01.2016 vide Circular No. 13/2018 dated 22.11.2018



d. No member shall withdraw from the Trust while he is still an employee of the Institute.

e. As per the eligibility criteria mentioned in Rule 3(a) above, except in cases of death or resignation, a member shall be entitled to gratuity at the rate of fifteen days salary for every completed year of continuous service or part thereof in excess of six months subject to a maximum amount of 20 months' salary last drawn or Rupees ten lacs, whichever is less.<sup>232</sup> [Effective from 01.01.2016, the maximum limit of Retirement gratuity and death gratuity shall be Rs. 20.00 lakhs. The ceiling on gratuity will increase by 25% whenever the dearness allowance rises by 50% of the basic pay].

#### **4. EVIDENCE OF AGE**

Evidence of age of every employee satisfactory to the Corporation shall be furnished before he is admitted to the Trust and the age of the member is conclusively proved later to have been incorrectly stated in the evidence submitted, the Corporation shall make appropriate adjustment in the benefits having regard to its normal practice.

#### **5. EVIDENCE OF INSURABILITY**

For the purpose of effecting terms Assurance in respect of the member, evidence of insurability satisfactory to the Corporation shall be required prior to the employee's entry into the Trust and on each occasion when an increase in sum assured is to be granted.

### **SECTION – II**

#### **6. CONTRIBUTION AND SCHEME OF INSURANCE**

There shall be paid by the \_\_\_\_\_ either we use the term Institute or \_\_\_\_\_ to the Trustees in respect of each member the contribution mentioned in sub-paragraph (i) below annually in advance on the date of entry of the member into the Trust and on the relevant Annual Renewal Dates and the contributions mentioned in sub-paragraph (ii) below in one lump sum on the date of entry or in not more than five annual installments commencing from the date of entry into the Trust and the Trustees shall pay the same to the Corporation for providing the gratuity benefits to the members under a scheme of insurance.

- i. **Ordinary Annual Contribution** : The ordinary annual contribution shall be such an amount as shall be determined and recommended by the Corporation for securing the benefits herein before described. The contribution shall be expressed as a percentage of the salary of each member and may be varied from time to time on the basis of an

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<sup>232</sup> Revised w.e.f. 01.01.2016 vide Circular No. 13/2018 dated 22.11.2018.

evaluation of the benefits to be made at intervals of not more than five years. The contributions will be paid throughout the service of the members unless specified otherwise in the Rules.

- ii. **Initial Contribution** : The Institute may pay any sums by way of initial contributions in respect of members relating to their past service with the Institute as shall be determined and recommended by the Corporation for securing the benefits relating to such past service and on paying such sums shall advise the Trustees as to their allocation to all or specified members.

Provided that the contribution payable by the Institute in any year in respect of any member in terms of sub-paragraph (i) above shall not exceed 8.33% of the salary, paid to the member during the year and that the initial contribution referred to in sub-paragraph (ii) above shall not exceed 8.33% of the salary paid to the member for each year of his past service with the Institute. Provided further that if the contributions are not sufficient to secure full benefits as described before, the benefits will be appropriately scaled down.

## **7. SCHEME OF INSURANCE**

(i) The Trustees shall enter into a scheme of insurance with the Corporation for providing the benefits to the members. Subject to the provisions of Rule 5, an assurance will be effected on the life of each member under One Year Renewable Term Assurance Plan for a sum equal to the difference between (a) fifteen days' salary as on the date of entry into the Scheme or the Annual Renewal Date, as the case may be, for each year of his Anticipated Service and (b) fifteen days' salary as on the day/on the day of entry into the Trust or the Annual Renewal Date as the case may be for each year of service. Provided that the Corporation may, in the case of any member restrict the sum assured for which the assurance is to be effected to a smaller amount on the basis of the evidence of health submitted in respect of that member. The assurance will be renewed on the Annual Renewal Dates for appropriate sums assured.

(ii) After appropriating the required amount towards the premium payable year to year for the life assurance benefit the balance of the contributions will be held by the Corporation in a running account for the credit of the Trustees. The Corporation will allow interest on the balance remaining in the running account for each financial year ending 31<sup>st</sup> March at a rate to be determined by the Corporation at the close of the year.

(iii) When gratuity becomes payable to a member on his retirement or cessation of service, or to his Nominee in the event of his death, the Corporation shall forthwith pay to the Trustees the benefits payable according to the Rules out of the balance remaining in the running account and under the Term Assurance.

## **SECTION – III**

### **BENEFITS**

#### **8. BENEFITS ON DEATH BEFORE NORMAL RETIREMENT DATE**

- a) Upon the death of a member while in service before Normal Retirement Date, the benefit payable will be equal to fifteen days' salary as on the day of death for each year of his Anticipated Service, PROVIDED that in respect of a member for whom the Term Assurance effected in terms of Rule – 7 is insufficient to provide the above stated benefits, the benefits payable will be equal to the total of:
- (i) The sum assured under the Term Assurance on the date of death; and
  - (ii) Fifteen days' salary for each year of service up to the date of death.
- b) In respect of a member for whom life cover has not been granted to the full extent, the benefits payable be equal to the total of:
- (i) The sum assured under the Term Assurance on the date of death; and
  - (ii) Fifteen days' salary for each completed year of service up to the date of death.

#### **9. BENEFITS OF LEAVING SERVICE**

Upon a member leaving the service of the Institute of his own free will after completion of five years of continuous service the benefits payable will be equal of fifteen days' salary as on the day of leaving service for each year of continuous service or part thereof in excess of six months service. The member will not be entitled to any benefits if he leaves the service before completing five years of continuous service.

PROVIDED that wherever a member leaves the services of the Institute and joins the services of any employer who is created by any Act of Parliament or if Legislature or Central or State Government or Government Company as defined under the Companies act, the amount of gratuity already earned by the member, irrespective of number of years of service rendered by him will be transferred to the new employer if the new employer agree to accept such amount.

PROVIDED further that wherever a member, joins the services of the Institute after leaving the services of any employer who is created by any Act of Parliament or State Legislature, Central Government or State Governments or the Government Company as defined under the Companies Act, the Institute will accept the transfer and the amount of gratuity already earned by him under his previous employer.

#### **10. PAYMENT OF GRATUITY**

The gratuity payable in respect of any member under the Trust will be paid in a lump sum.

## **SECTION – IV**

### **MISCELLANEOUS PROVISIONS**

#### **11. RESTRAINT ON ASSIGNMENTS ETC**

The benefits assured under the Trust are strictly personal and cannot be assigned, charged or alienated in any way.

- 12.** Except as provided in these Rules, no member or his Nominee shall have any legal claim, right or interest in the Trust. PROVIDED ALWAYS THAT the Trustees shall administer the Trust for the benefit of the members and their Nominees in accordance with the provisions of these Rules.

#### **13. JURISDICTION**

The Master Policy issued under the Trust shall be an Indian contract subject to the Laws of India including the Income-Tax Act, 1961, the Payment of Gratuity Act, 1972 and to any legislation subsequently introduced. All benefits under the Scheme shall be payable only in India. Should anything contained in these Rules, or in any amendment made thereof be repugnant to any provision or provisions of the Income-Tax Act, 1961 or the Income-Tax Rules, 1962, it shall be ineffective to the extent of such repugnance. Any such repugnance shall be removed by the Trustees if so directed by the Commissioner of Income-Tax.

#### **14. MASTER POLICY**

The Corporation will issue a single Master Policy to the Trustees to Provide for the benefits to the members under the Scheme.

#### **15. INCOME-TAX AND OTHER TAXES**

(a) In any case where the Corporation or the Trustees are liable to account to the Income-Tax authorities for Income-Tax on any payment made under the Rules, the Corporation or the Trustees as the case may be shall deduct a sum equal to such tax from any such payment made and shall not be liable to the members for the sum so deducted.

(b) If the Gratuity Fund and Trust for any reason cease to be approved by the Commissioner of Income-Tax, the Trustees shall nevertheless remain liable to tax on any benefits paid to any members of his Nominee.

#### **16. NOMINATION**

(a) Every member shall make a nomination conferring on one or more persons the right to receive the benefits hereunder in the event of his death before the benefits become payable. Such a nomination shall be made according to the form given in the Appendix.

(b) If a member nominates more than one person under clause (a) above, he shall, in his nomination, specify the amount or share payable to each of the nominees in such manner as to cover the sole of the amount of gratuity that may be payable in the event of his death.

(c) Where a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person or persons not belonging to his family shall be invalid.

(d) If, at the time of making a nomination, the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(e) A nomination made by a member, at any time, be modified by him after giving a written notice to the Trustees of his intention of doing so. If the nominee predeceases the member the interest of the nominee shall revert to the member, who may thereupon make a fresh nomination.

(f) A nomination or its modification shall take effect to the extent it is valid on the date on which it is received by the Trustees.

(g) If a Nominee is not appointed and the member does not leave the family, then the benefits shall lapse to the Trust.

## **17. FOR THE PURPOSE OF THIS RULE “FAMILY” MEANS**

(i) in the case of a male employee, himself, his wife, his children, whether married or unmarried, his dependent parents and the dependent parents of his wife and the widow and children of his predeceased son, if any; The dependent parents shall have the same meaning as defined in Chapter II of Service Rules.

(ii) in the case of a female employee, herself, her husband, her children, whether married or unmarried, her dependent parents and the dependent parents of her husband and the widow and children of her predeceased son, if any.

**EXPLANATION:** Where the personal law of an employee permits the adoption by him of a child any child lawfully adopted by him shall be deemed to be included in his family and where a child of an employee has been adopted by another person and such adoption is, under the personal law of

the person making such adoption lawful, such child shall be deemed to be excluded from the family of the employee.

## **18. INTERPRETATION OF RULES**

It shall be a condition of membership of the trust that on any point of interpretation of these Rules or any point relating to admission of new members and cessation of membership, the decision of the Trustees shall be final. If the decision has any bearing of the provisions of Part C of the Fourth Schedule of the Income-Tax Act, 1961 or the Rules made thereunder it shall be forthwith reported to the Commissioner of Income-Tax and if the Commissioner of Income-Tax as requires, the Trustees shall review the decision.

**ICSI  
EMPLOYEES'  
PROVIDENT FUND**

**RULES  
AND  
REGULATIONS**

(see Rule 43)

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## **RULES AND REGULATIONS OF INSTITUTE OF COMPANY SECRETARIES OF INDIA EMPLOYEES' PROVIDENT FUND**

### **1. Name**

The Fund shall be called the Institute of Company Secretaries of India Employees' Provident Fund.

### **2. Commencement**

These regulations shall come into force on 1st May, 1972.

### **3. Definitions**

- (a) In these rules, unless there is something repugnant to the subject or context, "Institute" means the Institute of Company Secretaries of India.
- (b) "Council" means the Council for the time being of the Institute of Company Secretaries of India.
- (c) "Trustees" means the Trustees of the Fund for the time being as hereinafter provided.
- (d) "Secretary" means the Secretary of the Institute and includes Deputy or an Assistant Secretary or any other person acting as Secretary by the direction of the Council.
- (e) "Fund" means the Provident Fund constituted hereunder.
- (f) "Member" means any person in the service of the Institute who is a subscriber to the Fund.
- (g) "<sup>233</sup>[Salary" from 1.1.2016 shall mean pay in the applicable level in the revised pay structure and does not include any acting, officiating or personal allowances or other remuneration whatever, uncertain amount or derived by any employee by any means, outside his basic salary.
- (h) "Employers" means the Institute of Company Secretaries of India having their Head Office at Delhi and shall include their successors and assignees.
- (i) "Service" means continuous service and the test, whether service is continuous, is the payment to an employee of a salary continuously during the period of service, and dates from the beginning of each employee's service.

PROVIDED that an employee who is granted leave on loss of pay shall not thereby be considered as having broken continuity of his service.

In the case of an employee, who may have left the service of the Institute for any reason, and has been subsequently re-appointed, his service will be reckoned only from the date of his re-appointment.

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<sup>233</sup> Amended in pursuance to the decision of the 262<sup>nd</sup> Council Meeting dated 7.8.2019..

- (j) <sup>234</sup>["Month" means a calendar month and "Year" means a period of 12 months commencing on 1<sup>st</sup> day of April and ending on 31<sup>st</sup> day of March next year.]
- (k) "Employee" means a whole-time salaried employee of the Institute.
- (l) "Family" means the member, member's spouse, legitimate children, step children, parents, sisters and minor brothers who are wholly dependent on the member.

#### **4. Member**

- (i) Every employee of the Institute in the whole-time and permanent service of the Institute as on 2.12.1991, and every employee who will so join the service of the Institute on or after that date shall become a member of the fund <sup>235</sup>[the day] he joins the service of the Institute, and shall be subject to these Rules and Regulations.
- (ii) Every member, who had been a member of a recognized Provident Fund prior to his joining the service of the Institute, shall on joining the Institute, have an option for getting the accumulated balance lying at the credit of his Provident Fund account with the previous employer, transferred to this Fund.

PROVIDED that the employer's contribution towards his Provident Fund Account shall commence only from <sup>236</sup>[the day] he joins the service in the Institute.

- (iii) Every such employee who shall become a member shall sign a declaration of agreement to comply with the Rules as set forth in the Form "A".
- (iv) <sup>237</sup>[For the purpose of withdrawal of the contribution from the Fund, the period of membership of the Fund would count from the date he or she was a member of the recognized Provident Fund prior to his/her joining the Institute provided he/she has transferred the accumulated balance lying at the credit of his/her PF Account with the previous employer to this Fund.]

#### **5. Object of the Fund**

The object of the fund shall be to provide every employee, who is a member, with a sum of money the amount of which will be ascertainable according to these Rules, on the termination of his service with the Institute.

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<sup>234</sup> Substituted w.e.f. 1.8.90. Prior to substitution the Rule 3(j) stood as under: "Month means Calendar Month and Year means a Calendar Year both according to English calendar".

<sup>235</sup> Substituted for (completion of three calendar months continuous service) w.e.f. 2.12.91 and the words "completion of three months" were substituted for "completion of 12 months" w.e.f. 1.8.90.

<sup>236</sup> Substituted for (completion of three calendar months continuous service) w.e.f. 2.12.91 and the words "completion of three months" were substituted for "completion of 12 months" w.e.f. 1.8.90.

<sup>237</sup> Inserted Clause (4) w.e.f.1.4.99.

## **6. Management of the Fund**

The Fund shall be irrevocable Trust for the benefit of the Members thereof, managed by the Trustees, whose decision with reference to all matters and questions arising under or out of these Rules, so long as that decision does not involve a revocation of the Trust hereby constituted, shall be final and binding on all members or their representatives and the employers.

## **7. Member's Contribution**

(1) Every member shall contribute to the Fund as regular contribution an amount representing <sup>238</sup>[twelve percent] of the salary or pay as defined in Rule 3(g) payable to him, fraction of a rupee less than 50 paise being disregarded and fraction of a rupee equal to or exceeding 50 paise being regarded as one rupee.

Such contribution shall be deducted from the salary of each member at the time of payment thereof and shall be paid over by the Employers to the Trustees of the Fund who shall credit the same to the individual account of the Member as his/her contribution to the Fund.

Contribution of a member on leave or furlough shall be calculated on the salary allowed to him during such leave or furlough and be paid over to the Trustees of the Fund by the Employer No. Member shall contribute to the Fund while on leave without salary or wages.

### **Additional Contribution**

(2) It shall be open to a member to pay additional contribution to his provident fund which shall be a definite amount. In such an event, the aggregate sum of employee's regular and additional contribution shall not exceed his <sup>239</sup>[salary] drawn during the year. In respect of such additional subscriptions, no contributions shall be payable by the employers under sub-clause (3) below.

Such option shall be expected either at the time of becoming member of the Fund or by 20<sup>th</sup><sup>240</sup>[March] to be effective from the salary payable from <sup>241</sup>[April] next year. No change in the option will be allowed during the course of the financial year.

### **Employer's Contribution**

(3) The Employers shall contribute to the Fund monthly an amount equal to the regular contribution of each member for that month no exceeding <sup>242</sup>[twelve percent] of his salary which shall be credited to the Member's individual account in the Fund.

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<sup>238</sup> Substituted for "one-tenth" w.e.f. 22.9.97.

<sup>239</sup> Substituted for "1/5<sup>th</sup>" w.e.f. 11.4.97.

<sup>240</sup> Substituted for "December" w.e.f. 1.8.1990.

<sup>241</sup> Substituted for "January" w.e.f. 1.8.1990

<sup>242</sup> Substituted for "one-tenth" w.e.f. 22.9.97.

## **8. Interest Account**

(1) (a) The Trustees shall as on 31<sup>st</sup><sup>243</sup>[March] of each year, prepare an account of the total interest received and accrued on the invested amounts of the Fund after adding all profits earned on the sale of investments and deducting any loss to the Fund on the sale or in consequences of any depreciation of investments during such year.

(b) After meeting such expenses as are not covered in Rule 20 hereof, interest at such rate as the Trustee may decide subject to a minimum rate of 4% per annum shall be credited to the individual account of each member on 31<sup>st</sup><sup>244</sup>[March] each year proportionately for the actual period of deposit at his credit.

(c) All surplus income not allocated for payment of interest as provided herein be transferred to a separate account called "INTEREST RESERVE A/c", which may be utilized for distribution of interest to the members as may be decided by the Trustees of the Fund.

(2) The account of each member shall show separately (1) the amount of the Members' contributions and the proportionate amount of interest earned thereon and (2) the amount of the Employer's contributions and the proportionate amount of interest earned thereon.

## **9. Administration and Control of the Fund**

(1) The Fund hereby constituted shall vest in the Trustees and their successors in office irrevocably in Trust in accordance with the Deed of Trust hereinafter forwarded. The Fund shall be held and managed by the Trustees for the time being in accordance with these Regulations. The provisions of Part A of the Fourth Schedule to Income Tax Act, 1961 and the Rules made under Part XII of the Income-tax Rules, 1962 in respect of Recognized Provident Funds shall prevail and apply hereto. In case of any discrepancy or repugnance between the said provisions and Rules and these Regulations, except for the purposes of amendment of these regulations, the majority of Trustees may exercise all the powers of the Trustees. Any resolution passed by circulation and signed by all the Trustees for the time being in India shall be as valid and effective as a resolution duly passed at a regularly convened meeting of the Trustees. All matters relating to or connected with the Fund, the management or the administration and control thereof or the rights and obligations of the Members and their heirs, executors, legal representatives and nominees hereunder, shall be vested in Trustees and their, decision thereon shall be final and binding on the Employers and Members and their heirs, executors, legal representatives and nominees.

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<sup>243</sup> Substituted for "December" w.e.f. 1.8.1990.

<sup>244</sup> Substituted for "December" w.e.f. 1.8.1990.

(2) There shall be three Trustees, one of whom shall be a person nominated by the Council from time to time, another elected from employees contributing to the Fund and the third, the Secretary of the Institute.

The first such Trustees appointed under these rules were as under:

1. Mr. Onkar Nath, Council Member
2. Mr. T. P. Subbaraman, Secretary and
3. Mr. N. S. Santhanam, Administrative Officer

#### **10. Maintenance of the Trust Fund**

All moneys of the Provident Fund shall be kept deposited and / or invested in the manner prescribed under Rule 67 of the Income Tax Rules, 1962 in the name of the Institute of Company Secretaries of India Employees Provident Fund and shall be dealt with in accordance with these rules and such accounts shall be operated on the authority and signature of any two Trustees.

#### **11. Available funds to be invested**

DELETED

#### **12. Annual Statement to each Member**

A statement of Account of each member as on 31<sup>st</sup><sup>245</sup>[March] of each year shall be prepared as in Form "B". Each member shall be required to certify in writing that the amount shown therein is correct.

#### **13. Abstract of Individual Accounts**

An abstract for the year ended 31<sup>st</sup><sup>246</sup>[March] of each year of the individual account of each employee participating in the Provident Fund in respect of whom a return is required to be furnished under sub-rule (4) of Rule 35 of the Income-tax Rules, 1962, shall be furnished by the Trustees to the Income-tax Officer specified in Sub-rule (2) of Rule 32 not later than the 15<sup>th</sup> day of June in each year or any other subsequent date fixed by the Income-tax Officer, it shall be in Form No. 41 prescribed under sub-rule (2) of Rule 74 of the Income-tax Rules, 1962, but shall show only the totals of the various columns thereof for the accounting year. It shall also give an account of any temporary withdrawals by the employee during the year and of the repayment thereof.

#### **14. Payment from Fund**

No member shall be entitled to claim payment of any money out of the Fund except as provided under these rules.

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<sup>245</sup> Substituted for "December" w.e.f. 1.8.1990.

<sup>246</sup> Substituted for "December" w.e.f. 1.8.1990.

## **15. Payment on Death of a Member**

On the death of a member who shall have made a nomination in accordance with Rule 29(i), the full amount standing to his credit according to these rules shall be paid to the duly appointed nominee or nominees irrespective of the membership period of such member. In the absence of such nomination, the Trustees shall pay such amount either to his executors or administrators or holder of succession certificate or to his widow or one or more of the issues or such other relation or relations as the Trustees shall think fit in their absolute discretion.

Any such payment shall be a complete and valid discharge by the Fund and by the Trustees in respect of such member's share and interest in the Fund.

## **16. Repayment of Members own contribution**

Any member on his leaving the employment or on the termination of his services with the Institute shall be entitled to receive the total amount of his own contributions to the Fund standing to the credit of his individual account as at the date of such termination and interest thereon in accordance with these Rules.

## **17. Payment of Employer's contribution**

- (1) <sup>247</sup>[A member leaving the services of the Institute or on termination of his services with the Institute shall be entitled to receive the full share of employer's contribution and interest thereon irrespective of his period of membership in the fund].
- (2) In the event of a member permanently leaving the services of the Institute and becoming a member of any other provident fund recognized under the Income-tax Act, the accumulated balance due to him from this fund may, at his option, be transferred, without forfeiture of any percentage of the contribution of the employers and interest thereon, to the other fund of which he subsequently becomes a member, for credit to his account, provided it is permissible under the Rules and Regulations of that fund.

## **18. Payment of Interest on contributions**

If any member retires from the fund during the course of a year, interest shall be credited on his contributions at a rate provided in Rule 8 from the commencement of that year up to the last date of the month preceding the month in which the actual payment is made. Any member leaving the services of the Institute shall have to exercise an option within a period of 90 days from the date of leaving the services, whether or not he wants to get the

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<sup>247</sup> Substituted w.e.f. 2.12.1991. Prior to substitution the Rule 17(1) stood to mean that an amount to be paid to an employee at the time of his leaving the services of the Institute was specified for no. of years of membership.

accumulations of the provident fund transferred to the other provident fund under Rule 17(2). In case no option is received by the Trust within the stipulated period of 90 days, the provident fund account will be settled according to the provisions of Rules 16 and 17(1) within a period of 180 days from the date of employee's leaving the services, by giving him credit on account of interest at a rate allowed for the previous year and no interest would be credited to the provident fund account of such member after the said period of 180 days.

#### **19. Dismissal for grave misconduct**

- (1) If any member is dismissed for misconduct, he shall be entitled to receive ONLY the amount of his own contributions to the Fund and the interest accrued thereon and shall not be entitled to the Employer's Contribution and the interest thereon.
- (2) The Council shall have absolute discretion to waive forfeiture of the members' interest in the Institute's contribution and the income derived there from if this concession is, in their opinion, justified.

#### **20. Utilisation of forfeiture**

Subject to the provisions of these rules, all lapses and forfeitures occurring at any time shall be transferred to a separate account to be called "THE LAPSE AND FORFEITURE A/c" and shall be used and applied by the Trustees primarily for meeting the necessary expenses of the Fund for such purposes in connection with the Fund and in such manner as the Trustees may in their absolute discretion think fit.

Provided that after meeting the expenses for the purposes connected with the Fund, the amount at credit in the said Lapses and Forfeiture Account shall be available for expenditure on welfare of the members in the following circumstances to the extent indicated in such cases or for any other purposes connected with the welfare of the members as the trustees shall in their absolute discretion think fit:

- (a) Where a member dies while in service, ad-hoc payment of a sum not exceeding Rs. <sup>248</sup>[5000] or one month's salary, whichever is less, may be paid to the nominee(s)/heirs of the deceased member.
- (b) Any member may be paid an amount not exceeding Rs. <sup>249</sup>[2000] in case involving prolonged illness and/or full or partial disablement.

#### **21. Members right to own contribution**

A member's contribution to the Fund and the amount credited to his account as income earned thereon shall be his property funded for his benefit, and shall not be forfeited under any circumstances except as may be provided by law.

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<sup>248</sup> Substituted for Rs. 2,000 w.e.f. 1.4.1999.

<sup>249</sup> Substituted for Rs. 1,000 w.e.f. 1.4.1999.



## 22. Member's right to Institute's contribution

A member's interest in the contribution made by the Institute to the fund does not commence until he/she retires from the service of the Institute and he/she qualifies for admission to the benefit of the Institute's contribution under these rules.

## 23. Withdrawals from the Fund

The Trustees shall have power at their discretion to permit withdrawals by members for any of the following purposes, that is to say:

- (a) to pay expenses incurred in connection with the illness of the member or a member of his family;
- (b) <sup>250</sup>~~[Deleted]~~ <sup>251</sup>[Withdrawal from the Fund for post matriculation education of children dependent on him]
- (c) to pay for the cost of passage to a place out of India of the member or any member of his family;
- (d) <sup>252</sup>~~[Deleted]~~ <sup>253</sup>[A Non-Refundable withdrawal to pay expenses in connection with marriages, Funerals or ceremonies which by the religion of the member it is incumbent upon him/her to perform]
- (e) to pay premia on policies of insurance on the life of the members or of his wife provided that the policy is assigned to the Trustees of the Fund or at their discretion deposited with them and that the receipts granted by the Insurance Company for the premia are from time to time handed over to the Trustees for inspection by the Income-tax Officer.
- (f) <sup>254</sup>To meet the expenditure on building a house, or purchasing a site or a house and a site <sup>255</sup>~~[Deleted]~~<sup>256</sup>[by any employee member of the Trust] and also on additions, substantial alterations or improvements necessary to a house.

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<sup>250</sup> Prior to Deletion the sentence read as "Meeting the cost of higher education including where necessary, the travelling expenses of any child of the member actually dependent on him in the following cases, namely:

(i) educational outside India for academic, technical, professional or vocational courses beyond the matriculation stage;

(ii) any medical, engineering or other technical, specialised courses in India beyond the matriculation stage"

<sup>251</sup> Inserted w.e.f. 09.11.2022 vide Office Order No. 19/2023 dated 18.04.2023

<sup>252</sup> Prior to Deletion the sentence read as "To pay expenses in connection with marriages. Funerals or ceremonies which by the religion of the member it is incumbent upon him to perform"

<sup>253</sup> Inserted w.e.f. 09.11.2022 vide Office Order No. 19/2023 dated 18.04.2023

<sup>254</sup> Substituted w.e.f. 1.2.1991. Prior to its substitution Rule 23(f) stood as under:

"to meet the expenditure on building, a dwelling house, or purchasing a dwelling house and/or site for dwelling or on additions, substantial alterations or improvements necessary to the house".

<sup>255</sup> Deleted the words "in case of employee whose pay does not exceed rupees Fifteen thousand per month" vide office order no. 108/11 dated 24.10.11. Prior to rupees fifteen thousand per month – rupees two thousand five hundred per month w.e.f. 01.04.99.

<sup>256</sup> Inserted words vide office order No. 108/11 dated 24.10.11.

Provided that the employee furnishes undertaking to the trustees not to encumber or alienate such house or site (or such house and site) or house and site, as the case may be:

Provided further that <sup>257</sup>[Deleted], such house or site or such house and site shall not be deemed to be an encumbered property merely because such house or site or such house and site is:

- (i) mortgaged, solely for having obtained funds for the purchase of the said house or site or the said house and site or for the building of such house to any of the following agencies, namely, (a) the Central Government; (b) a State Government; (c) a Co-operative Society, being a society registered or deemed to be registered under the Co-operative Societies Act, 1912, or under any other law for the time being force in any State relating to Co-operative societies; (d) an institution; (e) a trust; (f) a local body; or (g) a housing finance corporation; or (h) housing board; (i) Nationalized Banks; (j) Life Insurance Corporation; or (k) other financial institution(s) owned or controlled by Central/State Government; or
- (ii) held in the name of any of the aforesaid agencies and the member is precluded from transferring or otherwise disposing of that house or site or that house and site without the prior approval of such agency.]

(g) to meet the expenses on the damage caused to the movable or immovable property of the employee as a direct result of flood, cyclone, earthquake or other convulsion of nature.

(h) <sup>258</sup>[to meet the cost of legal proceedings instituted by the member for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty or to meet the cost of his defence when he is prosecuted by the employer in any court of law in respect of any official misconduct on his part;

PROVIDED that the advance under this clause shall not be admissible to a member who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against the employer in respect of any condition of service or penalty imposed on him.

(i) to meet the cost of purchasing an equipment required by a physically handicapped member which will minimize his hardship on account of the handicap.]

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<sup>257</sup> Deleted words "in the case of an employee whose pay does not exceed rupees fifteen thousand per month" vide office order no. 108/11 dated 24.10.11. Prior to Rs. 15,000/- per month, Rs. 2,500/- per month w.e.f. 01.04.99.

<sup>258</sup> Inserted new clause w.e.f. 1.2.91.

## 24. Limits for withdrawals

- (1) <sup>259</sup>~~[Deleted]~~ <sup>260</sup>[A Non- Refundable withdrawal not exceeding 50% of the member's own share of contribution, with interest thereon standing to his or her credit in the fund on the date of such authorisation for his or her own marriage, the marriage of his or her daughter, son, sister or brother.

Not more than three withdrawals shall be admissible to a member under this Rule]

- (2) <sup>261</sup>~~[Deleted]~~ <sup>262</sup>[The withdrawal for any other purposes referred to in clauses (a) ,(c), (d) -to meet expenses in connection with funerals or ceremonies (e) (g) and (i) of Rule 23 shall not exceed three months' pay or the total of the accumulation of exempted contribution and exempted interest lying to the credit of the employees, whichever is less]

- (a) <sup>263</sup>~~[Non- Refundable withdrawal not exceeding 50% of the member's own share of contribution, with interest thereon standing to his or her credit in the fund for post matriculation of education of his or her son or daughter. Not more than three withdrawals shall be admissible to a member under this Rule]~~

- (3) The withdrawal for the purpose specified in Rule 23(f) by any employee <sup>264</sup>~~[Deleted]~~ shall be subject to the following conditions]:

- (i) <sup>265</sup>[The amount of withdrawal shall not exceed :

- (a) the basic pay of the employee for thirty six months; or
- (b) the actual cost of building the house or of purchasing the house and / or site; or
- (c) employee's contribution to the fund together with specified percentage of the employer's contribution to the fund with interest thereon; whichever is less;

Explanation : For the purpose of sub-clause (c) "specified percentage" means :

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<sup>259</sup> Prior to Deletion the sentence read as "The non-refundable withdrawals in connection with the expenses on marriages as specified in clause (d) of Rule 23 shall be least of the following:

The amount equivalent to 75% of the member's own contribution and interest thereon lying to the credit of the member or Rs. 2.00 lacs whichever is less"

<sup>260</sup> Inserted w.e.f. 09.11.2022 vide Office Order No. 19/2023 dated 18.04.2023

<sup>261</sup> Prior to Deletion the sentence read as "The withdrawal for any other purposes referred to in clauses (a) to (c), <sup>261</sup>[(d)] (e) (g) and (i) of Rule 23 shall not exceed <sup>261</sup>[three months' pay] or the total of the accumulation of exempted contribution and exempted interest lying to the credit of the employees, whichever is less"

<sup>262</sup> Inserted w.e.f. 09.11.2022 vide Office Order No. 19/2023 dated 18.04.2023

<sup>263</sup> Inserted w.e.f. 09.11.2022 vide Office Order No. 19/2023 dated 18.04.2023

<sup>264</sup> Deleted the words "whose pay exceeds (fifteen thousand per month) vide office order dated 24.10.2011 prior to fifteen thousand it was Rs. 2500/- w.e.f. 1.4.99.

<sup>265</sup> Substituted for the words "the amount of withdrawal shall not exceed one-half of the amount standing to the employee's credit or the actual cost of the house and/or of the site, whichever is less".

- (1) 75% of the employer's contribution forming part of the accumulation as on the date of the authorization of payment, if the period of membership of the employee in the fund is five years or more, but less than ten years;
- (2) 85% of such contribution, if the period of membership of the employee in the fund is 10 years or more but less than 15 years; and
- (3) 100% of such contribution, if the period of membership of the employee in the fund is 15 years or more;

**PROVIDED** that a withdrawal for additions, substantial alterations or improvements necessary to the house owned by the employee or jointly owned by the employee and the spouse may be granted once and in one installment only up to 12 months' basic pay or the employee's own share of contribution with interest thereon or the amount standing to his credit in the fund, whichever is less.

**PROVIDED further** that the said withdrawal for additions, substantial alterations or improvements, shall be admissible only after a period of five years from the date of purchase or completion of the house.]

- (ii) the employee shall have completed <sup>266</sup>[five] years of service or is due to retire within the next ten years;
- (iii) the construction of the house should be commenced within six months of the withdrawal and should be completed within one year from the date of the commencement of the construction.
- (iv) if the withdrawal is made for the purchase of a house and/or a site for a house, the purchase should be made within six months of the withdrawal;
- (v) if the withdrawal is made for the repayment of loan previously raised for the purpose of construction or purchase of a house, the repayment of the loan should be made within three months of the withdrawal;
- (vi) where the withdrawal is for the construction of a house, the payment of the withdrawal may be sanctioned in such number of installments ( not Exceeding four) as the trustee of the fund think fit;
- (vii) the withdrawal shall be permitted only if the house and/or site is free from encumbrances and no withdrawal shall be permitted for purchasing a share in a joint property or building or house or land whose ownership is divided;

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<sup>266</sup> Substituted for "ten" w.e.f 24.10.2011.

(viii) <sup>267</sup>[where the amount withdrawn is not utilized in whole or in part for the purpose for which it was withdrawn, the excess or the whole amount, as the case may be, shall be refunded to the trustees forthwith in one lump sum together with interest from the month of such withdrawal at the rate prescribed in Rule 27 and the amount so refunded shall be credited to the employee's account in the fund.]

(4) <sup>268</sup>[The withdrawal for the purpose specified in clause 23(h) shall not exceed three months pay or Rs.500 whichever is greater, but shall in no case exceed half the amount to the credit of the employee.]

## **25. Second withdrawal**

A second withdrawal shall not be allowed until the sum first withdrawn has been fully recovered excepting in the case of non-repayable withdrawal allowed under clause (e) and (f) of Rule 23 above.

<sup>269</sup>[25(a) Notwithstanding anything contained in Rule No. 23 to 25 of the Fund, it shall be opened to the Trustees of the Provident Fund to permit at any time within 12 months before the date of retirement or superannuation of the member, the withdrawal of up to ninety percent of the amount standing at the credit of the member.]

## **26. Repayments of amounts withdrawn**

(1) Subject to the provisions of clause (viii) of Sub-rule (3) of Rule 24, where a withdrawal is allowed to pay premia on policies of insurance under clause (e) of Rule 23 and to meet expenditure on building a house or purchasing a house and/or site under clause (f) of Rule 23, the amount withdrawn need not be re-paid.

(2) Deleted w.e.f. 1.4.99.

(3) Where the withdrawal is allowed for any other purpose, the amount withdrawn shall be repaid in not more than <sup>270</sup>[thirty six] equal monthly installments.

(4) In respect of withdrawals referred to in clauses (2) and (3) and in respect of clause (4), where the loan is repaid, from the date of repayment of each amount interest shall be paid in accordance with Rule 27.

## **27. Interest on withdrawals**

In respect of withdrawals referred to in Rule 26, interest shall be paid in accordance with the following table

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<sup>267</sup> New para inserted in substitution to Rule 24(viii) (sub-clause (i) to (viii))

<sup>268</sup> Inserted w.e.f. 1.8.90.

<sup>269</sup> Inserted new clause 25(a) as per approval of Commissioner of Income Tax vide letter no. CIT-11/amendment /2003-04/1236 dated 1.10.03.

<sup>270</sup> Substituted for the words "twenty four month" w.e.f. 17.12.04 vide circular no. 4/05 dated 2.5.05.

## TABLE

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Where the amount is repaid in not More than 12 monthly instalments	One additional instalment of 4% on the amount withdrawn.
Where the amount is repaid in more Than 12 but not more than 24 monthly instalments.	Two additional instalments of 4% on the amount withdrawn.
Where the amount is repaid in more Than 24 but not more than 36 monthly instalments	Three additional instalments of 4% on the amount withdrawn.
Where the amount is repaid in more Than 36 but not more than 48 monthly instalments	Four additional instalments of 4% on the amount withdrawn/

The Trustees may, however, on the direction of the Council, recover interest on the amount aforesaid or the balance thereof outstanding from time to time at 1 per cent above the rate which is payable for the time being on the balance in the Fund at the credit of the member.

### **28. Closing of Member's Account**

A subscriber's account shall be closed –

- (i) On the day after the date of his death;
- (ii) On the day he quits services of the Institute. When a member's account is closed, such amount if any, as may be decided by the Trustees shall be added in respect of portion of the year since <sup>271</sup>[31<sup>st</sup> March] preceding.

No further consideration and interest shall be credited in respect of any period subsequent to that date.

- (iii) In the event of a member permanently leaving the service of the Institute and becoming a member of any other provident fund recognized under the Income-tax Act, the accumulated balance due to him from this fund may, at his option, be transferred to the other fund of which he subsequently becomes a member, for credit to his account, provided it is permissible under the rules and regulations of that fund.

### **29. Nominations**

- (1) Each member shall make a nomination in writing as in Form "C" conferring the right on his nominee or nominees to receive the amount that may stand to his credit in the fund in the event of his death, before that amount becomes payable, or having become payable, has not been paid.

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<sup>271</sup> Substituted for December w.e.f. 1.8.90.

(2) If a member nominates more than one person under sub-rule (i), he shall, in his nomination, specify the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount that may stand to his credit in the Fund.

(3) Where a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination, the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made by a member may, at any time, be modified by him after giving a written notice to the Trustees of his intention of doing so in Form "D". such notice will automatically cancel the previous nomination.

If the nominee predeceases the member, the interest of the nominee shall revert to the member who shall thereupon make a fresh nomination in respect of such interest.

(6) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Trustees.

### **30. Annual accounts**

The accounts of the Fund shall be made up yearly as on 31<sup>st</sup><sup>272</sup>[March].

### **31. Assignment and Transfer of Members interest in the Fund**

(1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the member and neither the official assignee appointed under the Presidency-Towns Insolvency Act, 1909, nor any receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled to, or have any claim on any such amount.

(2) Any amount standing to the credit of a member in the Fund at the time of his death and payable to his nominee under the rules of the Provident Fund shall, subject to any deduction authorized by the said rules, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

### **32. Procedure in case Member's interest has been assigned**

DELETED

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<sup>272</sup> Substituted for December w.e.f. 1.8.90.

### **33. Indemnification of Trustees**

The Institute shall hold every Trustee indemnified against all proceedings, costs and expenses occasioned by any claim in connection with the Fund not arising from his negligence or fraud.

### **34. Closing of the Fund**

The Fund shall not be closed except in the case of the Institute of Company Secretaries of India being wound up. In the event of winding up of the Institute, the fund shall be closed and the moneys effects etc. thereof shall be divided amongst the members then existing by payment to each of them a sum which shall bear the same proportion to the aggregate market value or proceeds of the securities and uninvested cash then constituting the fund as the amount then standing to the credit of the member in his individual account bears to the aggregate of the amounts, then standing to the credit of the individual accounts of all such members.

### **35. Issue of certificate relating to balance amount**

In all cases wherein a certificate shall be required of the amount of the balance standing in the books of the Fund to the credit of a deceased member for the purpose of obtaining free of stamp duty a grant of probate or letters of administration or for any other purpose such certificate shall inter alia show whether there is any nomination or its modification which shall take effect to the extent there it was valid on the date it was received by the Trustees.

### **36. Power to make new Rules**

(1) All matters of procedure and all ancillary matters not herein specifically provided for and requiring the framing of rules shall be regulated by such rules as the Trustees may from time to time make in that behalf, with the approval of the Council.

(2) The Trustees shall have power at all times, subject to the approval of the Council and the Commissioner of Income Tax, to alter any of the regulations contained in these presents for the time being relating to the Fund and make new rules in modification or substitution of the rules for the time being in force.

(3) While framing rules or altering them, regard shall be had to the following:

(i) They shall always be in consistent with provisions of Part A to the Fourth Schedule to Income-tax Act, 1961 and rules made thereunder.

(ii) They shall not affect the irrevocable nature of the Trust or make the property or income of the Fund in any case or under any circumstance revert to the Institute.

(iii) They shall not have retrospective effect so as to affect adversely the rights existing on the date of alteration in respect of the sums then at the credit of the member's accounts.



(iv) No rules, or any modification thereof, shall take effect, unless they have been approved by the Commissioner of Income Tax having jurisdiction over the fund.

**Form "A"**

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEE'S PROVIDENT FUND**

**FORM OF AGREEMENT – RULE 4(iii)**

I hereby declare that I have read the Rules of Institute of Company Secretaries of India Employees' Provident Fund, and that I agree to be bound by them and by any subsequent additions to and alterations in the same as may from time to time hereafter be made in pursuance of Rule 36 of the said Rules.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Name in Full: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date of Joining Services: \_\_\_\_\_

Date of Joining Fund: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness(1) \_\_\_\_\_

Witness(2) \_\_\_\_\_

**Form "B"**

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES' PROVIDENT FUND  
(As prescribed in Rule 12)**

Statement showing the sums standing to the credit of Mr./ Ms \_\_\_\_\_ employed  
as \_\_\_\_\_ issued solely for his information.

Account No: \_\_\_\_\_ Folio Number of Account \_\_\_\_\_

Particulars	<u>Contributions</u>	Interest	Total
	Regular	Additional	

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Member's contribution and  
Interest standing to his/her  
Credit on 31<sup>st</sup> March 20\_\_\_\_  
As per last memo \_\_\_\_\_

Member's contribution and  
Interest credited during the  
Year 20\_\_\_\_ \_\_\_\_\_

Institute's contribution and  
Interest standing to the credit  
of member on 31<sup>st</sup> March, 20\_\_ as per last memo \_\_\_\_\_

Institute's contribution and  
Interest credit during the Year 20\_\_\_\_\_

Total amount (gross) at the  
credit on 31<sup>st</sup> March 20\_\_\_\_ \_\_\_\_\_

Outstanding balance as on  
31<sup>st</sup> March, 20\_\_\_\_\_

Outstanding balance as on  
31<sup>st</sup> March 20\_\_

Non-Repayable withdrawal,  
Temporary withdrawal and  
Interest thereon \_\_\_\_\_

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Note: (i) This Memo cannot be hypothecated or used in any way as  
being a security to a third party.

(iii) The name(s) of the nominee(s) as at present registered  
is/are \_\_\_\_\_

**New Delhi,**

**Date:**

**Secretary**

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Certified that the amount shown above as standing to my credit on 31<sup>st</sup>  
March, 20\_\_ is correct.

New Delhi,

The \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

**(Signature)**

**FORM "C"**

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES' PROVIDENT FUND, NEW DELHI**

Form of Nomination prescribed in accordance with Rule 29(1)

No.

Folio No.

The Trustees of the Institute of Company  
Secretaries of India Employees' Provident Fund  
"ICSI House"  
22, Institutional Area  
Lodi Road,  
New Delhi – 110 003

I, \_\_\_\_\_  
(NAME OF THE MEMBER IN BLOCK LETTERS)

s/o/d/o/w/o Shri/Smt. \_\_\_\_\_

in the service of the Institute of Company Secretaries of India hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the provident fund in the event of my death before that amount has become payable or having become payable, and has not been paid, direct that the said amount shall be distributed among the said persons in the manner shown against their names:

Name and Address of Nominee or Nominees	Relationship of each nominee with the member	Age of the nominee(s)	If the nominee is a minor, state the name of the guardian and the relationship with the member	**Amount or Share of accumulations in the Provident Fund to be paid to each nominee
1	2	3	4	5

Certified that my marital status is \_\_\_\_\_ (State whether unmarried, married or widow/widower).

\*Certified that I have no family as defined in the explanation under clause 6 of the Trust Deed and should I acquire a family hereafter, the above nomination should be deemed as cancelled.

\*\*Certified that my father/mother/sister(s)/minor brother(s) is/are dependent upon me.

Signature of member \_\_\_\_\_

Date : \_\_\_\_\_

Address \_\_\_\_\_

**WITNESSES:**

(1) Signature \_\_\_\_\_

Name and Address \_\_\_\_\_

(2) Signature \_\_\_\_\_

Name and Address \_\_\_\_\_

\* Delete the inapplicable words/certificate(s)

\*\*This column should be filled in so as to cover the whole of the amount that may stand to the credit of the member in the provident fund at any time.

Note: If a member wishes to revoke/modify the above nomination, he must cancel the same and make a fresh nomination as in form 'D'.

**FORM "D"**

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES' PROVIDENT FUND, NEW DELHI**

Form of modifying previous Nomination prescribed in accordance with Rule 29(5)

No.

Folio No.

The Trustees of the Institute of Company  
Secretaries of India Employees' Provident Fund  
"ICSI house"  
22, Institutional Area  
Lodi Road,  
New Delhi -110 003

I, \_\_\_\_\_  
(NAME OF THE MEMBER IN BLOCK LETTERS)

s/o/d/o/w/o Shri/Smt. \_\_\_\_\_

employed as \_\_\_\_\_ in the service of the Institute of Company Secretaries of India hereby cancel the nomination made by me previously as regards the disposal of the amount that may stand to my credit in the provident fund in the event of my death before that amount has become payable or, having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown against their names:

Name and Address of Nominee or Nominees	Relationship of each nominee with the member	Age of the nominee(s)	If the nominee is a minor, state the name of the guardian and the relationship with the member	**Amount or Share of accumulations in the Provident Fund to be paid to each nominee
1	2	3	4	5

Certified that my marital status is \_\_\_\_\_ (State whether unmarried, married or widow/widower)

\*Certified that I have no family as defined in the explanation under clause 6 of the Trust Deed and should I acquire a family hereafter, the above nomination should be deemed as cancelled.

\*\*Certified that my father/mother/sister(s)/minor brother(s) is/are dependent upon me.

Signature of member \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

**WITNESSES:**

(1) Signature \_\_\_\_\_

Name and Address \_\_\_\_\_

(2) Signature \_\_\_\_\_

Name and Address \_\_\_\_\_

\* Delete the inapplicable words/certificate(s)

\*\*This column should be filled in so as to cover the whole of the amount that may stand to the credit of the member in the provident fund at any time.

Note: If a member wishes to revoke/modify the above nomination also, he must cancel the same and make a fresh nomination again as in this FORM.

**Schedule - F-4**

**ICSI EMPLOYEES' PENSION  
FUND TRUST RULES**

(see Rule 44)



# ICSI EMPLOYEES PENSION FUND TRUST RULES

## PART I

### PRELIMINARY

#### 1. SHORT TITLE AND COMMENCEMENT

(I) These Rules may be called the ICSI Employees Pension Fund Trust Rules, 1993 as amended from time to time.

(II) These Rules shall come into force w.e.f. first day of November 1993.

#### 2. APPLICATION

These Rules shall apply to the eligible Employees of the Institute of Company Secretaries of India who are in service as on first day of January 1988.

#### 3. DEFINITIONS

In these Rules unless excluded by or repugnant to the context:

(a) "The Rules" shall mean the rules herein contained and any amendment thereof for the time being in force.

(b) "Amendment" shall mean and include alteration, deletion, rescission, addition, change or variation.

(c) "Institute" shall mean the Institute of Company Secretaries of India constituted under the Company Secretaries Act, 1980.

(d) "Council" shall mean the Council of the Institute. <sup>273</sup>

(e) "President" shall mean the President of the Council.

(f) "Service Rules of the Institute" shall mean "The Institute of Company Secretaries of India Service Rules, 1979" as amended from time to time.

(g) "Appointing Authority" shall mean the authority as defined under the Service Rules.

(h) "Employee" shall mean an individual presently or prospective as whole time

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<sup>273</sup> [Amended vide Office Order No. 94/97 dated 08.08.1997  
Amended vide Circular No. 12/99 dated 07.10.1999  
Amended vide Circular No. 18/2010 dated 20.12.2010]

salaried Employee of the Institute.

(i) <sup>274</sup>[“Family” shall have the same meaning as defined in the Chapter II of Service Rules.

(j) “Commissioner” shall mean the Commissioner of Income Tax having jurisdiction over the Fund.

(k) “Fund” shall mean ICSI Employees’ Pension Fund.

(l) [Effective from 01.01.2016, “Emoluments” shall mean the Pay in the applicable Level in the revised pay structure applicable to the post which an Employee was receiving immediately before his/her retirement or on the day of his/her death while in service or on termination of employment.] <sup>275</sup>

(m) [-----] <sup>276</sup>

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<sup>274</sup>Amended in pursuance to decision of the 262<sup>nd</sup> Council Meeting held on 7.8.2019.

<sup>275</sup> Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018. Prior to substitution, rule 3(l) read as under:

[Effective from 01.01.2006, “Emoluments” shall mean the Basic Pay which an Employee was receiving immediately before his/her retirement or on the day of his/her death while in service or on termination of employment]

<sup>276</sup> Omitted w.e.f. 01.04.2010. Prior to its omission, it read as under:

[“Average Emoluments” shall mean average emoluments as determined with reference to the emoluments drawn by an Employee during the last ten months of his service.

Note 1 If an Employee, immediately before his/her retirement or death while in service, has been on leave for which salary is payable or having been suspended, had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended, shall be taken into account for determining the average emoluments.

Note 2 Where an Employee immediately before his/her retirement or death while in service had proceeded on leave for which salary is payable after having held a higher appointment on probation, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the employee would have continued to hold the higher appointment but for his proceeding on leave.

Note 3 If an Employee immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension the period whereof does not count as service, the emoluments which he draws immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this rule.

Note 4 If an Employee immediately before his retirement or death while in service, was on earned leave and earned an increment which was not withheld, such increment though not actually drawn shall form a part of his emoluments.

Note 5 If during the last ten months of his service, an Employee had been on leave for which salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended, shall be taken into account for determining the average emoluments.

Note 6 If during the last ten months of his service, an employee had been on extra-ordinary leave or had been under suspension, the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of average emoluments and equal period before the ten months shall be included.

(n) Existing pension' or 'Existing Family Pension from 01.01.2016, " means the basic pension (inclusive of commuted portion, if any) or basic family pension, as had been fixed at the time of implementation of 6<sup>th</sup> CPC recommendations, which an existing pensioner or family pensioner was receiving as on 01.04.2010]  
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#### **4. GENERAL CONDITIONS**

(a) *Regulation of claims to Pension:* Any claim to pension shall be regulated by the provisions of these Rules in force at the time when an Employee retires or is discharged or is allowed to resign from service or dies, as the case may be.

(b) *Pension subject to future good conduct:* Future good conduct shall be an implied condition of every grant of pension and its continuance under these Rules.

(c) *Right of Council to withhold or withdraw Pension:* The Council reserves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specific period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Institute, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or convicted of a serious crime during the period of his/her service which could lead to dismissal of the Employee from the services of the Institute.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of [Rs.4500/- (Rupees Four Thousand Five Hundred only) per month.]<sup>278</sup>

#### **5. QUALIFYING SERVICE**

(a) *Commencement of Qualifying Service:* The qualifying service of an Employee commences from the date he/she takes charge of the post in the Institute including the service rendered by such Employee with the dissolved company immediately before the commencement of the Company Secretaries Act, 1980 and the service is followed without interruption by permanent appointment in the same or another post.

(b) *Conditions subject to which service qualifies*

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Note 7 In the case of an Employee who was on earned leave during the last ten months of his service and earned an increment which was not withheld, such increment, though not actually drawn shall be included in the average emoluments.]

<sup>277</sup>Inserted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018.

<sup>278</sup> Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018. Prior to its substitution, limit given in Rule 4(c) read as under:- [w.e.f. 01.11.1993, Rs. 160 (Rupees One Hundred Sixty only) per month w.e.f.14.05.1996, Rs. 400 (Rupees Four Hundred only) per month w.e.f. 01.04.1999, Rs. 640 (Rupees Six Hundred Forty only), Rs. 1800/- (Rupees Eighteen Hundred) per month].

(i) The service of an Employee shall not qualify unless his/her duties and pay are regulated by the Council or under conditions determined by the Council.

(ii) For the purpose of sub-rule (i) the expression service means service in the Institute and paid by the Institute from its sources (Funds)

(c) *Counting of qualifying service:*

(i) *On Probation:* Service on probation against a post if followed by confirmation in the same or another post shall qualify.

Adhoc service if followed by regular appointment without any break shall qualify.

(ii) *As apprentice or casual:* Service as an apprentice or casual shall not qualify for the purpose of "Qualifying Service".

(iii) *Periods spent on leave:* All leave during service for which salary is payable and all extra-ordinary leave duly granted – (i) on medical certificate, (ii) due to inability of the Employee to join or re-join duty on account of civil commotion or (iii) for pursuing higher studies as may be specified by the Institute, shall count as qualifying service.

(iv) *Periods spent on training:* The period spent by an Employee under training if followed by appointment on to a regular post shall count as qualifying service.

(v) *Periods of suspension:* The period during which an Employee is held under suspension pending inquiry into conduct, shall count as qualifying service where, on conclusion of such enquiry, he/she has been fully exonerated or the suspension is held to be wholly unjustified. In other cases, the period of suspension shall not count unless the authority competent to pass orders under the service rules of the Institute, expressly declares at that time that it shall count. If an Employee dies while under suspension, the entire period of suspension shall count as qualifying service.

(vi) *Periods of lay-off, strike and lock-out:* The period of lay-off, strike and lock out shall not count as qualifying service unless decided otherwise by the Council.

(d) *Forfeiture of service on dismissal or removal:* Dismissal or removal of an Employee from the service entails forfeiture of his/her past services.

(e) *Counting of past service on reinstatement*

(i) An Employee who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his/her past service as qualifying service.

(ii) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement and the period of suspension, if any, shall not count as qualifying service unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

(f) *Effect of interruption in service*

(1) An interruption in the service of an Employee entails forfeiture of his/her past service, except in the following cases:

(i) Authorised leave of absence

(ii) Unauthorized absence in continuation of authorized leave of absence so long as the absentee is allowed to join back his/her regular service

(iii) Suspension, where it is immediately followed by re-instatement, whether in the same or a different post, or where the Employee dies or is permitted to retire or is retired on attaining the age of superannuation while under suspension

(iv) The period of absence of an Employee between the date of dismissal/removal/compulsory retirement and the date of reinstatement when the Employee is reinstated on appeal or review.

(2) Notwithstanding anything contained in sub-rule(1), the appointing authority may, by order, commute retrospectively the periods of unauthorized absence as extra-ordinary leave but the period will not count as qualifying service.

(g) *Weightage in qualifying service*: [Clause (g) of rule 5 shall cease to operate effective from 01.04.2010]<sup>279</sup>

(h) *Date of termination of Service*

Service terminates:

(i) In the case of retirement on superannuation, on the afternoon of the last day of the month in which an Employee attains the age of [60 years]<sup>280</sup>

(ii) In the case of voluntary retirement, on the day prior to the date of retirement;

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<sup>279</sup> w.e.f. 01.04.2010 Rule 5(g) ceased to operate vide Circular No. 18/2010 dated 20.12.2010. Prior to its cessation, it read as under: [An employee may retire from service voluntarily at any time after completion of 20 years qualifying service or after attaining the age of 55 years. In both the cases, he is eligible for the addition to the qualifying service actually rendered by him, up to a maximum of five years subject to the condition that (i) the total qualifying service after allowing weightage should not exceed thirty three years; (ii) the number of years added should not take him beyond the date of superannuation.]

<sup>280</sup> Substituted w.e.f. 29.10.1998, vide Office Order No. 76/98 dated 29.10.1998. Prior to its substitution, it read as ["58 years"]

(iii) In the case of disablement, on the day prior to the date of relief on disablement. If disabled while on leave, on the date of expiry of that leave or extension of leave duly granted;

(iv) In the case of death of an Employee while in service, the date of retirement should be taken as the date following the date of death;

(v) In the case where an Employee has been granted extension of service, the date of retirement should be taken after the end of the period of extension; and

(vi) In the case of retirement after leave, on the last day of leave preparatory to retirement.

(vii) [*Rounding of fraction of a year*: Effective from 01.04.2010, in case of retirement/death while in service taking place, the fraction of a year in the qualifying service shall be reckoned in the following manner:

<i>Fraction of a year</i>	<i>Number of completed six monthly periods (Half Year)</i>
Less than 3 months	Nil
3 months and above but less than 6 months	1 (One)
6 months and above	2 (Two)

Examples:

1. The period of 30 years 2 months and 10 days will be reckoned as 30 years (fraction of the year being less than three months ignored)

2. The period of 30 years 3 months and 10 days will be reckoned as 30 ½ years (fraction of the year being not less than 3 months but less than 6 months taken as one half year)

3. The period of 30 years and 6 months will be reckoned as 31 years (fraction of the year being not less than 6 months taken as two half yearly periods, i.e., one year).]<sup>281</sup>

<sup>281</sup>Substituted w.e.f. 1.4.2010 vide Circular No. 18/2010 dt. 20.12.2010. Prior to its substitution, rule 5(h)(vii) with examples read as: [*Rounding of fraction of a year*: In case of retirement/death while in service taking place, the fraction of a year in the qualifying service shall be reckoned in the following manner:

<i>Fraction of a year</i>	<i>Number of completed six monthly periods (Half Year)</i>
Less than 3 months	Nil
3 months and above but less than 9 months	1 (One)
9 months and above	2 (Two)

Examples: 1 The period of 30 years 2 months and 10 days will be reckoned as 30 years (fraction of the year being less than three months ignored) 2. The period of 30 years 3 months and 10 days will be reckoned as 30 ½ years (fraction of the year being not less than 3 months but less than 9 months taken

## 6. CASES OF PENSIONS AND CONDITIONS COVERING THEIR GRANT

(a) *Superannuation pension*: A superannuation pension shall be granted to an Employee who has put in a minimum of 10 years qualifying service in the Institute and retires on his/her attaining the age of compulsory retirement.

(b) [*Retiring Pension*: Effective from 01.04.2010, a retiring pension shall be granted to an Employee who retires on his/her attaining the age of 55 years after completing at least 10 years of qualifying service or is retired in advance of the age of compulsory retirement on completion of 20 years of qualifying service or on attaining the age of 55 years, whichever is earlier, or seeks voluntary retirement on completion of 20 years of qualifying service.]<sup>282</sup>

(c) *Disablement pension* (i) Disablement pension may be granted if an Employee retires from the service on account of any bodily or mental infirmity which permanently incapacitates him from the service. The requirement of minimum qualifying service shall not be applicable in such cases but the actual number of years of qualifying service at the time of relief on account of disablement will be taken for the purpose of pension. (ii) An Employee applying for a disablement pension shall submit a medical certificate of incapacity from the medical authority as specified by the Institute.

## 7. REGULATION OF NOTICE FOR RETIREMENT

(a) At any time after an Employee has attained the age of 55 years or completed 20 years of qualifying service:

(i) he/she may retire from service, or

(ii) he/she may be required by the appointing authority to retire in the Institute's interest.

Provided that

(1) an Employee shall give notice in writing to the appointing authority at least three months before the date on which he/she wishes to retire; and

(2) the appointing authority may also give a notice in writing to the Employee at least three months before the date on which he/she is required to retire in the Institute's interest or three months pay and allowances in lieu of such notice.

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as one half year) 3. The period of 30 years 9 months and 10 days will be reckoned as 31 years (fraction of the year being not less than 9 months taken as two half yearly periods, i.e., one year).]

<sup>282</sup> Substituted w.e.f. 01.04.2010, vide Circular No. 18/2010 dated 20.12.2010. Prior to its substitution, Rule 6(b) read as under:- [*Retiring Pension*: A retiring pension shall be granted to an employee who retires on his attaining the age of 55 years after completing at least 10 years of qualifying service or is retired in advance of the age of compulsory retirement on completion of 33 years of qualifying service or seeks voluntary retirement on completion of 20 years of qualifying service, which shall be increased by a period not exceeding 5 years as applicable in the case of Central Government employees but the total qualifying service shall not exceed 33 years.]

Provided further that where an Employee giving notice under clause

(a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Employee to retire under this rule.

(b) The Employee referred to in clause (a) of the sub-rule (1) may make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefor. On receipt of the request, the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, appointing authority may relax the requirement of notice of three months.

(c) An Employee who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his/her election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his/her retirement.

## **8. AMOUNT OF PENSION AND PROCEDURES FOR DETERMINATION AND PAYMENT OF AMOUNT OF PENSION**

(a) [Effective from 01.01.2016, in the case of pensioners in receipt of pension as on 31.12.2015, the basic pension may be revised by notionally fixing their pay in the pay matrix recommended by the 7<sup>th</sup>CPC in the level corresponding to the pay in the pay scale/pay band and grade pay at which they retired/died. This will be done by notional pay fixation under each intervening Pay Commission based on the Formula for revision of pay 25% of the notional pay as on 01.01.2016 shall be computed and dearness relief @62.50% (being half of the DR payable as on 31.12.2015) from the existing basic pension payable to the pensioners/family pensioners will be deducted. The amount so arrived shall be the revised pension and 50% of this revised pension shall be the revised family pension w.e.f. 01.01.2016. The amount of revised pension/ family pension so arrived at, shall be rounded off to next higher rupee.

Effective from 01.01.2016, in case of employees who are existing employees of ICSI as on 01.01.2016 and have retired after 01.01.2016, the pension will be calculated as per the procedure mentioned in rule 8(a) above. However, dearness relief @ 62.50% on the Basic Salary as on 01.01.2016 shall be deducted to calculate their pension on the date of retirement.

Effective from 01.01.2016, The Pension so determined as above shall be subject to a maximum of Rs. 62,500/- (Rupees Sixty Two Thousand Five Hundred only) per month or such higher amount as may be determined by the Council from time to time excluding dearness relief, as applicable.



Effective from 01.01.2016, in case of existing pensioners, who have retired before 01.01.2016, and whose revised pension (including DR) calculated as per above para works out to be less than their existing pension (including DR) as on 01.01.2016; the pension payable under the existing ICSI pension scheme will be protected i.e. in no case the amount of the existing pension including the dearness relief of any employee will be reduced.

Effective from 01.01.2016, in the case of pensioners in receipt of pension as on 31.12.2015; If the amount arrived at by multiplying their exiting pre-2016 basic pension by 2.57 and after deducting an amount equal to dearness relief @ 62.50% (being half of the DR payable as on 31.12.2015) from this amount; is more than the amount which is computed as per the above rule of notional pay fixation method; the higher of the two formulations shall be considered as revised basic Pension/Family Pension]<sup>283</sup>

[Further, the old age pensioners/family pensioners of 80 years and above shall be entitled for the following additional quantum of pension w.e.f 01.04.2012.

<b>Age of Pensioners / Family Pensioners</b>	<b>Additional Quantum of Pension</b>
From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40% of revised basic pension/family pension
From 95 years to less than 100 years	50% of revised basic pension/family pension
100 years or more	100% of revised basic pension

<sup>284</sup>

(b) The amount of pension arrived at on the basis of the above scale will be related to the maximum qualifying service of 33 years. For an Employee, who, at the time of retirement, have rendered qualifying service of ten years or more (no minimum qualifying service in the case of disablement pension) but less than 33 years, the amount of his/her pension will be such proportion of the maximum

<sup>283</sup>Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018. Prior to its substitution, the limits under Rule 8(a) were as under:

[w.e.f. 01.11.1993, the amount of pension shall be determined @ 50% of the average emoluments, subject to maximum of Rs. 1500 per month excluding dearness relief, as applicable or such higher amount as may be determined by the Council from time to time.

w.e.f. 14.05.1996, 50% of the average emoluments subject to maximum of Rs. 2500 per month

w.e.f. 01.04.1999, the amount of pension shall be determined on the under-mentioned basis

(i) Average Emoluments up to Rs. 8,000 50%

(ii) For balance over and above Rs.8,000 25%

subject to a maximum of Rs. 4,000 per month excluding dearness relief as applicable or such higher amount as may be determined by the Council from time to time.

w.e.f.01.04.2010, the amount of pension shall be determined @ 25% of the emoluments last drawn subject to a maximum of Rs. 22500 per month or such higher amount as may be determined by the Council from time to time excluding dearness relief, as applicable]

<sup>284</sup> Inserted vide o/o no. 134/2012 dated 28<sup>th</sup> December, 2012

admissible pension as the qualifying service rendered by him/her bears to the maximum qualifying service of 33 years.

[In the case of the Employees retiring on or after 01.04.2010, the amount of pension arrived at on the basis of the above scale will be related to the maximum qualifying service of 20 years. For an Employee, who, at the time of retirement, have rendered qualifying service of ten years or more (no minimum qualifying service in the case of disablement pension) but less than 20 years, the amount of his/ her pension will be such proportion of the maximum admissible pension as the qualifying period of service rendered by him/her bears to the maximum qualifying service of 20 years. The minimum amount of pension shall be [ Rs. 4,500/- [ (Rupees Four Thousand Five Hundred only)] per month.]<sup>285</sup>

(c) [Effective from 01.01.2016, The amount of pension finally determined shall be expressed in whole Rupees and where the pension contains a fraction of a Rupee, it shall be rounded off to next higher rupees]<sup>286</sup>

(d) *Dearness Relief*

[Dearness Relief, if made applicable, after taking into account the Pension Rules of the Central Government, may be granted for the purpose of pension under this Scheme.]<sup>287</sup>

[The sub-rule shall cease to operate with effect from 01.04.2010 save as may be necessary for the purposes of proviso to Rule 8(a).

With effect from 01-04-2011 Dearness Relief @ 5% of basic pension or at the rate announced by the Central Government, whichever is less, shall be paid every year]<sup>288</sup> However, [with effect from 01-04-2014 Dearness Relief @ 7.5% of basic pension or at the rate announced by the Central Government, whichever is lower, shall be paid every year.]<sup>289</sup> Further, [with effect from

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<sup>285</sup>Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018

<sup>286</sup>Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018. Prior to substitution, it read as under: [next ten Rupees.]

<sup>287</sup> 1 [Amended w.e.f. 14.05.1996 vide Office Order No. 94/97 dated 08.08.1997

- (i) Pension drawn Upto Rs. 1000 p.m. Rs. 100
- (ii) Pension drawn from Rs. 1001 to Rs. 1500 p.m. Rs. 200
- (iii) Pension drawn from Rs. 1501 to Rs. 2000 p.m. Rs. 250
- (iv) Pension drawn from Rs. 2001 to Rs. 2500 p.m. Rs. 300

Amended w.e.f. 01.04.1999 vide Circular No. 12/99 dated 07.10.1999

1st Year (F.Y. 1999-00) Nil

2nd Year (F.Y. 2000-01) 5% of the pension last drawn

3rd Year (F.Y. 2001-02) 10% of the pension last drawn

4th Year onwards (F.Y. 2002-03 onwards) 15% of the pension last drawn (subject to a minimum of Rs. 100/- p.m. starting from 2nd year and onwards)

Amended w.e.f. 01.04.2003 vide Circular No. 2/2003 dated 06.01.2003

F.Y. 2003-04 30% of Pension

F.Y. 2004-05 40% of Pension

F.Y. 2005-06 50% of Pension].

<sup>288</sup> Inserted w.e.f. 01.04.2010 vide Circular No. 18/2010 dated 20.12.2010.

<sup>289</sup> Revised w.e.f. 01.04.2014 vide Office Order No. 68/2014 dated 09.05.2014.

01.04.2015, dearness relief shall be payable @ 50% of the amount of the dearness relief paid to Central Government Employees as per the notification made by the Government from time to time]<sup>290</sup>

## **9. FAMILY PENSION**

<sup>291</sup>[Effective from 01.01.2016, In the case of death of an Employee either in service or after retirement, the family pension shall be payable to the spouse of the Employee for life time. In case remarriage of spouse, the pension will be payable only up to the date of such remarriage. The amount of family pension will be restricted to 50% of the amount of pension (excluding dearness relief) last drawn by the Employee or eligible to draw before his/her death. The minimum amount of family pension shall be Rs. 4,500/- (Rupees Four Thousand Five Hundred only) and a maximum of Rs. 31,250/- (Rupees Thirty One Thousand Two Hundred Fifty only) per month (excluding dearness relief). The requirement of minimum qualifying service shall not be applicable in the case of death of an Employee while in service]

## **10. MANNER OF PAYMENT**

(a) Pension fixed at monthly rate shall be payable monthly on or after the first day but before the seventh day of the following month.

(b) Once the Employee is relieved from the services of the Institute, the pension shall be payable during the life time of the Employee and thereafter to his/her family in accordance with Rule 9.

## **11. PROCEDURE FOR DETERMINATION AND PAYMENT OF AMOUNT OF PENSION**

The amount of pension shall be determined, sanctioned and paid in accordance with the procedures formulated and approved.

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<sup>290</sup>Revised w.e.f 01.04.2015 vide Office order no.126/2015 dated 16.10.2015.

<sup>291</sup> Substituted w.e.f. 01.01.2016 vide Circular no 11/2018 dated 18.10.2018 in partial modification to Circular No. 18/2010 dated 20.12.2010. Prior to its substitution, Rule 9 read as under:

[*Family Pension*: In the case of death of an employee either in service or after retirement, the pension shall be payable to the spouse of the Employee for a maximum period of 12 years from the date of death of the employee or the date of superannuation, whichever is earlier. In case of remarriage of the spouse, the pension will be payable only up to the date of such remarriage. The amount of family pension will be restricted to 50% of the amount of pension (including dearness relief) last drawn by the employee or eligible to draw before his/her death. The minimum amount of pension (including dearness relief) shall be Rs. 160/- (Rupees One Hundred Sixty only) per month. The requirement of minimum qualifying service shall not be applicable in the case of death of an employee while in service.

Revised w.e.f. 14.05.1996 – Rs. 400/- (Rupees Four Hundred only) per month vide Office Order No. 94/97 dated 08.08.1997.

Revised w.e.f 01.04.1999 – Rs. 640/- (Rupees Six Hundred and Forty only) per month vide Circular No. 12/99 dated 07.10.1999

Revised w.e.f 01.04.2010 – Rs. 900/- (Rupees Nine Hundred and Forty only) per month vide Circular No. 18/2010 dated 20.12.2010].

## **MISCELLANEOUS**

### **12. INTERPRETATION**

In all cases of doubts, clarifications, interpretations, etc. the pension rules as applicable to the Central Government Employees may be taken into account as guidelines and made applicable as notified by the Institute.

### **13. POWER TO RELAX**

Where the operation of any of these rules causes undue hardship in any particular case, the Council shall be empowered to relax provisions to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

### **14. REPEAL AND SAVING**

These Rules can be amended and altered at any time by the Council with specific stipulation regarding applicability to Employees before and after such amendments.

### **15. DRAWAL OF PENSION FROM OTHER SOURCES**

An Employee who is in receipt of pension from his/her previous employer before joining the Institute may continue to receive the same and his/her past service will not qualify for pension in the Institute. His/her eligibility to pension under these Rules will be governed taking into account the period of service rendered in the Institute.

### **16. COMMUTATION OF PENSION**

(a) A Pensioner shall be eligible to commute his/her pension after medical examination, if applicable for a lump sum payment a fraction not exceeding [40%]<sup>292</sup> of his/her monthly pension (excluding dearness relief). While sending application in the prescribed proforma for commutation of pension, the pensioner should indicate the portion of pension which he/she desires to commute. The Employee/Pensioner against whom departmental/judicial proceedings are pending shall not be eligible for commutation. If fraction of pension to be commuted results in fraction of a Rupee, such fraction will be ignored for the purpose of commutation. Family Pension cannot be commuted.

(b) Medical Examination is not required for commutation

(i) where the applicant is authorized a superannuation/ retiring pension and he/she applies for commutation before the expiry of one year from the date of his/her retirement;

(ii) where a pensioner is granted pension on finalization of

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<sup>292</sup> [Revised w.e.f. 01.04.1999 vide Circular No. 12/99 dated 07.10.1999 from one-third].

departmental/judicial proceedings and he/she applies for commutation before the expiry of one year from the date of his/her retirement.

(c) Medical examination by appropriate medical authority as may be decided by the Institute is required for commutation, where

- (i) an Employee retires on disablement pension; or
- (ii) The category of pensioners referred to in sub-rule (b) above, apply for commutation after one year from the date of their retirement.

(d) Commutation becomes absolute and payable on

(i) the date following the date of retirement, where an Employee retiring on superannuation/voluntary retirement submits an application for commutation of monthly pension before the date of retirement. However, the commuted value of pension will not be paid if he/she dies before the date of superannuation/retirement or forfeits claim to pension before such date.

(ii) the date on which the application for commutation of pension is received in the Institute in the case of pensioners falling under sub-rule (b) above.

(iii) the date on which the medical authority signs the medical report in the case of pensioners falling under sub-rule (c) above

(e) The lump sum payable on commutation will be calculated and adopted by an office order of the Institute after taking into account the basis of the formula and the Table of Values prescribed and as applicable to the Central Government Employees from time to time and in force on the date on which commutation becomes absolute. Existing Value Table annexed. The amount of commuted value of pension as finally calculated will be rounded off to the next higher Rupee.

(f) The reduction in the amount of monthly pension on account of commutation will become operative from the date of release of payment of the commuted value of pension to the applicant.

(g) The applicant is required to make a nomination in the prescribed form along with the application for commutation, conferring on one or more persons the right to receive the commuted value of pension, in case he/she dies without the commuted value on or after the date on which the commutation become absolute. If there is no such nomination, the commuted value is payable to his/her legal heirs as may be decided by the Institute.

(h) Dearness Relief as admissible to the Pensioner will be calculated on the original amount of monthly pension even after commutation of a portion of the pension.

(i) Pensioners are entitled to have the commuted portion of pension restored on the expiry of 15 years from the date of retirement.

## 17. ALIVE CERTIFICATE

Pensioners/Family Pensioners are required to furnish a certificate as per format given in *APPENDIX I*, as on 1st April of every year, latest by 10th April.

### PART II

#### ADMINISTRATION

1. (a) The number of Trustees shall not be less than three nor more than five. At any meeting of the Trust, two Trustees present in person shall form a quorum.
- (b) A Trustee may retire at any time, on giving notice in writing to other Trustees on his desire to do so, and the office of a Trustee shall be vacated if a Trustee shall permanently leave India, or by reason of his/her illness or infirmity shall, in the opinion of the other Trustees, become incompetent or incapable of acting. If a Trustee is in employment of the Institute, his/her trusteeship will cease on the cessation of his/her services with the Institute.
- (c) The power of appointing a new Trustee shall be vested in the Institute which shall, subject to the provision of sub-rule (a) hereof be entitled to appoint new Trustees either in addition to the existing Trustees or in place of the Trustees who shall have died, vacated office or retired, for the purpose of facilitating the administration of the Fund. Likewise, the Institute shall have the power to remove the existing Trustee or Trustees and appoint new Trustee or Trustees. On every such appointment of a new Trustee or Trustees, the funds of the Fund shall, *ipso facto*, vest in the continuing and the new Trustee or Trustees.
- (d) The Chairman of the meeting of the Trustees shall be nominated by the Institute from amongst the Trustees. If at any meeting, the Chairman be not present within five minutes after the time appointed for holding the same, the Trustees present may choose one of their Members to be the Chairman of the meeting.
- (e) The Trustees may, subject to the provisions of the Rules, meet for the dispatch of business, adjourn and otherwise regulate their meetings and proceedings and make such other regulations for the transaction of the business of the Fund as they shall think fit.
- (f) Questions arising at any meeting shall be determined by a majority of votes, each Trustee present being entitled to one vote and in case of equality of votes, the Chairman shall have a second or casting vote.
- (g) A resolution in writing signed by a majority of the Trustees for the time being in India, being not less than two shall be as valid and effective as a resolution passed at a meeting of the Trust duly convened and held.
- (h) The Trustees may delegate any of their powers to one of the Trustees or to a Committee consisting of such Members of their body as they shall think fit. Any Trustee so appointed or any committee so formed shall in the exercise of the

powers so delegated, conform to any regulations that may be imposed upon such Trustee or such committee by the Trustees.

2. (a) The Trustees shall decide all differences or disputes which may arise under the Rules either as to the interpretation thereof or as to the rights and obligations of the Institute and of the beneficiaries and the decision of the Trustees shall, in all cases, be final and binding on all parties concerned PROVIDED ALWAYS where such difference or dispute shall related to Income Tax matter, it shall be referred to the Commissioner and his/her decision shall be final.

(b) Right of Trustees to withhold or withdraw pension: The Trustees reserve the right of withholding or withdrawing a pension or part thereof, whether permanently / or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Institute, if in any departmental or judicial proceedings, the Pensioner is found guilty of grave misconduct or convicted of a serious crime during the period of his/her service which could lead to dismissal of the Employees from the services of the Institute.

[Effective from 01.01.2016, Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. 4,500/- (Rupees Four Thousand Five Hundred only) per month.]<sup>293</sup>

3. (a) The Trustees shall have power to appoint any person or persons with the requisite qualifications to act as the Actuary, the Secretary or Secretaries or the Manager or Managers or Registrars of the Fund at such remuneration and on such terms and conditions and with such powers as the Trustees may think fit. The Trustees may also employ any person or persons to do any legal, accounting, actuarial or other work which they may consider necessary or expedient in connection with the management of the Fund or the assets thereof.

(b) All cheques and other negotiable or transferable instruments and all receipts for moneys paid to the Fund shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be, in such manner as the Trustees shall from time to time by resolution determine.

(c) The Trustees may hold the investments of the Fund in the name of the Fund or in the names of any two of them on behalf of the Trustees or in the name of a nominee whether a bank, a financial house or a trust company, as the Trustees may from time to time determine. Application for purchase of any investment of the Fund (including policies of annuity) may be made by one or more of the Trustees or by any of their nominee.

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<sup>293</sup>Substituted w.e.f. 01.01.2016 vide Circular No. 11/2018 dated 18.10.2018. Substituted w.e.f. 01.04.2010 vide Circular No. 18/2010 dated 20.12.2010, prior to its substitution, limits were as under: [w.e.f 01.11.1993 Rs. 160 (Rupees One Hundred Sixty only) per month w.e.f. 14.05.1996 Rs. 400 (Rupees Four Hundred only) per month w.e.f. 01.04.1999 Rs. 640 (Rupees Six Hundred Forty only) per month, Rs. 1800/- (Rupees One Thousand Eight Hundred only) per month]

4. The Trustees shall not at any time be made liable for any more money than what may actually come into their own hands or for the failure of any bank, company or firm or for the dishonesty of any clerk, servant or attorney or other persons with whom any part of the trust property may be deposited or be placed in charge or for anything other than their own immediate and respective wilful acts, deeds and defaults. Notwithstanding anything contained in these presents, the Trustees shall be at liberty to utilize any part of the funds of the Fund in reimbursing them for all sums of money, costs, charges or damages suffered or borne by them in accordance with the administration of the Fund regardless of the insufficiency of the total funds for the purpose of meeting all obligations of the Trustees and the Trustees shall be entitled to be indemnified by the Institute against all proceedings, costs and expenses occasioned by any claim in connection with the Fund not arising from their negligence or fraud.

5. (a) The Trustees shall open with any scheduled bank or banks as they may from time to time determine a Saving Bank Account or accounts and place to the credit of such account or accounts, all money/s from time to time received by the Trustees for the purpose of the Fund.

(b) The moneys of the Fund shall be dealt with in the manner prescribed in Rule 85 of the Income Tax Rules, 1962 or in any other manner which may from time to time be authorized by the Central Board of Direct Taxes.

(c) The Trustees shall have power to vary or transpose the investments for the time being of the Fund or others of the nature authorized in sub-rule (b) hereof.

(d) The Trustees may, when necessary, raise such sum or sums of money as may be required for the purpose of the Fund by sale or advance or advances against the securities held by them or a sufficient part thereof or otherwise.

### **PART III CONTRIBUTIONS**

1. The Institute shall pay to the Trustees in respect of each Employee, an initial or lump sum contribution as may be certified by the Actuary of the Fund and also in such installments as may be certified by the Actuary, in respect of the past service of the Employee subject to the provisions of the Rule 88 of the Income Tax Rules 1962 and to any condition that the Central Board of Direct Taxes may specify in that behalf.

2. The Institute shall pay to the Trustees in respect of each Employee an ordinary annual contribution as may be certified by the Actuary subject to the provisions of Rule 87 of the Income-Tax Rules, 1962. The payment can be made either annually or in periodic installments.

### **PART IV ACCOUNTS**

1. The Accounts of the Fund shall be maintained in India and shall contain such particulars as the Trustees may think proper and as are required by law.



As soon as possible after the 31st day of March in each year, the Trustees shall take a general account of the assets and liabilities of the Fund and shall prepare a Balance Sheet and a Revenue Account showing the income and expenditure dealings and transactions during the year terminating on such 31st March in such form as may be considered suitable by the Trustees. The Trustees will ascertain and record the market value, as on the said date of the total investments or securities of the Fund. In the case of any investment or security not being a dated security, or an investment or securities or an insurance or annuity policy for which the market value is not available, the Trustees shall incorporate these in the accounts in such manner and at such value as they shall at their absolute discretion, consider proper and equitable. The total appreciation and depreciation of the securities so ascertained and any profit or loss incurred on the sale of securities, including surrender or encashment of policies of assurance or annuities all interest accrued or received and all expenses of management that may be borne by the Trustees will be credited or debited as the case may be to the Revenue Account.

2. The balance of the Revenue Account as well as the contributions credited to an account to be called "The Members Contribution Account" representing the total contribution made in respect of individual members shall, at the end of the year, be transferred to an account hereinafter referred to as the Benefit Account. All benefits paid shall be debited to the Benefit Account.

3. For the purpose of auditing the Accounts of the Fund, the Trustees shall appoint a Chartered Accountant or a firm of Chartered Accountants who shall have access to all the books, papers, vouchers and documents connected with the Fund and who shall in writing report to the Trustees on the annual accounts. The Trustees shall ensure that the Annual Accounts of the Fund prepared on 31st March every year are audited and placed in the Trustees meeting on or before 30th September every year.

## **PART V PURCHASE OF ANNUITIES**

The Trustees may for the purpose of providing the pensions for the Employees pursuant to the Rules, purchase annuities from the Life Insurance Corporation of India at the time of retirement or death.

**TO WHOMSOEVER IT MAY CONCERN  
ALIVE CERTIFICATE**

This is to certify that Shri/Smt./Ms. \_\_\_\_\_, whose particulars are given below, is alive as on \_\_\_\_\_ (indicate the date)

Father's Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Present Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of the Pensioner:

\_\_\_\_\_

Paste the latest  
Photograph of  
the Pensioner

Attested by \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note: Attestation should be done by any one of the Gazetted Officer, Bank Manager, Post Master or Member of the Institute.**

## COMMUTATION VALUE FOR A PENSION OF RE. 1 PER ANNUM

<i>Age next birthday</i>	<i>Commutation value expressed as number of year's purchase</i>	<i>Age next birthday</i>	<i>Commutation value expressed as number of year's purchase</i>	<i>Age next birthday</i>	<i>Commutation value expressed as number of year's purchase</i>
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

[Basis: LIC (94-96) Ultimate Tables and 8.00% interest]

**NOTES****NOTES**

**THE ICSI EMPLOYEES' NEW PENSION FUND TRUST  
RULES**

(see Rule 44)

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**RULES AND REGULATIONS OF  
ICSI EMPLOYEES NEW PENSION FUND TRUST RULES, 2009**

**1. SHORT TITLE AND COMMENCEMENT:**

1. These Rules shall be called the “ICSI Employees New Pension Fund Trust Rules, 2009.
2. They shall come into force with effect from 1.10.2009.

**2. APPLICATION:**

These Rules shall apply to the employees of the Institute of Company Secretaries of India appointed on or after 1<sup>st</sup> January, 2005.

**3. DEFINITIONS:**

In these Rules unless the context otherwise requires: –

- a) “Appointing Authority” means the authority as defined in the Institute of Company Secretaries of India Service Rules, 1979.
- b) “Council” means the Council of the Institute.
- c) “Employee” means the regular and whole time salaried employee of the Institute engaged on a regular post (including probation) and whose name is included in the Permanent Pay Rolls of the Institute but does not include temporary or casual or contractual employees.
- d) “Family” means the Family as defined in Chapter II of Service Rules.
- e) “Institute” means the Institute of Company Secretaries of India constituted under the Company Secretaries Act, 1980, as amended from time to time.
- f) “Member” means an employee of the Institute appointed on or after 1<sup>st</sup> January, 2005, or who joins the services of the Institute on or after 1<sup>st</sup> January, 2005.
- g) “Month” means a calendar month and “Year” means a period of 12 months period commencing on 1<sup>st</sup> day of April and ending on 31<sup>st</sup> day of March, next year.
- h) “<sup>294</sup>[Pay” from 1.1.2016 means pay in the applicable level in the revised pay structure and dearness allowance but does not include any other pay like special pay, etc.

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<sup>294</sup>Amended in pursuance to the decision of the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019

- i) "Pension Fund Regulatory and Development Authority" (PFRDA) means the Authority established by the Central Government under the Pension Fund Regulatory and Development Authority Act.
  - j) "President" means the President of the Institute.
  - k) "Trust" means as defined in the Trust Deed of the "ICSI Employees New Pension Fund Trust".
  - l) "Trustees" means the Trustees of the "ICSI Employees New Pension Fund Trust" for the time being as appointed in terms of the provisions of the Trust Deed dated 6<sup>th</sup> March, 2009.
- II. Other terms and expressions which have not been defined under these Rules, shall have the same as assigned to them under "The Institute of Company Secretaries of India Service Rules, 1979" or as made applicable to the Institute from the New Pension Scheme of the Central Government.

#### **4. OBJECTS OF THE TRUST**

The objects and purposes of the ICSI Employees New Pension Fund Trust shall be:

- a) To constitute, operate and manage for the employees of the Institute appointed on or after 1<sup>st</sup> January, 2005, the New Pension Scheme as approved by the Council and as amended from time to time, in so far they are made applicable to the employees of the Institute.
- b) To formulate, operate and manage different categories of Pension Scheme for the employees of the Institute. The choice of the pension scheme would rest with the Member who will allocate his accumulations across the schemes in force.
- c) To pay to the employees of the Institute, who becomes a Member of the ICSI Employees New Pension Fund Trust, such amount(s) to which they may become entitled and in such a manner as may be prescribed in the ICSI Employees New Pension Fund Trust Rules from time to time.
- d) To formulate, operate and manage second tier voluntary scheme for the employees of the Institute out of the voluntary contributions made by them over and above the mandatory contributions to the Pension Schemes. No contribution shall be required to be made by the Institute to any such Scheme.

## **5. MEMBER**

- a) Every employee of the Institute appointed on or after 1<sup>st</sup> January, 2005 and every employee who will so join the services of the Institute on or after that date shall become a member of the “ICSI Employees New Pension Fund Trust”.
- b) Every such employee who shall become a member shall sign a declaration of agreement to comply with the Rules as set forth in the Form “A”.

## **6. MANAGEMENT OF THE TRUST**

The Trust shall be irrevocable Trust for the benefit of the Members thereof, managed by the Trustees, whose decision with reference to all matters and questions arising under or out of these Rules, so long as that decision does not involve a revocation of the Trust hereby constituted, shall be final and binding on all members or their representatives and the employers.

## **7. GENERAL RULES**

- a) The payment of Pension to the employees of the Institute appointed on or after 1<sup>st</sup> January, 2005, shall be regulated by the “ICSI Employees New Pension Fund Trust Rules, 2009.
- b) Every member shall contribute every month 10% (Ten percent) of his Pay to the Trust as regular contribution an amount representing, as defined in Rule 3(i) payable to him, fraction of Rupee less than 50 paise being dis-regarded and fraction of a Rupee equal to or exceeding 50 paise being regarded as One Rupee.
- c) <sup>295</sup>[The Institute shall make a contribution 14% of the Basic Pay and Dearness Allowance to the Trust w.e.f. 1st April, 2019].
- d) The contributions made by the Member and the <sup>296</sup>[prescribed] contributions made by the Institute and the investment returns thereon shall be deposited in non-withdrawable Pension Trust Tier-I Account.
- e) The contributions made by the Member and the Institute to Pension Fund Tier-I Account shall not be withdrawn or paid to the Member except in the manner and subject to the conditions as herein after provided.
- f) In addition to contributions to Pension Fund Tier-I Account, a Member of the Trust may, at his option and voluntarily, contribute such further amount, as he may decide on the date of appointment and thereafter on 1<sup>st</sup> April of each year, to the withdrawable Pension Fund Tier-II Account.

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<sup>295</sup>Amended in pursuance to the decision of the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019

<sup>296</sup>Amended in pursuance to the decision of the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019



- g) The Institute shall not make any contribution to the withdrawable Pension Tier-II Account.
- h) The employees of the Institute appointed on or after 1<sup>st</sup> January, 2005, shall not be eligible to the benefits of Pension, Provident Fund etc. under the existing Schemes of the Institute which are applicable to the employees appointed before 1<sup>st</sup> January, 2005

#### **8. INVESTMENT OF PENSION TRUST:**

- a) The ICSI Employees New Pension Fund Trust shall invest the contributions in Tier-I and Tier-II Pensions accounts in fixed income instruments and equities.
- b) The Trust shall devise and circulate to the Members covered by the rules three optional Schemes of investment, namely, A, B, and C having different ratios of investment in fixed income instruments and equities.
- c) The Investment of the funds in individual accounts shall be made in the fixed income instruments and equities on the basis of the option exercised by each Member.
- d) The option for investment in terms of Schemes A, B or C shall be exercised by the Member at the time of his appointment and thereafter in April each year. The Member shall not be permitted to change his option at any time during the year.
- e) The option exercised by the Member shall be applicable only to the investments made after the exercise of the option. The investments made earlier shall not be disturbed and shall continue to be made in accordance with the option already exercised.
- f) The Trust may avail of the services of the Pension Fund Regulatory and Development Authority (PFRDA) or the Fund Manager or any other agency for the purposes of the making investment of Pension Funds in Tier-I and Tier-II Account.

#### **9. EXIT FROM THE NEW PENSION SCHEME:**

- a) A Member can exit from the Pension Fund Tier-I of the Scheme on attaining the age of superannuation as may be prescribed in "The Institute of Company Secretaries of India Service Rules, 1979". At exit it would be mandatory for the Member to invest 40% of the pension wealth to purchase an annuity from an insurance company which is regulated by Insurance Regulatory and Development Authority (IRDA), to provide for pension for the lifetime of the employee and his/her family.

- b) In case the Member leave the Scheme before attaining the age of superannuation on account of death, resignation, termination or for any other reasons, it would be mandatory for the employee to invest 80% of the pension wealth to purchase an annuity from an insurance company which is regulated by Insurance Regulatory and Development Authority (IRDA), to provide for pension for the lifetime of the employee and his/ her family.
- c) The employee shall be free to withdraw the balance 60% or 20%, as the case may be, after leaving mandatory amount of 40% or 80% in terms of Rules (a) and (b) of Rule 9, which he may utilize in any manner. The amount so withdrawn shall not constitute pension investment and would attract **no** special tax treatment.
- d) An employee shall be free to withdraw from Tier-II Account part or all of his money at any time after making an application to the Trust.

#### **10. MISCELLANEOUS:**

- a) Till the monies contributed to the 'ICSI Employees New Pension Fund Trust - under Scheme, Tier-I and Tier-II are invested as provided in these Rules, the amount representing the contributions made by the employees and the matching contributions made by the Institute shall be kept by the Trust in Special Account and interest at the rate as may be prescribed by the Central Government under the New Pension Scheme shall be credited to the Pension wealth.
- b) The Institute shall make deductions of the contributions of the employees in respect of mandatory Tier-I of the Scheme from their pay and remit the same to the Trust along with matching contributions of the Institute.
- c) The Institute shall also make deductions of the contribution of the employees in respect of Optional Tier-II of the Scheme and shall remit the same to the Trust.

#### **11. ADMINISTRATION AND CONTROL OF THE TRUST**

The Trust hereby constituted shall vest in the Trustees and their successors in office irrevocably in Trust in accordance with the Deed of Trust dated 6<sup>th</sup> March, 2009. The Fund shall be held and managed by the Trustees for the time being in accordance with these Regulations. The provisions of Income Tax Act, 1961 and the Rules made under Income-tax Rules, 1962 in respect of Recognized Funds shall prevail and apply hereto. In case of any discrepancy or repugnance between the said provisions and Rules and these Regulations, except for the purposes of amendment of these regulations, the majority of Trustees may exercise all the powers of the Trustees. Any resolution passed by circulation and signed by all the Trustees for the time being in India shall be as valid and effective as a resolution duly passed at a regularly convened meeting of the Trustees. All matters relating to or connected with the Fund, the management or the administration and control

thereof or the rights and obligations of the Members and their heirs, executors, legal representatives and nominees hereunder, shall be vested in Trustees and their, decision thereon shall be final and binding on the Employers and Members and their heirs, executors, legal representatives and nominees.

## **12.MAINTENANCE OF THE FUND TRUST**

All moneys of the New Pension Fund Trust shall be kept deposited and / or invested in the manner prescribed in the Rules in the name of the "ICSI Employees New Pension Fund Trust" and shall be dealt with in accordance with these Rules and such accounts shall be operated on the authority and signature of any two Trustees.

## **13.ANNUAL STATEMENT TO EACH MEMBER**

A Statement of Account of each member as on 31<sup>st</sup> March of each year shall be prepared as in Form "B" and provided to the member who will certify in writing that the amount shown therein is correct.

## **14. ABSTRACT OF INDIVIDUAL ACCOUNTS**

An abstract for the year ended 31<sup>st</sup> March of each year of the individual account of each Member participating in the New Pension Fund in respect of whom a return is required to be furnished in terms of Rules framed, if any, under Income-Tax Rules, 1962, shall be furnished by the Trustees to the Income-Tax Officer specified in this regard each year.

## **15. NOMINATIONS**

- (1) Each member shall make a nomination in writing as in **Form "C"** conferring the right on his/her nominee or nominees to receive the amount that may stand to his credit in the fund in the event of his death, before that amount becomes payable, or having become payable, has not been paid.
- (2) If a member nominates more than one person under sub-rule (1), he/she shall, in his/her nomination, specify the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount that may stand to his credit in the Trust.
- (3) Where a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his/her family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

- (4) If at the time of making a nomination, the member has no family, the nomination may be made in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his/her family.
- (5) A nomination made by a member may, at any time, be modified by him after giving a written notice to the Trustees of his intention of doing so in **Form "D"**. such notice will automatically cancel the previous nomination.
- (6) If the nominee predeceases the member, the interest of the nominee shall revert to the member who shall thereupon make a fresh nomination in respect of such interest.
- (7) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Trustees.

## **16.ANNUAL ACCOUNTS**

The accounts of the ICSI Employees Pension Fund Trust shall be made up yearly as on 31<sup>st</sup> March.

## **17.ASSIGNMENT AND TRANSFER OF MEMBERS INTEREST IN THE TRUST**

- (1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the member and neither the official assignee appointed under the Presidency-Towns Insolvency Act, 1909, nor any receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled to, or have any claim on any such amount.
- (2) Any amount standing to the credit of a member in the Trust at the time of his death and payable to his nominee under the rules of the Trust shall, subject to any deduction authorized by the said rules, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

## **18.INDEMNIFICATION OF TRUSTEES**

The Institute shall hold every Trustee indemnified against all proceedings, costs and expenses occasioned by any claim in connection with the Fund not arising from his negligence or fraud.

## 19. CLOSING OF THE FUND

The Trust shall not be closed except in the case of the Institute of Company Secretaries of India being wound up.

## 20. ISSUE OF CERTIFICATE RELATING TO BALANCE AMOUNT

In all cases wherein a certificate shall be required of the amount of the balance standing in the books of the Trust to the credit of a deceased member for the purpose of obtaining probate or letters of administration or for any other purpose such certificate shall *inter alia* show whether there is any nomination or its modification which shall take effect to the extent there it was valid on the date it was received by the Trustees.

## 21. POWER TO MAKE NEW RULES

- (1) All matters or procedure and all ancillary matters not herein specifically provided for and requiring the framing of rules shall be regulated by such rules as the Trustees may from time to time make in that behalf, with the approval of the Council or Executive Committee of the Institute.
- (2) The Trustees shall have power at all times, subject to the approval of the Council or Executive Committee and the Income Tax authority, if required, to alter any of the regulations contained in these presents for the time being relating to the Fund and make new rules in modification or substitution of the rules for the time being in force.
- (3) While framing rules or altering them, regard shall be had to the following:
  - (i) They shall always be consistent with provisions of **Income-Tax Act, 1961** and rules made thereunder.
  - (ii) They shall always be consistent with the provision of PFRDA
  - (iii) They shall not affect the irrevocable nature of the Trust or make the property or income of the Fund in any case or under any circumstance revert to the Institute.
  - (iv) They shall not have retrospective effect so as to affect adversely the rights existing on the date of alteration in respect of the sums then at the credit of the member's accounts.
  - (v) No rules, or any modification thereof, shall take effect, unless they have been approved by the Income Tax authority having jurisdiction over the fund.

**22. SAVINGS:**

The Institute may, at its option, defer the provisions relating to Tier-II of the Scheme, for such time as it may consider necessary till the arrangements are made.

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEE'S NEW PENSION FUND TRUST**

**FORM OF AGREEMENT – RULE 5(b)**

I hereby declare that I have read the Rules of ICSI Employees' New Pension Fund Rules, 2009 and that I agree to be bound by them and by any subsequent additions to and alterations in the same as may from time to time hereafter be made in pursuance of Rule 21 of the said Rules.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Name in Full: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date of Joining Services: \_\_\_\_\_

Date of Joining Fund: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness(1) \_\_\_\_\_

Witness(2) \_\_\_\_\_

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES’ NEW PENSION FUND TRUST  
(As prescribed in Rule 13)**

Statement showing the Pension Wealth standing to the credit of Mr/  
Ms \_\_\_\_\_ Designation\_\_\_\_\_ in the  
Department \_\_\_\_\_ as on \_\_\_\_\_  
Pension Account No: \_\_\_\_\_ Folio Number of  
Account\_\_\_\_\_ Date of superannuation  
\_\_\_\_\_

The statement of account issued solely for his information.

Particulars	Contributions	
	Tier-I	Tier-II
Opening Balance as on _____		
Deposits during the year _____		
Withdrawals during the year under Tier- II _____		
Investment Returns _____		
Closing Balance as on _____		

Authorized Signatory



**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES’ NEW PENSION FUND TRUST**

Form of Nomination prescribed in accordance with Rule 15(1)

No.

Folio No.

The Trustees of the Institute of Company  
Secretaries of India Employees New Pension Fund Trust  
“ICSI House”  
22, Institutional Area  
Lodi Road,  
New Delhi – 110 003

I, \_\_\_\_\_

(NAME OF THE MEMBER IN BLOCK LETTERS)

s/o/d/o/w/o Shri/Smt. \_\_\_\_\_

hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the New Pension Fund Trust in the event of my death before that amount has become payable or having become payable, and has not been paid, direct that the said amount shall be distributed among the said persons in the manner shown against their names:

Sl. No.	Name of nominee(s) (Date of Birth)	Age	Percentage of share payable with the	Relationship employee	No.
---------	---------------------------------------	-----	--	--------------------------	-----

1.

2.

3.

Date \_\_\_\_\_

Signature of the Employee

**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA  
EMPLOYEES' NEW PENSION FUND TRUST**

(Form of modifying previous Nomination prescribed in  
accordance with Rule 15(5))

No.

Folio No.

The Trustees of the Institute of Company  
Secretaries of India Employees New Pension Fund Trust  
"ICSI house"  
22, Institutional Area  
Lodi Road,  
New Delhi -110 003

I, \_\_\_\_\_  
(NAME OF THE MEMBER IN BLOCK LETTERS)

s/o/d/o/w/o Shri/Smt. \_\_\_\_\_

employed as \_\_\_\_\_ in the service of the  
Institute of Company Secretaries of India hereby cancel the  
nomination made by me previously as regards the disposal of the  
amount that may stand to my credit in the New Pension Fund Trust in  
the event of my death before that amount has become payable or,  
having become payable, has not been paid, and direct that the said  
amount shall be distributed among the said persons in the manner  
shown against their names:

Sl. No.	Name of nominee(s)	Age (Date of Birth)	Percentage of share payable	Relationship with the employee
---------	--------------------	------------------------	--------------------------------	--------------------------------------

- 1.
- 2.
- 3.

Date \_\_\_\_\_

Signature of the Employee

**[MISCONDUCT]**  
**(See Rule 47 of ICSI Service Rules)**

"Misconduct", without prejudice to the generality of the term, shall include the following acts and omissions of any employee of the Institute:

- (a) Theft, fraud or any act of dishonesty in connection with the business or property of the Institute or of another person connected with the Institute;
- (b) Damaging, taking, offering or giving bribe or any illegal gratifications. If an employee who is in possession of pecuniary resources or property disproportionate to the known source of income either by him or on his behalf or another person and in case he fails to give satisfactory explanation for the same, then it will be presumed that he has acquired the property by illegal means;
- (c) Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment;
- (d) Acting in a manner prejudicial to the interest of the Institute;
- (e) Insubordination or disobedience, whether alone or in combination with others, of any lawful and reasonable order of his superior;
- (f) If an employee comes late or leaves earlier without prior permission more than three times in a month then he will be deemed to be habitually unpunctual;
- (g) Absence without leave or over-staying the sanctioned leave without sufficient grounds;
- (h) Habitual negligence or neglect of work or any act of gross negligence;
- (i) Damage to any property of the Institute;
- (j) Interference or tampering with any safety devices installed in or about the premises of the Institute or non-observance of safety instructions, security system, or the rules or the subject;
- (k) Drunkenness or riotous or disorderly or indecent behaviour as quarrelling on the premises of the Institute or outside such premises where such behaviour is related to or connected with the employment
- (l) Gambling or playing cards within the premises of the Institute
- (m) Smoking within the premises of the Institute where it is prohibited;

- (n) Collection without the written permission of the competent authority of any money/contribution within the premises of the Institute
- (o) Sleeping or idling while on duty or during duty hours or adopting any dilatory tactics
- (p) Commission or any act which amounts to a criminal offence involving moral turpitude
- (q) Absence of the employee from his appointed place of work without permission or sufficient reason.
- (r) Commission of any act subversive of discipline or of good behaviour
- (s) Abetment of or attempt at abetment of any act which amounts to misconduct
- (t) Being adjudged insolvent;
- (u) Breach of orders or of any rules or instructions issued for the maintenance and running of the Institute's office or maintaining its cleanliness
- (v) Discrediting the Institute in the eyes of the Public, community or Government damaging or attempting to damage its goodwill, or its reputation
- (w) Misbehaving with the Institute's staff/Members/Students or with the public in the Institute's premises;
- (x) Leaving station of posting without the permissions of the competent Authority;
- (y) Threatening or intimidating any employee(s) in relation to the working of the Institute;
- (z) Unauthorised communication or disclosure of information, concerning policy matters or any project investigation or research scheme, or business carried out by the Institute or any matters relating to Institute which may come to his knowledge in the course of his employment
- (aa) Writing of anonymous or pseudonymous letters, writing to any superior authority jointly or in combination or writing with name to any superior authority without routing through proper channel or addressing a communication to or approaching an authority other than those permitted by these rules or forwarding advance copies of appeals and applications to any authority
- (ab) Loose talks, and spreading false rumors
- (ac) Unauthorized use or possession of any property, machinery, tools, vehicles or land belonging to the Institute
- (ad) Willful falsification, defacement or destruction of personal records or any other records of the Institute;

- (ae) Failure to report to a Doctor as recommended by the Institute for being medically examined when directed to do so;
- (af) Refusal to accept charge sheet or warning notice or any communication issued by the Institute or for and on its behalf;
- (ag) Not taking proper care of the Institute's property and equipment etc., handed over to an employee in connection with the nature of his employment or otherwise;
- (ah) Leveling false allegations against any employee of the Institute orally or in writing;
- (ai) Bringing any lethal or dangerous weapons or any prohibited article inside the Institute without permission;
- (aj) Distributing or exhibiting within the premises of the Institute or its vehicles any handbills, pamphlets or posters without the previous written sanction of the Institute;
- (ak) Attending or holding meeting within the premises of the Institute without previous written permission of the Institute;
- (al) Canvassing for unions or associations or party membership or the collections for union, associations or party dues, funds or contribution etc., within the premises of the Institute without prior written permission of the Institute;
- (am) Shouting slogans or any other activity calculated to disturb the peace within the premises of the Institute;
- (an) <sup>297</sup>[Sexual harassment of women employees at work place.
- (ao) Such other instances, without prejudice to the generality of the term 'misconduct' as may be determined by the Secretary from time to time.

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<sup>297</sup>Amended in pursuance to the decision of the 262<sup>nd</sup> Meeting of the Council held on 7.8.2019

## SCHEDULE 'H'

### **Grievance Redressal Mechanism for the employees (See Rule 73 of ICSI Service Rules)**

2. The objective of the grievance redressal procedure is to provide an easily accessible machinery for settlement of grievances to all the employees and to adopt measures in ICSI as would ensure expeditious settlement of grievances of employees within the framework of the Institute's rules and procedures in force from time to time.
3. Grievance for the purpose of this procedure would only mean individual grievance and the matters under the scope of this procedure, which can be invoked by an aggrieved employee shall be those relating to the following:
  - Salary payment
  - Fixation of Basic Pay
  - Recoveries of dues
  - Increment
  - Working conditions
  - Leave
  - Medical facilities
  - Non-extension of benefits under rules
  - Transfer
  - Promotion
  - Supersession
  - Like issues etc
4. The grievance arising out of the following shall not come under the purview of the grievance procedure:
  - (i) Terms of appointment settled prior to joining
  - (ii) Annual performance appraisal
  - (iii) Where the grievance does not relate to an individual employee.
  - (iv) Any grievance arising out of removal or dismissal of an employee
  - (v) Non-exercise of a discretion vested with the Competent Authority in favour of the aggrieved employee.
  - (vi) Grievances pertaining to or arising out of disciplinary action or appeal against such action shall be channelled to the Competent Authority as laid down under the Conduct, Discipline and Appeal Rules of the Institute and in such cases the grievances redressal procedure shall not apply.
  - (vii) Any other matter as may be decided with the approval of the Competent Authority.
  - (viii) The Committee shall preferably meet in every six months or as per the requirement.
5. A Grievance Committee shall be constituted for resolving the grievances of employees. The Grievance Committee shall consist of the following members :-

Officer of the level JS to be nominated by the Secretary	Chairman
Head of Department of HR	Member
Head of the concerned Department	Member

The Committee can nominate one member from the Regional Offices/CCGRT/COE, in case the complaint pertains to that Region/ Office.

The Committee thus constituted shall continue to function so long as no further changes are required in its constitution.

5. The Committee will consider the individual grievance of the employee as per the procedure described below.

**(a) Stage-I**

The aggrieved employee shall take up his grievance orally with his immediate superior who will give a personal hearing and try to resolve the grievance at his level within 7 days.

In case the employee is not satisfied he can submit his grievance in writing within 15 days from the date on which the act of grievance arose or came to his notice to his/her concerned Head of the Department in the enclosed format.

The concerned Head of Department will record his comments & reply to employee within 7 days of the receipt of the grievance, after making necessary enquiries/obtaining necessary guidelines from other departments, if any, as required.

**(b) Stage-II**

In case the employee is not satisfied with the decision of the HOD or he/she feels that his/her grievance is not satisfactorily redressed by his HOD or if he/she fails to receive the reply within stipulated period, the aggrieved employee may submit his grievance in writing within a period of 45 days from the date on which the act of grievance arose or came to his notice to the Grievance Redressal Committee constituted for the said purpose.

The Committee will examine the details of the grievance and may also discuss with the aggrieved employee, if felt necessary. The Committee shall give its reply to the aggrieved employee within 30 days from the date of receipt of the grievance.

**(c) Stage-III**

In exceptional cases, the aggrieved employee who is not satisfied with the decision will have an option to appeal to Secretary. The Secretary will

take a decision and communicate the same within 30 days from the receipt of the appeal and his decision will be final and binding.

6. The employee shall bring up his grievance immediately and in any case within a period of three months of its occurrence. If the grievance arises out of an order given by the Management, the said order shall be complied with before the employee concerned invokes the procedure laid down for redressal of his grievance.