

COPY

**OFFICERS APPOINTMENT, PAY AND ALLOWANCES
REGULATIONS, 1988**



**NATIONAL DAIRY DEVELOPMENT BOARD
ANAND – 388 001**

**THE NATIONAL DAIRY DEVELOPMENT BOARD
OFFICERS (APPOINTMENT, PAY AND ALLOWANCES)
REGULATIONS, 1988**

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**THE NATIONAL DAIRY DEVELOPMENT BOARD
OFFICERS (APPOINTMENT, PAY AND ALLOWANCES)
REGULATIONS, 1988.**

In exercise of the powers conferred by section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling him in that behalf, the Chairman performing the functions of the Board of Directors in accordance with section 40 of the said Act, hereby makes the following regulations, namely:

CHAPTER I

PRELIMINARY

1. Short Title and Commencement *

- (1) These regulations may be called the National Dairy Development Board Officers (Appointment, Pay and Allowances) Regulations, 1988.
- (2) They shall come into force on the date of their publication in the Gazette of India.

2. Application.

- (1) Save as otherwise expressly provided by the terms of contract, agreement or order of appointment, deputation or secondment, these regulations shall apply every Officer of the National Dairy Development Board.
- (2) For the removal of doubts, it is hereby declared that every –
 - (a) Managed Unit, or
 - (b) Subsidiary Unit, or
 - (c) Pilot Project,
 Shall continue to have their respective separate identify, and that these regulations shall not apply—
 - (i) to any person employed in any of them unless otherwise decided by the Board in relation to each of the Units or projects, or
 - (j) to any person employed in any Subsidiary Company, of which NDDB is a participant.
- (3) Notwithstanding anything contained in sub-regulation (2), every officer of the NDDB who is on assignment to a Manage Unit, Subsidiary Company, Subsidiary Unit or Pilot Project, shall be governed by the provisions of these regulations

* For amendments please see Annexure – I.

3. Definition

- (1) In this regulations, unless the context otherwise requires-
- (a) “Act” means the National Dairy Development Board Act, 1987 (37 of 1987);
 - (b) “Appointing Authority”, in relation to any officer, means the authority or officer, for the time being, competent to make appointment to the post of held by the officer, or to the grade applicable to the said officer;
 - (c) “Authority”, includes the Chairman, Managing Director or any other officer designated for the purpose;
 - (d) “Board”, means the Board of Directors of the National Dairy Development Board;
 - (e) “Chairman”, means the Chairman of the NDDDB, being the full-time Chief Executive thereof, and so long as the post is continued to be held by the Chairman who held the same on the appointed day, (being a person in receipt of any salary) it shall be deemed to be an honorary post for which the salary payable shall be nil and all other conditions including allowances and perquisites shall be such as may be determined by the Central Government;
 - (f) “Competent Authority”, in relation to any officer or other employee or with respect to any matter, means the Board or the Chairman or any other Authority to whom the Board or Chairman has delegated the power in relation to officer or other employee, or in respect of the matter, as the case may be;
 - (g) “employee”, means an officer or workman of the National Dairy Development Board;
 - (h) “Government”, means the Central Government or any State Government;
 - (i) “Government Servant”, mean a person who is a member of a service or who holds a civil post under the Central or a State Government and includes any such person on foreign service;
 - (j) “lien”, means the right of an officer to hold substantively, either immediately or on the termination of a period or periods of absence, a post which he has been holding in a permanent capacity;
 - (k) “month”, means month reckoned according to the British calendar
 - (l) “Managing Director”, means an officer of the NDDDB holding a post designated as Managing Director thereof;

- (m) “Managed Units”, means an organisation managed by NDDB but not owned by it and includes the following, namely
1. Sabarmati Ashram Gaushala
 - *2. Sugam Dairy;
 - *3. Mother Dairy; Calcutta;
 - *4. Patna Dairy Project;
 - *5. Bhavnagar Vegetable Product Unit;
 - *6. Rohtak Dairy Project;
 - *7. Rashtriya Vriksha Mitra Sahyog;
 - *8. Surat APS;
- (n) “National Dairy Development Board”, or “NDDB” means the body corporate constituted under section 4;
- (o) “Officer”, means an employee of the National Dairy Development Board other than a workman within the meaning of the Industrial Disputes Act, 1947 (14 of 1947) or any other corresponding law, for the time being in force;
- (p) “Officiate”, in relation to an officer with reference to any post, means the performance of duties by an officer in that post by way of a temporary arrangement;
- (q) “Organisation”, includes a Firm;

- (r) “Pilot Project”, means a project which is undertaken by the NDDB to demonstrate alternate innovative strategies and includes the projects known at the commencement of these regulations as hereunder, namely.
- *1. Fruit and Vegetables Unit;
 - *2. Tree Growers Cooperative Project;
 - *3. Salt Project;
 - *4. Rural Electricity Cooperative Project;
 - *5. Fisheries Project;
- (s) “permanent officer”, means an officer who is employed against the permanent post and who has been duly confirmed;
- (t) “personal pay”, means additional pay granted to an officer-
- (a) to save him from a loss substantive pay in respect of a permanent post due to a revision of pay, or to any reduction of substantive pay otherwise than as a disciplinary measure or
 - (b) in exceptional circumstances, on special considerations;
- (u) “section”, means the section in the Act;
- (v) “Subsidiary Company”, means a subsidiary Unit or Project of the NDDB registered as a Company under the Companies Act, 1956 (1 of 1956), and includes the following namely: [>]
- ** Hindustan Packaging Company Limited;
- (w) “Subsidiary Unit”, means a subsidiary or a Unit owned by NDDB whether managed by it or not and includes the following, namely: [>]
- ***1. Mother Dairy, Delhi;
 - ***2. Indian Dairy Machinery Company;
 - ***3. Indian Immunologicals;

* No more Pilot Projects of NDDB.
 ** No more Subsidiary Company of NDDB.
 *** No more Subsidiary Units of NDDB.
 > For amendments please see Annexure – I.

- (x) “trainees”, means a learner, by whatever name called who is engaged to undergo training, whether with or without stipend, in terms of a special agreement and who will not be regarded as an employee of the NDDB;
- (y) “temporary officer”, means an officer –
 - (i) who is engaged temporarily for doing work which is likely to be completed within a limited period; or
 - (ii) who is employed temporarily as an additional officer in connection with the temporary increase in workload.
- (z) “workman”, means any person (including an apprentice) employed in the NDDB to do any manual, unskilled, skilled, technical, operational clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, but does not include any such person ---
 - (i) who is employed mainly in a managerial or administrative capacity; or
 - (ii) who
 - (a) being employed in a supervisory capacity, draws wages, exceeding one thousand six hundred rupees per mensem, or
 - (b) exercise functions mainly of a managerial nature, either by the nature of the duties attached to the officer or by reason of the powers vested in him.

Explanation: In this clause the term “wages” shall have the same meaning as it has under the Industrial Disputes Act, 1947 (14 of 1947) for the time being in force.

- (2) All words and expressions used not defined in these regulations but used in the Act, shall have the meanings respectively assigned to them under the Act.

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CHAPTER II

APPOINTMENTS, PROBATION AND TERMINATION OF SERVICES

4. Creation of Posts and Appointments

- (1) All posts in the NDDDB shall be created by the Board, and the Board may, by order, delegate, subject to such general or special conditions as it may deem fit to impose, the powers of appointment of any officers or class of officers, to a Managing Director or to such other officers as it may specify:

Provided that such delegation shall not be made except in favour of a Managing Director or any other senior officer in the higher grade in relation to officers drawing salary in any grade, the minimum of which is not less than Rs. 2200/- per month.

- (2) Without prejudice to the generality of the power of the Chairman under the Act, for the removal of doubts, it is hereby declared that the Chairman shall be competent to perform the functions of the Board for the purpose of sub-regulation (1) and where he does so, the same shall be reported to the Board.
- (3) Every delegation of powers of appointment, made after the appointed day, and before the commencement of these regulations by the Board, or by the Chairman exercising the powers of the Board, shall be deemed to be a delegation made under this regulation and be as valid and effective as if these regulations were in force on that day.
- (4) In respect of all posts in the NDDDB, whether existing at the commencement of these regulations or created by the Board thereafter, it shall be competent for the Board to specify the educational or other qualifications that are necessary or desirable:

Provided that, in relation to posts held by officers at the commencement of these regulations, the specification of qualifications under this sub-regulation shall not be deemed to affect the continuance in the posts by the officers holding them.

5. Verification of Character and antecedents

The appointing Authority as to its discretion shall verify the character and antecedents of a person selected as an officer in such manner as he may deem fit.

6. Pay and Appointment

All first appointments shall ordinarily be on the minimum basic pay of the grade applicable to the post to which the officer concerned is appointed:

Provided that the Chairman or a Managing Director authorised by him in that behalf, may, having regard to the circumstances of any case, authorise the fixation of starting basic pay at any stage in the grade.

7. Age Limit

- (1) The age of a person at the time of his first appointment to the service of the NDDB shall not be less than eighteen or more than thirty years.
- (2) The Chairman may, having regard to the circumstances attendant thereto, declare that in any particular case or any class or category of cases, there shall be no age limit.

8. Commencement of Service

Save as otherwise provided under these regulations, services of an officer appointed to any post shall be deemed to commence on the working day on which an officer reports for duty at the place and time intimated to him by the Appointing Authority, provided that such reporting is in the forenoon, and where the reporting is thereafter, the service shall commence on the following day.

9. Probation on Appointment

- (1) Every person appointed to a post as an officer shall, on his first appointment, be on probation for a period of not less one year from the date of his appointment and the period of probation shall continue unless he is confirmed in writing by the Appointing Authority.
- (2) The Chairman may, at his discretion, dispense with or reduce the probationary period.
- (3) It shall be a condition of the appointment and of the commencement of service that, during the period of probation, the officer shall be liable to be discharged from the service without any reason being assigned by giving one month notice or pay in lieu thereof.

10. Appointment by promotion

- (1) Appointment to any post by promotion of an officer already in service, shall be made by the Competent Authority only after having regard to the number of vacant positions, the needs of the NDDB and the meritorious service rendered by that officer.
- (2) An officer to be eligible for promotion to a post shall be within the age limit and possess the qualification specified for the post and shall have to put in atleast five years of service in the lower post and this may be relaxed by the Chairman, in exceptional cases, an on the recommendation of a Managing Director.
- (3) The educational qualifications, experience, age etc. specified for any post may be relaxed, in the case of an officer for the purpose of his promotion, by the Chairman on the recommendation of a Managing Director.
- (4) Nothing in this or any other regulation shall be deemed to imply that an officer is entitled to promotion as a matter of right or to enable him to assert any claim in respect thereof.

11. Probation on promotion

- (1) Every officer who is promoted to a higher post (including any workman promoted as an officer) shall be deemed to be on probation in the higher post for a period of not less than one year from the date of his appointment on promotion and the period of probation shall continue unless he is confirmed in writing in the higher post by the Appointing Authority, and during that period, the officer shall retain his lien on the lower post and the period shall count as confirmed service in that lower post for all purpose.
- (2) The Appointing Authority may, at its discretion, dispense with or reduce the period of probation.
- (3) It shall be the implied condition of every promotion to a higher post that, during the period of probation in the higher post, the officer shall be liable to be reverted to the lower post without any reason being assigned or notice being given.

12. Certificate of Health

No person shall be appointed to any service or post the National Dairy Development Board unless he has been certified to be of sound constitution and medically fit to discharge his duties by a qualified medical practitioner approved by the Chairman and the expense towards such examination shall be brone by NDDB.

13. Temporary officers not to claim permanency as of right

Any person appointed as an officer against a temporary vacancy cannot claim permanency or have a prior claim in relation to any employment of a permanent nature on the ground –

- (a) that he has been discharging duties of a permanent nature or of a permanent post; or
- (b) that he has been employed temporarily against a permanent post; or
- (c) that his term of engagement has been extended beyond the period originally fixed.

14. Ex-employee normally ineligible

No person –

- (i) who has dismissed from the service of NDDDB shall be eligible for appointment to any post;
- (iii) who resigned or was retired from the service of NDDDB or whose service was terminated by NDDDB, shall be eligible for appointment to any post.

15. Record of Age

- (1) Every officer shall declare on his first appointment, and on his being required at any time so to do by the Competent Authority, his date of birth according to the Christian era and he shall produce evidence thereof to the satisfaction of such Authority, by providing the birth certificate, school leaving certificate or any other document acceptable to the Authority.
- (2) An officer, who is unable to produce the evidence as required under sub-regulation (1), may be permitted by the Appointing Authority, on being satisfied that the difficulty is genuine, to file an affidavit sworn before a Magistrate or an Oath Commissioner making a declaration that the age as stated by him is correct provided that in the even of the statement being found at any time to be false, his employment shall liable to be terminated at anytime and every such termination shall be without prejudice to any other legal action that may be taken against officer:

Provided that in every such case an opportunity to show shall be given to the officer concerned, before making an order of termination.

- (3) Any person aggrieved by an order of termination under sub-regulation (2) may file an appeal to a Managing Director within thirty days of the order and the Managing Director may make such enquiry (or cause such enquiry to be made) as he may deem fit and pass such orders thereon as may be appropriate, and every such decision of the Managing Director shall be final.
- (4) In the case of an officer who is unable to swear to his exact date of birth, but can give approximately the year or month, the first of July in the former case and the first of the month in the latter case, may be treated as the date of birth for the purpose of the records of the NDDB if the age is duly certified by a medical officer authorised by the Board, and the opinion of the medical officer as to the age of the officer shall be final and binding on the officer.
- (5) No officer shall thereafter be allowed to alter or question the age declared by him at the time of his employment or the age determined and accepted by the NDDB.

16. Consequence of particulars being false or suppressed

- (1) If any of the particulars given by an officer before or at the time of appointment, are subsequently found to be false or incorrect, or it is found that any of the material particulars have not been disclosed by him, the appointment shall be deemed to have been obtained on misrepresentation and liable to be terminated summarily by the Appointing Authority, and every such termination shall be without prejudice to any other action that may be taken in respect thereof:

Provided that in every such case an opportunity to show cause shall be given to the officer concerned, before making an order of termination.

- (2) Any person aggrieved by an order of termination under sub-regulation (1) may file an appeal to the Managing Director within thirty days of the order and the Managing Director may make such enquiry (or cause such enquiry to be made) as he may deem fit and pass such orders thereon as may be appropriate and every such decision of the Managing Director shall be final.

17. Relinquishment of service by officers and discharge of probationers.

(1) Every officer who is holding a permanent post shall be bound to give three months notice in writing to the Appointing Authority, of his intention to leave or to discontinue the service before he can be relieved from the post he is holding, and where such notice has been received it shall be open to the Appointing Authority to dispense with the service of the officer forthwith and in every such case the officer, shall be eligible to receive an amount equivalent to the salary for unexpired period of notice aforesaid.

(2) Every officer on probation may –

(i) request for his discharge from service by giving notice of one month or pay in lieu thereof:

Provided that, in relation to any officer who is holding a permanent post and is on probation in a higher post, the provisions of sub-regulation (1) shall apply;

(ii) be discharged from service during the period of probation with notice of one month or pay in lieu thereof and without assigning any reason:

Provided that in the case of an officer who is holding a permanent post but is on probation in a higher post, he shall not be discharged but may be reverted to his permanent post with out any reason being assigned or notice being given.

(3) It shall be competent for the Appointing Authority to direct that the period of notice may be reduced by adjustment against eligible leave or payment in lieu of notice period or otherwise.

18. Termination of service of confirmed officer.

(1) The services of an officer who has been confirmed in a post in the NDDB shall not be terminated except in accordance with the provisions contained in these and other regulations of the NDDB applicable to him.

(2) Where the Chairman or a Managing Director is satisfied, on-receipt of information or otherwise, that the continuance in service of any officer who has been confirmed, would adversely affect the security of the establishment in which he is to function or is functioning, or is detrimental or hazardous to the public interest, he may, notwithstanding anything contained in these or other regulations, terminate the service of the officer for reasons to be recorded (which shall be communicated to him at the time of discharge) on giving him three months' pay in lieu of notice:

Provided that in every case where it is practicable the officer shall be given an opportunity to show cause before directing the termination:

Provided further that where the Chairman or the Managing Director, as the case may be, is satisfied that the disclosure of reasons would be prejudicial to the NDDDB or to the officer and expose either of them to civil or criminal proceedings, such information may be withheld for reasons to be recorded in writing.

- (3) In every case where the service of an officer has been terminated under sub-regulation (2), the officer shall be paid such amounts (not exceeding the amounts to which he may be entitled if he had retired on the date of termination) as may be determined by the Chairman or a Managing Director.
- (4) Every order under sub-regulation (3) making a determination of the amount payable to an officer whose service has been terminated shall be appealable within thirty days of the communication of the order of determination, to the Chairman where the order has been passed by a Managing Director, and every such decision shall be final.

19. Superannuation and retirement

- (1) Save as otherwise provided in this regulation, every officer in the service of the National Dairy Development Board shall retire on attaining the age of fifty eight:

Provided that the Chairman may, in the case of any officer, who has attained the age of fifty eight direct his continuance in service for such period and on such terms as the Chairman may deem fit, if in his opinion it is necessary so to do in the interest of the NDDDB.

- (2) Notwithstanding anything contained in sub-regulation (1), the Appointing Authority shall, on being satisfied that it is in the interest of the National Dairy Development Board so to do, have the absolute right, in respect of any officer in service who has attained the age of fifty year or has completed thirty years of service –
 - (i) to retire him by giving him notice in writing of not less than three months or salary for three months in lieu thereof:
 - (ii) to give him the option of continuing in a lower post and if he accepts, give directions accordingly, subject to the officer giving in writing that he has accepted the retirement from service, waiving the period of three months notice required for the purpose, and that he requests to be continued in service in the lower post.

- (3) Every officer who has opted to be retired from the permanent post and for continuance in a lower post shall not be eligible for promotion to the higher post from the period for which he continues in service, and he shall also be liable to be discontinued from the service altogether at any time if the Appointing Authority considers it necessary so to do in the interest of the NDDB.
- (4) Every person who has been retired under sub-regulation (2) (other than an officer who has opted to be continued in a lower post) may appeal to the Board in writing within thirty days against the decision and the Board may, after making enquiry or causing enquiry to be made, pass such orders thereon as it may deem fit.

Provided that for the period for which the Board has not been constituted in accordance with section 8 of the Act, the orders of the Chairman shall be final.

20. Option to retire in certain cases

- (1) An officer of the National Dairy Development Board who has attained the age of fifty years or who has completed twenty years of service, may by giving notice of not less than three months in writing to the Appointing Authority, retire from the service of the National Dairy Development Board.
- (2) In the case of an officer who retires from service in accordance with sub-regulation (1), a weightage of upto five years may be added to the qualifying service for the purpose of gratuity subject to the condition that, by so doing, the officer does not get qualifying service in excess of the qualifying service he would have got had he retired on superannuation and that the qualifying service together with the weightage does not exceed thirty years.
- (3) Every officer who retires under these regulations or opts for retirement will be entitled to benefits under Provident Fund and Superannuation, Gratuity, Leave Encashment, Travelling Allowance and other benefits as normally admissible.

21. Requirement of Medical Examination

- (1) The Chairman may, having regard to the nature of the duties and other attendant circumstances, require any officer or class of officers to undergo medical examination at such interval and before such medical practitioner or institution as the Chairman may deem fit and it shall be competent for the Chairman to act on the report of medical practitioner or institution, as the case may be.
- (2) The expenses for the medical examination under sub-regulation (1) shall be borne by the NDDB.

22. Retirement on medical grounds

- (1) The Chairman after considering the report of the medical practitioner referred to in regulation 21 and after making such other enquiry as he may deem fit, if satisfied that the officer is incapacitated or otherwise medically unfit, by order, retire the officer from service by giving him notice of three months or pay in lieu thereof:

Provided that where an officer fails to undergo medical examination as required under section 21, the Chairman may act, on the information available.

- (2) Before passing an order of retirement in accordance with sub-regulation (1), the Chairman shall give the officer concerned a copy of the report (wherever available) of the medical practitioner or of the institution, and an opportunity to show cause.
- (3) The officer who is retired under this regulation shall be entitled to proportionate retirement benefits, even in cases where he would not have put in adequate service or has not been able to comply with the normal eligibility conditions for the receipt of proportionate retirement benefits.
- (4) Any officer who has been retired under this regulation may file an appeal, within thirty days of the order of retirement, to the Board and the Board may pass such orders thereon as it may deem fit, and every such order shall be final.

23. Date of Retirement

In the case of an officer who completes the age of retirement on any day of month, he shall retire in the afternoon of the last day of the month.

24. Privilege Leave on Retirement and Encashment

- (1) Where an officer has not been able to avail of the privilege leave earned by him before the date of his retirement in spite of his having applied for it in advance before that date on account of leave having been refused by the Competent Authority he may be permitted to avail of the leave after the normal date of retirement, and in every such case the officer shall retire from the service on the date of expiry of the period of such leave.
- (2) Where an officer has accumulated privilege leave previous to his retirement which he did not avail of before retirement, he may be allowed encashment of leave subject to a maximum of 300 days which shall be equivalent to the salary drawn immediately before retirement, calculated for the period for which such encashment was admissible.

25. Postponement of retirement pending disciplinary action

Notwithstanding anything contained in the foregoing regulations, it shall be open to the Competent Authority to postpone the retirement or to refuse permission for the retirement of an officer in respect of whom disciplinary proceedings are impending or initiated.

26. Voluntary Retirement

- (1) It shall be competent for the Board or for the Chairman with the previous approval of the Board, to formulate any agreement to facilitate the retirement of any class or category of employees, if the Board or the Chairman, as the case may be, is satisfied that in the interest of the institution it is necessary so to do.
- (2) In evolving the formulation for retirement under this regulation, the Board or the Chairman, as the case may be shall have due regard to the need for carrying out of its varied functions more effectively and the promotion of the interest of the institution in general.

27. Abandoning duty after period of leave or otherwise.

If any officer remains absent beyond the period of leave originally granted or subsequently extended or remains absent without leave or permission or fails to return to his post after his outside assignment within the period allowed for the purpose, he shall lose his lien on his probation:

Provided that in a case where the officer returns within eight days of the period aforesaid and furnishes an explanation to the satisfaction of the Competent Authority, he may be permitted by that Authority to rejoin the post.

28. Specifying date of birth in certain cases

- (1) Where there is reason to believe that the date of birth furnished by any officer to the NDDB, in his application for appointment or any other official records of the NDDB, has to be substantiated, the Managing Director may, by order, call upon the officer to produce satisfactory evidence to establish the date of birth as given and if the officer concerned is unable to produce documentary evidence to the satisfaction of the Managing Director, he may be called upon to undergo examination before a medical practitioner specified for the purpose.
- (2) A copy of the report (if available) of the medical practitioner shall be given to the officer concerned.
- (3) The Managing Director, may after consideration of the report of the medical examiner, if available, any other evidence that may be produced and the representation made by the officer, if any, on the medical report specify the date of birth or the month or year in relation thereto, as the case may be, and pass such orders thereon as he may deem fit determining the date of birth of the officer.

- (4) A copy of the order made under sub-regulation (3), shall be served on the officer in respect of whom the order is made
- (5) Any officer, aggrieved by the order under sub-regulation (3), may appeal to the Chairman, and the Chairman may, after giving an opportunity to represent his cause, pass such orders as he may deem fit and every such order shall be final.

29. Length of service of existing officers

For the purpose of computation of service of any officer, who was already in service immediately before the appointed day, in the NDDB as it stood then, or in the erstwhile Indian Dairy Corporation (dissolved company), his earlier admissible service in the relevant corresponding grade in the respective organisations shall also be taken into account.

30. Appointment of Experts

The chairman may, having regard to the needs of the institution, appoint on contract or otherwise, experts with specialised knowledge and experience in any field on such terms and conditions designations as the Chairman may deem appropriate.

CHAPTER III**PAY AND ALLOWANCES****31. Scale of pay**

The scale of pay, dearness allowance and other allowance (wherever payable) to the officers shall be such as may be specified by the Board, from time to time, and different pay and allowances may be specified in relation to different class or category of officers.

32. House Rent Allowance

The House Rent Allowance payable to an officer shall be such as the Chairman may determine from time to time, and the Chairman shall be competent to specify different rates in relation to different class or category of Officers.

33. Site Allowance

An officer who is assigned to work on a project site may be paid such site allowance as the Chairman may, from time to time, specify and the payment of the allowance shall be subject to such terms and conditions as may be stipulated by the Chairman.

34. Project Allowance

An officer who is assigned to any work which necessitates his taking up residence in the project area where the living conditions are difficult, may be allowed a project allowance by the Chairman subject to such terms and conditions as may be stipulated by the Chairman.

35. Officiating Allowance

The Competent Authority may direct an officer in writing to perform the work of a higher post temporarily and for this purpose he shall be paid such monthly allowance as may be approved by the Chairman depending on the post he has been directed to officiate.

36. Commencement and Cessation

An officer shall draw the salary of the post to which he is appointed from the date he assumes charge of the post, and shall continue to draw the same as eligible upto the date he relinquishes charge:

Provided that in the case of an officer who dies while in service, the salary shall cease to be payable with effect from the day following that on which the death occurs.

37. Officers on transfer

When an officer is transferred from one post to another, he shall during the period of the admissible joining time, draw salary and allowances as applicable to the former post or to the latter post, whichever is less at the time of availing the joining time.

37.A Transfer of services of Officers to other institutions **

- (1) Where a company is formed in pursuance of Section 43 of the Act to take over the ownership or management of any undertaking of the National Dairy Development, notwithstanding anything contained in these or other Regulations, services of every officer, employed or working therein on a continuous basis immediately previous to the takeover of that undertaking, shall stand transferred to the concerned company, and thereafter be governed by the rules of the company :

Provided that every such officer shall be entitled to receive from the company pay, allowances, gratuity and such like terms and conditions which are not less favourable than what was applicable to the officer immediately previous to the transfer, and full credit shall be given to the earlier service for the purpose as if the service had not been interrupted.

- (2) In a case where any such office as referred to in sub-regulation (1), reports in writing, within ten days of notice, not to serve the company referred to therein the services of that officer shall stand terminated forthwith as if the services of the concerned officer is no longer required, subject only to an entitlement of fifteen days pay and dearness allowance, if any, for every completed year of service, together with three months pay in lieu of notice in the case of a confirmed officer, and one month pay in any other case.
- (3) The provisions of sub-regulations (1) and (2) shall *mutatis-mutandis* apply to every case where the Board deems it appropriate to transfer, by written agreement, the management of any of its undertaking to any other institution.

Explanation : the expression “undertaking” in this regulation will include any division or business of the Board which has been treated by it as a separate entity by maintaining separate account or other wise.

** Amended by the Gazette of India : Extraordinary dtd. 16.02.2001

38. Provisions on increment.

- (1) Save as otherwise provided in these or other regulations, the following service shall count as service for the purpose of increments.
 - (a) Service (excluding any period spent on extraordinary leave by including any period spent on medical grounds) in a post on a scale of pay counts in that scale :
 - (b) Service (excluding any period spent on extraordinary leave by including any period spent on medical grounds) in a higher post counts for increment in a lower post;
 - (c) Period spent by an officer on foreign service counts for increments in the post in which the officer holds a lien;
 - (d) Service in another post of the same rank, service on deputation and, where the Chairman so directs, any leave other than extraordinary leave, shall count for increments in the pay scale in which the officer has been confirmed.
- (2) On or after the commencement of these regulations, dates on which increments shall fall due shall be confined to the first of January and the first of July in every year.
- (3) In the case of officers who are in the service at the commencement of these regulations,
 - (a) if the increments falls due between first of July and first of January thereafter, he shall be eligible for increment on the first of July and on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar, the maximum in the scale;
 - (b) If the increment falls due between first day of January and first day of July, he shall be eligible for increment on the first day of January and on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar, the maximum in the scale.
- (4) In the case of officers appointed after the commencement of these regulations, the first increment shall fall due on the first of January or the first of July whichever comes earlier after the expiration of minimum of six months, and he shall be eligible for increment thereafter on the same date in the subsequent years until he reaches the efficiency bar, or where he has crossed the efficiency bar until he reaches the maximum scale.
- (5) The granting of first increment under sub-regulation (3) shall not be taken in support of satisfactory completion of probation or be deemed to imply his confirmation in the service.

- (6) An officer shall not be entitled to draw an increment.
- (i) beyond the stage of efficiency bar in a grade until he is given a positive certificate of efficiency to make him eligible to cross the efficiency bar by the Competent Authority.

Provided that the Competent Authority shall give the positive certificate of efficiency only where the Authority is satisfied about the past satisfactory performance of the officer : or

- (ii) It is withheld as a disciplinary measure.
- (7) Every order withholding an increment of an officer shall state the period for which it is so withheld and declare whether the withholding shall have the effect of postponing future increments:

Provided that it shall not be necessary to make any such declaration where the withholding of increment of any officer is at the efficiency bar stage.

39. Special increment for outstanding performance.

The Chairman may grant special increment to any officer for outstanding performance in his duties or for some such reason, if he is satisfied that it is proper to grant the same under the circumstance.

40. Efficiency Bar

Where there is an efficiency bar in any of pay scales, the increment next above the bar shall be granted only on the basis of the performance of the officer from the date of his commencement of service in that scale of pay, and if a positive certificate of efficiency is not granted to an officer at the efficiency bar, his case shall be reviewed annually and the officer shall be allowed to cross the bar if and when he is subsequently granted the positive certificate.

41. Refixation of salary on promotion

On appointment to any post on promotion in a higher grade, the basic pay of an officer shall be initially fixed at the minimum of the scale or at the stage in the scale which is next above his pay in the old scale, whichever is higher.

Explanation :

- (a) For the purpose of this regulation, special pay, if any, drawn in the immediately previous post shall be treated as part of his basic pay.
- (b) In the case of any officiating arrangement the officer concerned shall draw only an officiating allowance, which shall be equal to the difference between the basic pay in the old scale and in the new scale as determined above.

Provided that such officiating allowance may be reduced by the Appointing Authority if the officiating arrangement is of a temporary nature and in its view the circumstances justify it:

Provided further that the Managing Director may grant an appropriate officiating allowance in cases where he is satisfied that the above computation leads to inequity:

- (c) If there is an officiating allowance attached to the previous post, it shall not be treated as part of the basic pay

42. Grants

If the Chairman is satisfied, having regard to the circumstances relevant thereto that it is necessary or appropriate to make any adhoc or other grant outright or repayable, to any officer, he may, for reasons to be recorded in writing, by order, allow the same.

CHAPTER IV**JOINING TIME****43. Joining time**

- (1) Joining time may be granted to an officer to enable him to assume duties in the new post after relinquishing charge of his earlier post except in a case where the post held and the new post are in the same station.
- (2) Joining time shall be regarded as duty for the purpose of these regulations and the salary shall be payable in respect of the joining time calculated in accordance with regulation 44.
- (3) Joining time cannot be claimed as a matter of right and it may be curtailed at the discretion of the Competent Authority.

Provided that in case where the joining time has been curtailed, the Competent Authority may permit the officer to avail of the joining time not availed on any subsequent date.

44. Calculation of Joining time

The joining time in the case of all transfers involving change of station, shall be limited to six days for preparation and this shall be in addition to the period required to cover the actual journey.

45. Overstayal after joining time.

- (1) An officer who does not join his post within the joining time allowed to him, except under circumstance beyond his control (certified as such by the Competent Authority), shall not be entitled to any pay or leave salary after the expiry of the joining time.
- (2) Wilful absence from duty after the expiry of joining time shall be deemed to be a misconduct and punishable as such.

CHAPTER V

MISCELLANEOUS

46. Deputation of Officer to and from NDDB

- (1) No officer shall ordinarily be sent on deputation to Government or any other organisation and where any officer is so sent on deputation, it shall be with the previous approval of the Chairman and with the consent of the officer.
- (2) No officer shall be sent ordinarily on deputation unless:
 - (a) the officer holds a permanent post in the NDDB; and
 - (b) the duties to be performed are such that they can only be performed by an officer of the NDDB or that the duties to be performed require an expert with specialised knowledge, which is not readily available from any other source.
- (3) Where an officer of the NDDB is sent or placed at the disposal of the Government or any other organisation on deputation, it shall be condition of the deputation that the new employer shall, during the period of such deputation bear the entire cost of the service of the officer including the following namely:
 - (a) Salary during the joining time;
 - (b) travelling allowance payable to the officer to enable him to join his appointment under the new employer and to return to his appointment in the NDDB on the termination of his deputation;
 - (c) leave travel concession benefits as applicable to him and his family;
 - (d) leave salary of the officer for the leave earned during the period of deputation;
 - (e) the employee's contribution to the officer's account in the Provident Fund, Superannuation Scheme or any other scheme of NDDB, for the time being, applicable; and
 - (f) any other sum, such as contribution towards any gratuity, for which the officer may become eligible, the scale and quantum of which may be determined by the NDDB.

- (4) Nothing in sub-regulation (1) to (3) shall be deemed to prevent the right of the NDDB to transfer any of its officer or give any assignment to any officer in relation to an organisation financed or promoted by the NDDB, and where the order of appointment or any agreement relating thereto so provides, the consent of the officer shall not be required for the purpose.
- (5) Notwithstanding anything contained in these regulations it shall be competent to the Chairman or the Managing Director to appoint on deputation any person in the service of the Central Government or the State Government or public sector institution or cooperative organisation to any post in the NDDB on such terms and for such period as he may deem appropriate if in his opinion it is necessary to do in the interest of the organisation.
- (6) Where any person has been appointed on deputation to NDDB under sub-regulation (5), it shall be competent to the Chairman or the Managing Director, as the case be, where he considers that it is in the interest of the organisation to absorb him as an officer of the NDDB on permanent basis, it shall be competent for him to do so and with the concurrence of the previous employer, and he may decide the terms on which the officer shall be absorbed.

47. Entry, exit and search

- (1) Every officer shall enter or leave the premises of the NDDB by the gate or gates provided for the purpose.
- (2) Any officer may, while entering or leaving the premises of the NDDB or at any time whilst on the premises, be searched by any security personnel or any other person authorised in this behalf.
- (3) Any officer having in his possession, any article belonging to him the type of which is also being used in the establishment, shall on entry, deposit the same with the security agency personnel or to any person duly authorised in that behalf and if any such article is found in his possession while in the establishment it will be presumed that the same belongs to NDDB.

48. Identification, attendance and entry

- (1) Every officer shall be given an identity card bearing his name, designation and photograph or any other means of identification.
- (2) The identity card shall be shown on demand to any person authorised by the Competent Authority to inspect.
- (3) The mode and means of entry and exit into and from the premises of NDDB or its groups, limits or sections, shall be regulated in accordance with the directions issued or orders given by the Competent Authority from time to time.

- (4) For the purpose of facilitating the checking of attendance, the attendance register will be conveniently positioned in the respective groups unless otherwise instructed by the Competent Authority.
- (5) Any officer who loses his identity card or gate pass should report the loss immediately to the Administration Group in writing and for the replacement of the identity card or gate pass, shall be charged the cost of replacement.
- (6) The identification card shall be surrendered by every officer on his ceasing to be in employment of the NDDDB, or on his transfer or deputation to any Government or other organisation, failing which such sum as the Manager (Administration) may specify in this behalf, shall be recoverable from the officer, and this shall be without prejudice to any other action that may be taken against him.

49. Provident Fund

Every officer (other than an officer appointed on a temporary basis) shall contribute to the Provident Fund as per rules or regulations or orders, for the time being in force, applicable thereto.

50. Gratuity

Every officer shall be eligible for Gratuity as per the rules, regulations or orders governing the matter, for the time being in force.

51. Superannuation Scheme

Every confirmed officer of the NDDDB shall contribute to the superannuation scheme of the NDDDB in accordance with the rules or regulations or orders governing the matter, for the time being in force.

52. Leave

Every officer shall be eligible for leave as per rules, regulations or orders governing the matter, for the time being in force applicable thereto.

53. Tours and Travelling Allowance

- (1) Tours on official business of any officer may be sanctioned by the Managing Director or any authority authorised by him in this behalf, by general or special order.
- (2) The rates of travelling allowance and halting allowance and the conditions under which they become payable shall be such as the Board may, from time to time, specify.

54. Transfers

- (1) Notwithstanding anything contained in any other regulations, the Competent Authority may transfer an officer from one group of NDDDB to another in the same office or from one office of the NDDDB to any other officer or operational area thereof, or as envisaged in the regulations, or to any other organisation, and every officer so transferred shall be bound to serve in any part of India.
- (2) Every officer transferred under sub-regulation (1) shall strictly comply with the orders of transfer and shall be bound to report for duty at his new posting as directed.

55. Tours Abroad

- (1) The Chairman may undertake may tour abroad, with the previous approval of the Department of Agriculture, Ministry of Agriculture and Cooperation:

Provided that, where the Chairman is satisfied that it is necessary to undertake the journey immediately, he may, for reasons to be recorded, undertake the journey forthwith and report thereafter to the Board and to the Department of Agriculture, Ministry of Agriculture and Cooperation.

- (2) The Chairman may sanction the tour abroad of any officer including that of the Managing Director.

Provided that a statement containing the particulars of every tour, together with the report of the officer concerned, shall, as soon as may be, placed before the Board of Directors.

56. Conveyance Facilities

- (1) Conveyance facilities or allowance may be provided for any officer or class or category of officers in such manner and to such extent as the Chairman may, from time to time, determine.
- (2) The Chairman may, for the purpose of enabling an officer to purchase a transport vehicle, grant a loan of such amount as may be specified by the Chairman.
- (3) It shall be competent for the Chairman to adopt different norms, for the purpose of this regulation, in relation to different officers or different class or category of officers.

57. Service Record

This service record of every officer shall be maintained for the purposes specifying the basic starting salary, grade, scale or pay etc.

58. Address for communication

- (1) It shall be incumbent on every officer to furnish his correct address for communication (including the residential address) to the Competent Authority, and address so given shall form part of the personal records of the officer.
- (2) Where there has been any change in the address furnished in accordance with sub-regulation (1), the officer shall forthwith intimate in writing to the Competent Authority of the change giving the new address and obtain an acknowledgement to that effect.
- (3) Every communication sent to an officer at the last given address shall be deemed to be proper service.

59. Recall from leave

- (1) If the Competent Authority considers it necessary in the interest of the NDDB to obtain the services of any officer who is on leave, urgently, recall the officer from leave and he shall be bound to report for duty in compliance thereof.
- (2) Every officer recalled from leave in pursuance of sub-regulation (1), shall be eligible to draw travelling allowance for the journey from the place of leave to the place of duty.

60. Leave Travel Concession

- (1) Every officer may be granted such leave travel concession as is admissible to him under any general or special order made by the Board, from time to time.
- (2) In case where the disciplinary authority arrives at the conclusion that there is a prima facie case against an officer in respect of misuse of the travel concession facility or the furnishing of false particulars in respect thereof, the officer shall not draw the leave travel concession during the period of pendency of the departmental proceedings and –
 - (a) In case where the misuse of misrepresentation has been established in the disciplinary proceedings, the officer shall forfeit the leave travel concession admissible for the period of the pendency of the proceedings and two sets of LTC falling due thereafter;

- (b) in case where the misuse of misrepresentation has not been established in the disciplinary proceedings, the officer may avail of the leave travel concession not withheld during the pendency of the proceedings as an additional set in future blocks of years to the same being utilized before the normal date of superannuation.

61. Shift working

- (1) The Competent Authority, as it discretion, may introduce shift working or alter any existing shifts, and the officers are liable to be transferred from one shift to another or from one working schedule to another.
- (2) Every officer in respect of whom discretion is given under sub-regulation (1) by the Competent Authority, shall be bound to comply with the same.

62. Absence of Officers under special circumstances

The Competent Authority may, if satisfied that any of the officer or group of officers could not attend office due to any grave circumstances beyond the control of the office (such as riots, public disorder, etc.) preventing him from reaching the place of work, grant special casual leave for the period of absence.

63. Retention of Lien

- (1) Every officer holding a permanent post –
 - (a) who has been sent abroad by the National Dairy Development Board on any assignment or training or study, shall be allowed to retain lien against his regular post subject to the officer giving an undertaking that on expiry of the period of tenure abroad as agreed to by NDDDB, he would return forthwith and serve the NDDDB for a period determined by the Competent Authority, and agree to abide by such other conditions as may be specified in this behalf;
 - (b) who has been assigned to a post in the Government or any other outside organisation, may be allowed by the NDDDB to retain line against his regular post with the NDDDB subject to such conditions, limitations or restrictions, as the Competent Authority may, having regard to the circumstances of the case, deem fit, it may include a condition that if the officer does not return on the expiry of such period, as the Competent Authority, may from time to time specify, the said lien shall be stand terminated; and

- (c) who has been assigned to a post in an organisation connected with or promoted by the NDDDB and who requests for retention of lien on his post in NDDDB, may be allowed to retain lien with the NDDDB;
- (d) * who secures appointment with any organisation connected with or promoted by the NDDDB and who requests for retention of lien on his post in NDDDB, may be allowed to retain his line for a maximum period of one year.

64. Consultancy Assignments

- (1) Any officer who is deputed to provide consultancy services to any organisation in India or abroad by the NDDDB or any person who is nominated on such assignment through the NDDDB shall be bound to remit to the NDDDB such portion of their consultancy fee, salary or honourarium received by him during the assignment as may be determined by the Chairman.
- (2) In respect of every consultancy assignment referred to in sub-regulation (1), the period of time spent abroad, together with the time taken for onward journey and for the return, together with such time as may be allowed to an officer by the Board for the preparation of the report in India, shall be treated as special leave.
- (3) For the removal of doubts, it is hereby declared that the consultancy fee or salary or honourarium referred to in this regulation shall not include any amount received for board and lodging or as daily allowance or as pocket expenses.
- (4) The manager (Administration) may issue such orders or give such directions, as may be necessary, for securing payment or recovery of any amount due under this regulation.

65. Employees Welfare Scheme

- (1) It shall be the policy of the NDDDB to encourage the adoption of small family norms amongst its employees.
- (2) With a view to achieve the objective mentioned in sub-regulation (1), special casual leave may be granted to officers who undergo sterilization operation or IUCD insertion, as the case may be, as per the Government of India Policy formulated in this regard, from time to time.
- (3) Over and above the grant of special casual leave under sub-regulation (2), every officer who does not have more than three living children and is within the reproductive age group (or spouse of the officer) and who undergoes sterilization operation, shall be granted a personal pay (not to be absorbed in future increase in pay) equal to the amount of the next increment due and in the case of any officer drawing pay at the maximum, the grant of personal pay shall be the amount equal to the increment last drawn.

* For amendments please see Annexure – I

- (4) The benefits of personal pay shall be granted to any eligible officer under sub-regulation (3) subject to the officer producing a certificate from the doctor who conducted the sterilization operation to the effect that the operation has been done and was successful.
- (5) The Board may implement any scheme for housing and other requirements or activities for officers other employees and promote institutions like school, club, co-operative credit and supply society, etc. to carry out welfare activities of the officers and shall be entitled to participate in its management.

66. Disciplinary action not affected

Nothing contained in these regulations shall be deemed to affect the right of the Competent Authority to retire, discharge, remove or dismiss any officer in exercise of the powers conferred on the Authority under the NDDB Officers (Conduct, Discipline and Appeal) Regulations, 1988.

67. Repeal and Savings

- (1) Save as provided herein, every rule, regulation or order or any matter applicable to the officers as defined in these regulations shall cease to be in force in respect of matters included.
- (2) Every departmental proceeding commenced or initiated by the Management or appeal by an officer which is pending at the commencement of these regulations, shall be proceeded with the orders passed thereon in accordance with these regulations and the disciplinary, enquiry or appellate authorities shall be deemed to have been appointed under these regulations.
- (3) Nothing in these regulations shall be construed as depriving any officer to whom these regulations apply, of any right of appeal which has accrued to him under any provision which has ceased to be in force by virtue of these regulations and he may appeal in respect thereof in accordance with the provisions contained in these regulations.
- (4) Nothing contained in these regulations shall be deemed to affect,
 - (a) the powers of the board to make any order to determine any matter or to give any discretion or to take any action in exercise of powers conferred on it by or under the National Dairy Development Board Act, 1987 (37 of 1987) and in particular those contained in Chapter V read with clause (k) of section 3 thereof;
 - (b) the powers of the Board to alter the terms and conditions applicable to any officer envisaged in the provisions of the said Act.
 - (c) the powers of the Chairman under section 40 of the said Act until the constitution of the Board.

- (5) In relation to sub-regulation (4), the Board may adopt separate standards, make separate orders or give separate directions in respect of different class or category of officers.
- (6) On every matter on which the Board is required to issue any order or make any direction specifying or determining a particular subject under these regulations, every rule of order or direction or instruction as it existed immediately before the commencement of these regulations, and applicable to the concerned officer on any subject, shall *mutatis mutandis* continue to apply and be in force until a corresponding order in made or action taken or decision made by the Board or by the Chairman, as the case may be.
- (7) The provisions of sub-regulations (6) shall equally apply in relation to every matter on which corresponding rules or regulations have not been made under these regulations, or orders, directions or guidelines have not been issued, or on which necessary particulars covering them have been left to be made by the Board or by the Chairman.
- (8) For the removal of doubts it is hereby declared that nothing in these regulations shall be deemed to affect the continuance in force of the rules, regulations and orders (including all those relating to conditions of service of officers) applicable to the officers of subsidiary Unit, Pilot Project or Subsidiary Company until the Board or, as the case may be, the Concerned Authority of the respective organisation, otherwise decides.

68. Relaxation under special circumstances

The Chairman may, where he is satisfied that the applicable of any regulation would cause undue hardship, having regard to the circumstances of any particular case, by order, exempt any officer or class of officers from the application of any particular regulation or direct that the regulation shall apply in such modified form as he may determine.

69. Guidelines on details

The Chairman may, from time to time, make orders spelling out guidelines on matters on which the norms and details have to be spelt out every such norms or guideline shall be deemed to be part of these regulations.

70. Interpretation

- (1) In case of any divergence between the Hindi version of these regulations, and the English version thereof, the provision in the English text shall prevail.
- (2) If any question of interpretation of doubt arises in relation to these regulations, the matter shall be referred to the Chairman whose decision thereon shall be final and binding.

(V. KURIEN)
CHAIRMAN
NATIONAL DAIRY DEVELOPMENT BOARD

07.03.1988

Notification No. DEL:NDDB in Gazette of India dated 9th March 1988.

THE NATIONAL DAIRY DEVELOPMENT BOARD**NOTIFICATION**

New Delhi, the, 2002

**THE NATIONAL DAIRY DEVELOPMENT BOARD OFFICERS
(APPOINTMENT, PAY AND ALLOWANCES) (AMENDMENT)
REGULATIONS, 2002**

No. DEL:NDDB – In exercise of the powers conferred by section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling them in that behalf, the Chairman performing the functions of the Board of Directors hereby make the following amendments, namely:

1. Short Title and Commencement

- (1) These regulations may be called the National Dairy Development Board Officers (Appointment, Pay and Allowances) (Amendment) Regulations, 2002.
- (2) Save as otherwise provided in these regulations, the provisions, thereof shall come into force on the date of their publication in the Gazette of India.

2. Amendments to the National Dairy Development Board Officers (Appointment, Pay and Allowances) Regulations, 1988.

- (1) In the definition of “Subsidiary Company” in clause (v) of Sub-regulation (1) of Regulation 3, the following “company” shall be deleted :

“Hindustan Packaging Company Limited”
and the following “companies” shall be added :-

 - (1) Mother Dairy Fruit & Vegetable Company Limited.
 - (2) Indian Dairy Machinery Corporation Limited.
 - (3) Indian Immunologicals Limited
 - (4) Dhara Vegetable Oil and Foods Company Limited
 - (5) Bhavnagar Vegetable Products Limited
 - (6) Bharat Aseptic Packaging Industries Limited.
- (2) In the definition of “Subsidiary Unit” in clause (w) of Sub-regulation (1) of Regulation 3, the following “Units” shall be deleted :
 - (1) Mother Dairy, Delhi
 - (2) Indian Dairy Machinery Company
 - (3) Indian Immunologicals
- (3) The clause (d) of Sub-regulation (1) of Regulation 63 shall be deleted.

Deepak Tikku, Managing Director
National Dairy Development Board

Vide Extra-ordinary Gazette of India, Part III – Section 4, No. 183 dated 10.09.2002 and Corrigendum published in Extra-ordinary Gazette of India, Part III, Section 4, No. 236 dated 25.10.2002.