

# TILAK MAHARASHTRA VIDYAPEETH,

GULTEKDI, PUNE 411037

## Rules Relating to the

Terms and Conditions of Service of the Non – Teaching Employees  
of the Tilak Maharashtra Vidyapeeth

### General

#### Short title, application and commencement

#### **Rule 1**

- (1) These rules may be called the Tilak Maharashtra Vidyapeeth Standard Code (Terms and Conditions of service of non – teaching employees )
- (2) These rules shall apply to all full time non-teaching employees of the Vidyapeeth appointed on the scale of pay.
- (3) These rules shall come from into force with effect from – 1<sup>st</sup> Jan 1995

#### **Rule 2**

Definitions : In these rules unless the content otherwise requires –

- (01) “Constitution” means the constitutions of Tilak Maharashtra Vidyapeeth
- (02) “Appendix ” means appendix appended to these rules.
- (03) “Appointing Authority” means the authority competent to take appointments to the post created in Vidyapeeth and the Appointing Authority for the Vidyapeeth shall be the Executive Council.
- (04) “Cadre” means strength of the service or a part of service sanctioned by the State Government as a separate units,
- (05) “Competent Authority” means the authority competent to exercise different power the Vidyapeeth Constitution, Rules & Regulations.
- (06) “Continuous Service” means service rendered by a non – teaching employees without any break in the Vidyapeeth. The service includes the authorized leave availed of by the non-teaching employees.
- (07) “Contract ”means the contract entered into in writing between a non-teaching employees and the Competent Authority / Officer or the person authorized by it.

(08) "Duty " accept where otherwise expressly provided includes –

- (a) Service as a Probationer.
- (b) Joining Time.
- (c) Course of instruction or training authorized by the Competent Authority.

(09) "Emoluments" except where otherwise expressly provided, means pay, leave, salary or subsistence allowance if any as defined in these rules and any remuneration of the nature of pay received in respect of foreign service.

(10) "Family" means the wife or husbands to the non-teaching employees as the case may be reading with the his / her and legitimate children including adopted children, if any and step children residing with and wholly dependent on his or her parents. Sisters and minor brothers, if residing with or wholly dependent on him. Provided that for purpose of rules 53 to 80, if a non-teaching employees proves that his wife has been judicially separated from him or has ceased under the customary law of he community to which she belongs to be entitled to maintenance, she shall henceforth be no longer deemed to be a member of non –teaching employees family under the employee given by express notification in writing to the controlling officials that she shall be continued to be so regarded.

Provided further that if a female non-teaching employee expresses in writing to the Controlling Officer her desire to exclude her husband from her family, the husband shall henceforth be no longer deemed to be a member in the employee's family unless, the female employee subsequently gives in writing by express notification to the Controlling Officer that he be so regarded,

(11) First Appointment"" for the purpose of pension means the appointment of a person who is not holding any appointment under the Vidyapeeth even though he / she may previously held such appointment.

(12) "Form" means a form appended to these rules.

(13) "Foreign Service" means service in which a non-teaching employee received his / her salary with the sanction of the Competent Authority from any source other than the Vidyapeeth fund of the one managed by the Competent Authority.

(14) "Provident Fund" means Vidyapeeth Staff Provident Fund.

(15) "Government" means the Government of Maharashtra.

(16) "Holiday" means a Sunday, a weekly off or any other day declared as holiday by the Vidyapeeth.

(17) "Honorarium" means recurring or non-recurring payment granted to the non-teaching employee from the Vidyapeeth fund as remuneration for special work of occasional or of intermittent character.

(18) "Joining Time" means the time allowed to a non teaching employee to join a new post or travel to or from a station to which he is posted.

(19) "Leave" means permission to remain absent from duty granted by the Competent Authority under these rules.

(20) "leave Salary" means the monthly amount paid by the Vidyapeeth to a non-teaching employee on leave.

(21) "Lien" means title of a non-teaching employee who holds substantively, either immediately or on the termination of period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(22) "Medical Authority " means the medical office appointed by the Vidyapeeth. Medical Board by the Vidyapeeth or the civil surgeon or registered Medical Practitioners from the panel approved by the Karyakari Mandal.

(23) "Month" means a calendar month, in calculating a period expressed in terms of months and day complete calendar months irrespective of the number of days in each should first be calculated and the Number of days subsequently.

Illustration – Calculation of period expressed in the terms of months and days should be made as under :-

(a) To calculate 2 months and 20 days on and from 25<sup>th</sup> January the following methods should be adopted .

	Year	Month	Day
25 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	7
February to April	0	3	0
1 <sup>st</sup> May to 31 <sup>st</sup> May	0	0	13
	0	3	20

(b) The period commencing on 30<sup>th</sup> January, and ending with 2<sup>nd</sup> March should be deemed as 1 month and 4 days, as indicated below :

	Year	Month	Day
30 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	2
February	0	1	0
1 <sup>st</sup> March to 2 <sup>nd</sup> March	0	0	2
	0	1	4

(24) "Non-teaching employee" means a person in employment of the Vidyapeeth and appointed on time-scale of pay other than "a teacher" of the Vidyapeeth.

(25) "Officiate" means a non-teaching employees officiates in a post when he performs the duties of the post on which another person holds a lien. The Competent Authority may if it think fit, appoint a non-teaching employee to officiate in a vacant post in which no other non teaching employed holds lien.

(26) "Pay " means the amount drawn by a non-teaching employee as –

( i) The pay which has been sanctioned for a post held by him substantively or in an officiating.

( ii) Personal pay, if any

(iii) Special pay, if any.

(iv) Dearness pay, appropriate to pay leave salary or subsistence allowances.

(v) Any other emoluments which may be specially classed as "Pay by Governments."

(27) "Permanent post" means the post carrying a definite scale of pay sanctioned without time limit.

(28) "Personal pay" means additional pay granted to a non-teaching staff.

(a) to save him a loss of substantive pay in respect of a permanent post other than the tenure. Post, due to revision of pay or due to revision of pay or due to any reduction of such substantive.

(29) "Presumption pay" of a post, when used with reference to any particular non teaching employee means the pay to which he would be entitled. If he held the said post and was performing its duties, but it does not include special pay unless the non – teaching employee.

(30) "Probation" means an employee appointed for a stipulated period and on specific conditions for determination of his fitness for eventual subs tentative appointment to a permanent post.

(31) "Special pay" means in addition of the mature of pay to the emoluments of a part of a non-teaching employee granted in consideration of –

(a) the specially an hours of the duties. (b) a specific addition to the work of responsibility,

(32) "Subsistence Allowance" means monthly grant made to the non – teaching employees who is not in receipt of pay or leave salary during the period of suspension.

(33) "Subsistence Appointment" means a appointment made in a substantive or permanent capacity in a permanent post which is clearly vacant or on which another persons holds a suspended lien.

(34) "Substantive pay" means the pay other than specially pay, personal pay or emoluments classed as pay under these rules to which the employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in the cadre.

(35) "Superior service" means service rendered in Class I, II and III posts.

(36) "Temporary Appointment" means an appointment of a non-teaching employees on a purely temporary basis or for a stipulated period against a permanent post or a tenure post or a temporary post.

(37) "Tenure post" means a permanent post which an individual non – teaching employee may not hold for more than a limited time without re-appointment.

(38) "Time-Scale of pay" means pay which subject to any conditions prescribed in these rules rises by periodical increments from a minimum to a maximum.

**Explanation :**

The time-scale are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(39) "University Fund" means the fund described in Regulation No. of the Vidyapeeth.

**(1) Classification :** The non – teaching employee of the Vidyapeeth shall be classified in the following classes :

(a) Class I (Officers) : Vidyapeeth Registrar, Deputy Registrar, Assistant Registrar and such other officers working in the equivalent pay-scale designed by Rules.

(40) Vidyapeeth means Tilak Maharashtra Vidyapeeth Registration under the Society Registration Act 1860 vide No. 10299 k 1940-41

(b) Class II (Supervisors) : Superintendent and Assistant Superintendent and such other employees working in equivalent pay scale.

(c) Class III (Ministerial) : Employees of the Vidyapeeth who are not included in Class I, II or all above.

(d) Class IV (Non-ministerial) : Employees of the Vidyapeeth who are not included in Class I, II & III.

**2. Appointments –**

**(a)** except as otherwise provided, all permanent appointments in Class I shall be made by the Executive Council and all officiating temporary appointments shall be made by the Vice – chancellor and the letters of appointments shall be issued under the signature of the Registrar.

**(b)** All appointments including officiating in Class II shall be made by the Vice-Chancellor. The letters of appointments shall be issued under the signature of Registrar.

**(c)** All appointments including officiating appointments in Class III and Class IV shall be made by the Registrar.

**(d)** The appointing authority may temporarily appoint an employee to officiate in any higher post for a period not exceeding six months or till a regular appointment is made which ever is earlier. The principle of authority-cum-merit-shall be observed in promoting the employee,

(3) **Recruitment –**

(I) Deputy Registrars, Assistant Registrars and other Non-teaching posts included in Class I.,  
(i) Except as otherwise provided in the constitution Regulation act, appointments to these posts shall be made either promotion or by nomination in the ratio of 50 : 50.

(ii) Appointment by promotion shall be made on the basis of seniority-cum-merit from amongst the persons.

- (a) who possess a degree of a (Statutory University)
- (b) who has passed the Departmental Examination prescribed under the rules and
- (c) who possess five years experience in class II posts in the Universities.

Provided that in case of persons who have crossed the age of 45 years, the educational qualification may, however, be released by the “Competent Authority”

(iii) Appointment by nomination shall be made from amongst the persons -

- (a) who are not less than 30 years of age and unless already in the service of the Universities or affiliated colleges, not more than 40 years of age.
- (b) who possess a degree of a Statutory University and in addition the qualifications prescribed by the competent authority for specific posts.
- (c) who have administrative experience of not less than 5 years in a similar capacity .
- (d) the selected candidate shall be on probation for a period of two years during which shall have to pass the Departmental Examination according to the rules prescribed.

(II) **Other Non-Teaching posts included in Class II.**

- (i) Except as otherwise provide in Probation / Regular appointments to these posts shall be made either by promotion or by nomination in the ratio of 50 = 50.
- (ii) Appointment by promotion shall be made on the basis of seniority-cum-merit from Amongst the persons-

(a) who are graduates and

(b) who possesses five years experience in Class III posts either in the Universities or in the affiliated Colleges or the recognized Institutions :Provide that, in case of persons who have crossed the age of 45 years, the educational qualification may be released by component authority.

(iii) Appointment by nomination shall be made from amongst the persons –

(a) who are not less than 28 years of age and unless already in the service of a University, A affiliated colleges or recognized institute and more than 35 years of age.

(b) who possesses a degree of any recognized University in addition to the qualifications prescribed by the competent authority for a specific posts.

(c) who have an administrative experience of not less than 3 years in a similar capacity.

(d) the selected candidates shall be on probation for a period of 2 years during which he shall have to pass the Departmental Examination according to the rules prescribed.

(III) Ministerial and Technical posts include in Class III –

(a) Appointments to the senior posts except those carrying the lowest scale of pay in the various Departments of the Universities. Accountant, Head Clerk, Senior Clerks, Store-keeper, Senior Assistants, Senior Steno- grapher's, Senior Library Assistant etc. where the recruitment qualification's required for the Junior post in the same department or Section are the same as prescribed for the Senior posts, shall be made by Promotion only, On the basis of seniority-cum-merit from amongst the persons who are working in the Universities and who possess the minimum qualification prescribed for the lower posts and the minimum experience of 3 years in the lower posts.

(b) (1) Appointments to the junior posts carrying the lowest scale of pay in the various departments or sections of the Universities like Junior Clerk/ Clerk – cum – Typist, Steno – typist, Library Assistant, Telephone Operator, Electricians, Wiremen etc. shall be made by selection from the amongst the persons -

( i) who are not less than 18 years of age and who are not more than 28 years of age .

( ii) who have passed S.S.C. or equivalent examination , except for the technical posts where S.S.C. is not required

(iii) who possess minimum technical qualifications prescribed for the posts by the competent authority, if any and.

( iv) who are recommended by the concerned employment exchange or by the District Social welfare of the concerned districts.

(2) while making appointments to the junior posts included in Class III services in the universities , the member of the Class IV services who posses the Secondary School Certificate Examination while in service or who has passed the same before entering in the Class IV service, shall be held eligible for promotion to the post in class III service, if we have completed three years continuous service in class IV service in the concerned establishment, subject to the following conditions, namely :-

(a) the number of such appointments in the Class III service shall not exceed 25% of the total appointments to be made in a particular year.

(b) the seniority of those who had already passed the Secondary School Certificate Examination at the time of joining class IV service visa - Vis those who passed that examination after joining that service for the purpose of promotion to class III post service be determined as follows, namely :-

( i) in the case of these, who had already passed the Secondary School Certificate Examination at the time of joining the Class IV service, for the purpose of seniority, their appointment should be deemed to be from a date three years after the date of their joining the services.

(ii) in the case of those, who pass the Secondary school Certificate Examination after joining the Class IV service., their date of appointment for the purpose of seniority shall be deemed to be from the date on which they complete three years service or pass the Secondary School Certificate Examination, whichever is later.

(iv) Non-Ministerial posts included in class IV – Appointments to these posts shall be made by selection from amongst the candidates –

( i) who are not less than 18 years of age and who are not more than 28 years of age and

(ii) who are recommended by the concerned Employment Exchange or the District and Social Welfare Offices of the concerned District.

(V) The upper age limit prescribed for these posts shall be relaxed by 5 years in case of persons belonging to scheduled castes and scheduled tribes.

(VI) No person dismissed or removed or terminated on account of misconduct or made to retire compulsorily premature from the service of his previous employment, shall be eligible for the appointment in the service of the University.

(VII) While making appointments either by nomination or by promotion or by selection in the Universities, the instruction issued by Government in respect of reservation of posts for Schedule Castes and Scheduled Tribes, DTNT & O.B.C. to time shall be observed.

#### **4. Procedure –**

All appointments which are required to be made by the nominations or by selection shall be advertised in at least two daily newspapers, one of which shall be a Marathi newspapers indicating the minimum academic or other technical qualifications, if any, experience required, pay scale and total emoluments admissible for the posts, and the reasonable period (which shall not be less than 2 weeks from the date of publication of the advertisement in the newspaper ) within which the candidates are required to submit their applications. Simultaneously, these vacancies shall also be notified to the concerned Employment Exchange and the concerned District Social Welfare Officers.

(ii) Selection Committee –

(a) Except otherwise provided, the selection committee for the Class I posts shall consist of the following members, namely :-

(1) the Vice Chancellor – Chairman.

(2) one of nominee of the Chancellor on the Executive Council, to be nominated by the Executive Council.

(3) the Director of Higher Education, Maharashtra State, Pune or his representative not below the status of the Joint Director.

(4) two members of the Executive Council to be nominated by the Executive Council and

(5) The Registrar – Member – Secretary.

In case of the posts of Technical nature, an expert or the concerned Head of the Department may be co-opted by the Vice-Chancellor.

b. Selection Committee for the class II posts shall consist of the following members namely :-

1. The Vice Chancellor – Chairman
2. The member of the Executive Council nominated by the Executive Council.
3. The Registrar Member Secretary, in respect of the post of the Technical nature, an expert or the Head of the Department may be co-opted by the Vice – Chancellor

c. Selection committee for the class III or Class IV posts shall consists of the following members, namely :-

1. The Registrar – Chairman.
2. The Senior Administrative Officer, to be nominated by the Vice Chancellor.
3. The Deputy Registrar, In charge of administration – Secretary.

iii. The date of the meeting of every Selection Committee shall be fixed after giving of at least 7 days notice to each member and to the candidates and the particulars of the candidates shall reach to each of the members of the Selection Committee at least 3 days before the date of the meeting. The appointment shall be conditional pending production of physical fitness certificate and the caste certificate were applicable.

iv. The Selection Committee shall into view and adjudge the merits of each candidate in accordance with the qualifications and experience advertised and recommended to the Appointing Authority the names arranged to order a merits of the person for appointment to the post advertised

iv. The Appointing Authority shall make Appointment from amongst the candidate recommended by the Selection Committee in order to preference :

Provided that in case of Vidyapeeth employee where the Appointing Authority in respect of clear posts proposes to make appointments other than the accordance with the order of preference, it shall record its reasons in writing.

Provided further that where the Appointing Authority in respect of Class II posts in the Vidyapeeth proposes to make the appointment other than in accordance with the order of preference, it shall record its reasons in writing and submit the recommendations of the Selection Committee and the reasons to the Executive Council whose decision shall be final.

Provided also that where the Appointing Authority in respect of Class III or Class IV posts proposes to make appointment other than in accordance with the order of preference, it shall record its reason in writing and submit the recommendation of the Selection Committee and the reasons to the Vice-Chancellor whose decision shall be final.

vi. When any temporary vacancy occurs by reasons of leave of illness and its duration is not more than six months, it shall be filled in by the Registrar, with the approval of Vice – Chancellor.

vii. While appointing a person either on permanent basis or in temporary vacancy, no person shall be allowed to join his / her duty unless he produce a discharge certificate from his previous employer, if any..

viii. All appointment order shall be in the proforma as given in Form I in Appendix I appointed to these rules.

#### **5. Medical Fitness :**

Every employee of the Vidyapeeth shall, within a period of three months of his appointment, undergo Medical Examination by the Vidyapeeth Medical Officer or the Registered Medical Practitioners named by the Vidyapeeth and the expenses thereof shall be borne by the Vidyapeeth.

### **CHAPTER II**

#### **6. Service :**

(1) A person appointed in the service of the Vidyapeeth Class I, II and III post shall be required to sign the undertaking or the agreement to the form prescribed in Form (2) or in form 2 (a) in Appendix I appended to these rules as the case may be.

(2) The service of a person under the Vidyapeeth commences from the date on which he joins his first appointment provided he reports for duty on that day before 12 noon, otherwise from the next day..

(3) The service of the employee on return from leave or from foreign service shall commence from the date provided he assume charge of the post before 12 noon, otherwise from the next date.

(4) The service of the employee under the Vidyapeeth in a cadre, shall cease from the date on which he relinquishes his post, for whatever reason before 12 noon, otherwise from the next date.

#### **7. Probation :**

1. The employee appointed to a permanent post by selection shall be on probation for a period of two years. The Competent Authority may, in exceptional circumstances reduce the period of probation up to one year, after reviewing his confidential reports :

Provided that the employee appointed to officiate in higher post for a temporary period shall not be considered to be on probation.

2. During the period of probation, the employee shall comply with conditions of successful completion of probation, prescribed by the Competent Authority from time to time.

3. The Head of the Department /Section (Assessing Authority) under whom the employee on probation is working shall send to the Registrar his report in Form 3, appended to these rules about his / her work and conduct, after every six months from the date of his joining. The deficiencies, if any, mentioned in the reports shall be conveyed to the employees on probation for the guidance.

4. The Assessing Authority under whom the employees on probation is working, shall send to the Registrar, at least three months before the expiry of probationary period, a report about the work and conduct of the employee with specific recommendations for his confirmation in service or otherwise. If the Assessing Authority recommends that the employee should be confirmed in the service within less than two years of probationary period, he should substantiate his recommendation. When he recommends action other than confirmation, he should furnish sufficient particulars about the probationer's performance and conduct in support of his recommendation.

5. On receipt of each report, the Registrar shall place the report and the recommendations of the Assessing Authority for consideration. The Competent Authority may

(a) confirm the probationer in service from a specific date or -

(b) extend his probationary period, maximum by one year, six months at a time, on expiry of which he shall either be confirmed or his service shall be dispensed with or

(c) terminate his service, or

(d) revert him to the post held by him, if any, under the Vidyapeeth prior to his appointment on probation. Provided if the person on probation enjoys leave, his probationary period shall be deemed to have been extended to the extent of leave taken by him.

6. If on the opinion of the Appointing Authority, the work or behavior of any probationer or during the period of the probation is not satisfactory the appointing authority may without assigning any reason terminate to the services of the probationer at any time during the period of his probation, after giving him one month's notice.

#### 8. **Substantive Appointment :**

(1) A person shall be appointed on probation only against a substantive vacancy and on completing his probation period satisfactorily, he shall be confirmed in the service of the Vidyapeeth by an order of the Competent Authority.

(2) a. when the employee is given substantive appointment, the post to which he is so appointed shall be permanent vacant post on which no other employee holds a lien. He shall acquire a lien on the basis on which he is confirmed. The Competent Authority may appoint the employee in a provisionally substantive capacity to a point on which another employee holds a suspended lien.

- b. Provisional substantive appointment of the employee in a post shall cease to be operative as soon as the other employee who holds a suspended lien of that post reserve to the post.
- c. The Competent Authority may suspend lien of the employee who is on deputation to foreign service, if there is a reason to believe that he will remain away from the post on which he holds a lien, for a period of less not than five years. However the lien shall not be suspended if the employee on deputation to foreign service is deemed to retire within a period of three years from the date of his deputation.
- d. In case the employee on deputation fails to revert back to his original post in the Vidyapeeth, after three years, then he shall automatically loose claim on his substantive appointment, unless otherwise directed.
- e. Suspension of lien may be sanctioned with retrospective effect from the date, the employee is absent from the post on deputation to foreign service. In such case, provisional substantive appointment to another employee may be given from the respective date. Employee's lien on a post, which has been suspended in accordance with clause ( c ) above, shall revive, as soon as he reverts to his post.
- f. The lien of the employee on any post shall not be terminated under any circumstances The lien shall cease to be operative when he cease to be in the service of the University, by virtue of his retirement, resignation, discharge, dismissal, acquiring a lien in a higher post, at absorption in foreign service.
- g. The employee who is given provisional substantive appointment to a post, shall be given a fully substantive appointment, and shall acquire a lien, when the suspended lien of another employee on that post cases to be operative in accordance with proceeding provision.
- h. Subject to the provisions of these rules whenever any employee is rendered surplus in the cadre for the reasons such as the reduction in the strength of cadre, return of the senior employee from deputation or from leave, or by reversion of the senior employee from higher cadre, to the lower cadre, or for joining of the employee by selection in the cadre etc. the junior most officiating employee shall be reverted to the lower cadre.
- i. Subject to the provisions of these rules the employee either confirmed or officiating may be reverted to the post in the lower cadre, as a measure of punishment, provided, he holds such a post in the lower cadre under the Vidyapeeth.

## 9. Service-Book –

(1) Service-Book shall be maintained in form 4, in Appendix I appended to these rules by the Registrar or any other officer duly authorized by the Executive Council, for every employee appointed substantively or in an officiating capacity to a permanent post or appointed to hold for the first time a temporary post but not a post of purely temporary nature. The service book shall contain the record of service of each employee covering all essential events in his official career such as : **(i)** his first appointment **(ii)** his subsequent appointments to higher grades whether in an officiating or substantive capacity. **(iii)** increments (with dates) sanctioned to him from time to time **(iv)** stoppage of increments or his holding up at efficiency bar or other punishment with relevant office order in the matter, **(v)** all kinds of leave except casual leave granted to him from time to time etc.

(vi) any reward of appreciation of work. It shall be the responsibility of the Registrar to keep service record up-to-date of an employee by making, within a reasonable time, entries in respect of his different appointments, leave etc. The office orders in respect of important changes shall be quoted against the respective entries. The service books shall be in the safe custody of some responsible person in the office, and shall on no account be allowed to remain with the employee concerned. If however they so desire, they may be allowed to peruse the entries in their service books to ensure that the record of their service is correctly maintained. Personal certificates of character should not be entered in the service book. All such entries shall be completed, and at the end of every year be known to the employee and his signature obtained thereon.

(2) The duplicate copy of the service-book shall be supplied to the employees and shall be brought up-to-date from time to time.

(3) When the employee is reduced to a lower rank, removed or suspended from employment, the reasons for such reduction, removal, dismissal or suspension as the case may be, shall be briefly stated in the service-book. Such entries shall be carefully checked and attested by the officer of the Vidyapeeth authorized to maintain the service-book.

(4) At the time of joining the service of the Vidyapeeth the date of birth of employee shall be carefully recorded in his service-book and shall be verified with reference to the documentary evidence and certificate to that effect shall be recorded stating the nature of document relied on, such as school leaving certificate, S.S.C. certificate ' Extract of Birth Register, or any other evidence. Horoscope or an Affidavit shall not be considered as an authenticated document for this purpose.

Provided that in respect of an employee already in the service on the date on which these rules come into force and in whose case the date of birth has not been recorded and duly verified or has not been properly recorded as prescribed shall be required within one year to produce the documentary evidence or a certificate as prescribed or appear before the Medical Authority. The date of birth in respect of such an employee shall be assumed to correspond to the date of the certificate by the Medical Authority reduced by number of years representing his age as certified.

**Explanation** – (i) in case the year of the birth is known but the month and date are not known. First of July of that year shall be taken as his date of birth, when the year and the month of birth, are known and exact date is known 16th of that month shall be treated as his date of birth. (ii) The Medical Authority shall, after satisfying itself about the bona fides of the order in the entry regarding date of birth, issue order for the correction to be made in the service-book and attest the correction thereof. Any such correction shall be brought about only within a period of five years from the date of his joining and no correction shall be made thereafter under any circumstances.

(5) The service-books shall be taken up for verification in April every year by such officer in the office of the Vidyapeeth, as may be empowered for the purpose by the Registrar. The officer so empowered shall, after satisfying himself that the service of the employees are correctly recorded in the service-books in conformity with the instructions contained in these rules and also such other instructions as may be issued from time to time, record in the service-book a certificate under his signature to the effect that he has verified up to date the service of the employee from pay bills, acquaintance rolls and similar records.

(6) the service-book may be given to an employee after he retires or resigns or is discharge from the service without fault an entry being first made therein to this effect, or in event, of a employee's service / terminating by his death, to his relatives on application. If no applications is made within six months from the death of employee, the service-book may be destroyed, if it is no longer required by the Vidyapeeth.

An employee whose service is terminated by removal or dismissals, his service-book shall be retained for a period of five years or until the employee's demise whichever is earlier, thereafter it shall be destroyed:

Provided that, if any legal proceeding in connection with the removal or dismissal has been instituted against the Vidyapeeth by the concerned employee, the service-book shall be retained till the legal proceedings are finally disposed off by the court exercising appellate or revisional jurisdictions. Every case shall be taken in issuing administrative orders by the Registrar to see that service-book are not tampered with then kept in the office or during inspection by the concerned employee.

#### 10. **Working hours** –

(1)The hours of working and students of the non-teaching employees of the Vidyapeeth shall be 38.1/2 hours per week in the case of Class I, II and III employees and 50 hours including lunch recess per week in the case of Class IV employees. The Competent Authority shall prescribed the daily working hours and weekly holidays for its employees, section, Departments etc. The Competent Authority may change the working hours and the weekly holidays as per its administrative convenience. The employee shall be required to discharge his duties and functions as required during the working hours prescribed for him by the Competent Authority.

(2) If it become necessary, the supervising officer of the employee may require the employee working under him to work, either before or after the office hours. The employee required to work over-time shall be entitled to over-time allowance as prescribed as prescribed by the Executive Council. It shall not be competent on the part of the employee to refuse to work over-time, if refuse, it shall amount to misconduct.

#### (11) **Duties** :

The duties of the non-teaching employee including officers shall be as specified in the form 5 in Appendix I appended to these rules, subject to the provisions of the Constitution and Regulations, the employee shall also perform the duties and carry out the functions assigned to him by the Registrar, from time-to-time. The employee shall not refuse any work assigned to him in addition to his normal duties.

#### (12) **Assessment** :

(1) The Assessing Authority under whom the employee on probation is working shall send to the Registrar his report about work and conduct, prescribed for the purpose, in Form No. 6 in Appendix I appended to these rules, at the end of every six months from the date of his joining. The last report about the work and conduct of the employee on probation shall be sent to the Registrar or the Principal so as to reach him three months prior to the date of completion of his probationary period.

(2) The Assessing Authority shall prepare the confidential assessment report in form 6 in Appendix I appended to these rules for the period ending 31<sup>st</sup> march every year, in respect of every employee placed under his control for the time being. If the employee is placed under the Assessing Authority for a broken period not ending on 31<sup>st</sup> march, the Assessing Authority shall write the assessment report for such period as the employee was working under him.

(3) The confidential assessment report written by the Assessing Authority shall be reviewed by the officer who is directly superior to such Assessing Authority shall be reviewed by the officer who is directly superior to such Assessing Authority. Such a Reviewing Authority shall carefully examine the remarks adverse or outstanding good in character and verify the same with the factual position and satisfy himself about the said remarks. If the Reviewing Authority does not agree with the remarks of the Assessing Authority, he shall state the reasons for not agreeing and shall record his own assessment about the work and conduct of the employee.

(4) The annual confidential reports of an employee shall be the basis for determining merit. The record of service shall be deemed to be satisfactory if there is nothing adverse in the report for previous three years. Adverse remarks not duly communicated in writing to the employee shall be disregarded for the purpose.

(5) Remarks in the confidential report which are either adverse or outstanding in character shall be brought to the notice of the employee in writing within three months. Whenever minor irregularities occur, they shall be brought to the notice of the employee orally by the Assessing Authority..

(6) The following shall be the Assessing Authority and Reviewing Authority :-

(a) Vidyapeeth Employee :

No.	Employees	Reporting Authority	Reviewing Authority
( i )	Registrar	Vice Chancellor	Executive Council
( ii )	Other Officer in Class I	Registrar	Vice-Chancellor
(iii)	Employees in Class II, III, IV	Deputy Registrar, Assistant Registrar, Head of the the Department or Officer of the equivalent Rank.	Registrar

(7) The employee who has been communicated adverse remarks any within 30 days of receipt of such communication represent his case in writing to the Reviewing Authority. The Reviewing Authority may obtain the remarks of the Assessing Authority before the decides whether the adverse remarks to expunged or otherwise. The decision of the Reviewing Authority shall be final.

(8) Yearly confidential report in respect of each employee shall be maintained in the prescribed form and shall be taken into account at the time of promotions and at other time when necessary.

(9) A personal file shall be opened for every employee immediately on his appointment in Vidyapeeth service and all orders and papers in connection with his official record shall be properly fielded therein.

(10)(a) The confidential files including the Confidential Reports of the Registrar, Librarian and such other Class I Officer shall be maintained by the Vice – Chancellor.

(b) The confidential files including the confidential reports for other staff in the Vidyapeeth shall be maintained by the Registrar.

**(13) Incapacity :**

The employees shall be considered to be incapacitated to discharge his duties either on physical grounds or no mental grounds for the reason stated below or otherwise as may be determined by the Medical Authority :-

(a) The employee may be considered to be physically incapacitated to render his service because of --

( i) Physical incapacity due to accident such as loss of limb or being seriously injured etc.

( ii) physical incapacity due to severe illness such as paralysis, heart attack, cancer, leprosy etc.

(b) The employee may be considered mentally incapacitated to render his services, if,

( i) he has lost his control on his mental functions and is incapable or foreseeing the consequence of any of his actions :

( ii) He has turned insane,

(iii) He is not capable of meeting with the requirements of the post to which he is appointed, despite of his mental equilibrium having been properly etc.

(c) Whenever the employee is to be declared to be incapacitated either physically or mentally, his case shall be referred to the committee specially constituted by the Competent Authority for the purpose and it shall scrutinize the case thoroughly and report thereon. In support of this, the Committee shall refer the case to the Medical Authority and obtain the opinion, In addition, the Committee may obtain of such other persons as it may deem fit. Adequate opportunity shall be provided to the incumbent to defend his case either personally or through his representative . The Committee shall submit its report to the Competent Authority which shall take final decision in the matter.

**Explanation :**

Such cases shall be considered by the Committee having regard to the prime interest of the Vidyapeeth and sympathetic view towards the employee.

(d) The mental or physical incapacity to function efficiently in his existing post would be treated as incapacity for continuing him in the same post or appointment in higher post provided the incapacity is well proved. The Competent authority may adopt such a procedure judiciously. The Competent Authority shall, however, Endeavour to see whether the employee can be, provided in an equivalent post or any other lower post. The employee or his representative shall be given full opportunities to represent his case.

**Explanation :**

The same procedure as mentioned in clause ( c ) shall be followed in this case.

(d)The employee declared incapacitated either physically or mentally shall be discharged from the service of the Vidyapeeth, the Competent Authority may sanction his pension, if he is otherwise eligible.

**(14) Seniority :**

(1) The seniority of the employee in a cadre under the Vidyapeeth shall be determined on the basis of date of continuous service in that order. The date of joining the service on probation or as the case may be, the date of promotion shall be taken as the date of continuous service for this purpose.

(2) The employee confirmed in a permanent post shall rank higher to that appointed in officiating capacity. The seniority of the employees confirmed in a cadre shall be determined on the basis of the date of confirmation in that cadre.

(3) If more than one employee is appointed by open competition or on recommendation of the Selection Committee and if they complete their probation within normal uniform probationary period, the seniority of the candidates selected an the same interview shall be in the order in which they are ranked by the Selection Committee, irrespective of the dates of their joining the duties or the dates of their confirmation.

Provided that, in case the probationary period of the employee appointed on probation is extended beyond the normal period of probation and his date of confirmation having been postponed to any subsequent date, his seniority shall be determined with reference to the date from which he complete his probationary period.

(4) The employee promoted to a post in higher cadre shall rank below those employees in that care on the date of his\_promotion irrespective of their inter-seniority in the lower cadre. The employee promoted to a post in higher cadre earlier shall be considered senior to the employee promoted to that cadre at a later date, irrespective seniority in the lower cadre or the pay drawn

**Explanation :-**

If the promotion of junior employee to the post in higher grade is ordered temporarily because the senior employee is not immediately available for taking the charge of the post in a higher cadre either on medical grounds or an other personal grounds he shall not loose his original seniority.

(5) The employee reduced to a lower cadre by reversion shall be considered senior most in the lower cadre unless the authority ordering such reduction or reversion directs that he shall rank in such lower grade or cadre next below any specified member thereof.

(6) (a) The employee who requests for change in the cadre of equivalent level, the Competent Authority may examine the merits of the request and relative utility in granting the request, and may grant the same. In such case, the employee shall rank lowest in the seniority and the date of order of transfer of cadre shall be considered as a continuous officiating date in that cadre.

(b) If the Competent Authority is of the opinion that the service of any employee are more useful in another cadre of equivalent level, the Competent Authority may by order transfer the employee for the other cadre . In such case the employee shall rank at the appropriate place with reference to the date of his continuous officiating or confirmation in the former cadre, and his seniority accordingly fixed in the later cadre.

(c) If the employee has requested for a change from higher cadre to lower cadre, and if the Competent Authority grants his request, the employee shall not get higher seniority in the lower cadre than he would have held, had he not been so promoted.

(7) The seniority list of all the employees in a cadre shall be prepared and maintained up to date by the Vidyapeeth. The seniority list so prepared shall be circulated in April every year among the employee concerned and their signature obtained. Any subsequent change made in the seniority list from time to time shall also be similarly circulated. Objection, if any, to the seniority list or to the changes made therein shall be duly taken into consideration by the Registrar before finalizing the seniority list. Disputes, if any, shall be referred to the Vice-Chancellor whose decision shall be final.

### **15. Foreign Service :- (1)**

(1) On requisition by an organization (herein after referred to as Foreign Employer), and on express consent by the employee, the Competent Authority may by special resolution place the services of the employee at the disposal of the Foreign Employer.

(2) The position with the Foreign Employer and the terms and conditions of the service there under should not be too attractive to distract him of any other employees in his cadre. The terms and conditions shall be decided by the Competent Authority in consultation with the Foreign Employer.

(3) (a) The employee shall be treated to be on deputation from the date he relinquishes his charge and till he resumes the charge on repatriation from the Foreign Employment.

(b) Ordinarily, the initial period of deputation shall be of two years, to be extended on express request by the foreign employer, on express consent by the employees, and resolution by the Competent Authority specifying the period of extension, which shall not exceed five year in total. The period of deputation shall be treated as continuous service and shall count for increment, promotion, leave etc.

When the employee is due for promotion or reversion under the Competent Authority, his service shall be recalled. However, if the foreign employer requests for his contribution and agrees to extend him the benefits of promotion the Competent Authority may allow the employee to remain in foreign service and shall be entitled to the benefits of promotion from the date on which the employee next below him stands promotion.

(c) The Competent Authority may recall the services of the employee by intimating the employee and the foreign employer three months prior to date from which he is proposed to be recalled. The Foreign Employer shall make necessary arrangements to release the employee from that date.

(d) The foreign employer may request, by giving three months notice to Competent Authority and to the employee, that the services of the employee may be recalled. The Competent Authority shall make necessary arrangements to recall the service of the employee.

(e) The employee may request the Competent Authority and the foreign employer to revert him in the services of the Competent Authority by giving three months intimation. The Competent Authority in consultation with the foreign employer shall make necessary arrangement to revert the services of the employee.

(4) The Foreign Employer shall on the annual basis, make contribution to the Competent Authority towards, Leave Salary, Contributory Provident Fund and Gratuity or pension contribution at the rate prescribed by the Competent Authority from time to time and intimate the same to employee.

(5) The employee in service of the Foreign Employer shall be entitled to leave, benefits of surrender leave and leave salary, and the Foreign Employer shall be liable to the remission of proportionate leave salary, contribution.

(6) The employee shall be granted reasonable joining time as admissible under the rule while proceeding on foreign service and while reverting there from.

(7) (a) The employee on Deputation to any organization shall have to revert to his parent, service before he accepts deputations to another organization.

(b) The employee seeking prolonged study leave parent service shall apply to the Competent Authority through the foreign employer for such study leave and shall have to revert to his parent service before proceeding on such duty leave.

(c) The foreign employer may grant to the employee study leave for pursuing studies connected with his foreign service and such period shall also be treated as foreign service. The period of such study leave shall be intimated by the foreign employer to the Competent Authority.

### CHAPTER III

#### Pay And Allowance

16. **Scale of pay :**

(1) The employee in the service of the Vidyapeeth shall, unless otherwise directed, be entitled to receive the pay in the prescribed time-scale of pay from the commencement up to the cessation of the service in the University in a cadre.

(2) The time-scale of pay including special pays, if any, for various posts in the University shall be prescribed by Government and may be revised by Government from time to time.

(3) The initial pay of the employee selected for the Vidyapeeth service shall be the minimum of the time-scale pay.

(4) In respect of the employees who expire while in service, his pay shall be drawn for the day on which the employee has died. The hour at which the death takes place shall have no effect on the claim.

17. **Additional Charges :**

(1) The employee who is holding charge of another equivalent post or a higher status than his original post, shall receive 10 percent additional pay of the pay which he would have drawn, had he been appointed to the post, on satisfactory performance of duties of the additional post. The additional pay shall not exceed Rs. 500/- per month. The Competent Authority while sanctioning the additional pay shall record the following certificate in the order

( i) The second post of which additional charge is held is not directly subordinate to the original post.

( ii) there has been specific addition to the work and responsibilities, and

(iii) the second post is an independent post and has in independent jurisdiction.

(2) The additional pay be admissible, if the period of additional charge is more than 15 days and less than six months.

(3) An employee holding one post who placed in charge of the duties of a subordinate post shall not receive any additional pay for the additional work.

**18, Pay on Promotion :**

(1) ( i) On promotion, either in a substantive or in an officiating capacity, to a post belonging to Class II or Class III or Class IV carrying higher time-scale of pay or on appointment to a post carrying higher duties and responsibilities, the initial pay of the employee in the higher post shall be fixed at the minimum of the higher time-scale of pay, or at the stage next above the pay notionally arrived at by increasing his pay in the lower post by one increment at the stage at which such pay is accrued, whichever is more.

( ii) If the employee has reached the maximum of the time-scale of pay in the lower post his notional pay for the purpose of this rule shall be arrived at by increasing that pay by adding an amount equivalent to the last increment.

(iii) If the conditions laid down in clause (i) are not satisfied, he will draw as initial pay of the stage of the time-scale of pay next above his pay in respect of the lower post.

(2) The period(s) for which the employee has served in the said or similar highest post under the University such period shall be counted for calculation of increment and fixation of pay on promotion.

(3) If the appointment to the in that post is for less than 15 days the employee may be placed in-charge of the current duties of the post but no formal appointment to officiate shall be made, unless formal appointment is essential in order to provide for the exercise of statutory powers. The employee shall not, in such cases, be entitled to fixation of pay in the higher time-scale of pay.

**Explanation :**

If an employee has previously hold the same post or another post on the same or identical time-scale then save as provided under these rules, his initial pay shall, not be less than the pay other than the special pay, personal pay or emoluments classed as “ pay “ under these rules which he had drawn on the last such occasion, and he shall count the period during which he draw that pay on such last and any previous occasion for increments in the stage of the time-scale equivalent to that pay.

**19. Pay on Reversion :**

(1) The employee on reversion shall draw pay in the lower time-scale of pay, not less than that which he would have drawn, had he not been so promoted before reversion, provided that in case the employee is reversed as a measure of punishment on account of misconduct, the Competent Authority may fix his pay at any lower stage in the lower time-scale of pay.

(2) When the employee is reverted on account of misconduct or inefficiency to a post carrying lower time-scale of pay, and is subsequently promoted or reinstated, his previous service in the post from which he was reverted, shall count for increments unless the Competent Authority declare that it shall not be so counted either in whole or in part.

**20. Pay on Joining Time :**

An employee treated on duty under sub rule (9) of rule 2 of these rule shall draw the pay of the post of service to which he is appointed.

**21. Increments :**

(1) The employee, having his pay on the time-scale of pay, shall draw increment every year unless it is withheld. The benefit of increment falling due on any date of the calendar month shall be extended to the employee from the let of that calendar month, without affecting the date of increment. The Competent Authority may withhold, by an order in writing, the increment of the employee if his conduct has not been found to be good, or his work has not satisfactory. The Competent Authority while ordering the withholding of the increment shall state the period for which it is withhold and whether the postponement shall have effect on future increments.

**Explanation :**

(i) The Competent Authority withholding increment shall expressly state in the order the period for which increment has been stopped, and whether it shall be exclusive of any interest spent on leave before the period is completed.

(ii) While on promotion, the increment shall be drawn on completion of full increment period in the new post.

(2) (a) where efficiency bar is a prescribed in a time-scale of pay, increment next above the bar shall be given to the employee. Only after the Competent Authority by an order in writing allow him to cross the efficiency bar.

(b) The order of the Competent Authority allowing the employee to cross the efficiency bar shall to contain a specified date with effect from which the employee shall be allowed to cross the efficiency bar. If the order has retrospective effect, the Competent Authority may further specify whether the employee is entitled to arrears for the intervening period or not.

(3) Service rendered in the circumstances mentioned below shall count for increment in the time-scale of pay.

(a) All duty whether continuous or otherwise in a post on a time-scale of pay.

(b) Authorized leave other than extraordinary leave.

© Extraordinary leave on medical grounds with the permission of the Director of Education, Higher Education, Maharashtra State, Pune :

Provided that, in exceptional circumstances, if employee is required to avail of extraordinary leave for reasons beyond his control, the Competent Authority may with the previous approval of the Director of higher Education, Maharashtra State, Pune, by an order in writing direct that the absence of leave without pay shall not affect his normal date of increment.

(d) The duty performed by an employee in higher post in officiating or temporary capacity, on reversion to the lower post.

(e) The rendered in a post carrying time-scale of pay during the period of probation, subject to the following conditions namely :-

( i ) The first increment shall be released on completion of one year of the probationary period and the subsequent increment shall be released on completion of the probationary period satisfactorily.

( ii ) A probation whose probationary period is extended on account of failure to pass departmental examination within the prescribed time limit to on account of leave taken by him during the probationary period shall be allowed to draw, on his appointment on that post or long term basis after completion of probationary period satisfactorily, such pay as he would have drawn had he not been on probation and consequential arrears.

(iii) A probationer whose probationary period is extended on account of unsatisfactory performance should be allowed to draw second increment only with effect from the date of satisfactory completion of the probationary period and shall not be eligible for arrears.

(f) Period spent on deputation to foreign service.

(4) The employee on authorized leave shall draw the annual increment following due during the leave period on resumption of duty after expiry of leave.

## **22. Personal Pay :**

The Competent Authority may grant personal pay to the employee to save him from loss of substantive pay in respect of a permanent post, other than a tenure post due to revision of pay or due to any reduction of such substantive pay otherwise than as a measure of disciplinary action.

**23. Other Allowances :**

(1) The employee working in the time-scale of pay shall be entitled to the Dearness Allowance, Compensatory Local Allowance, House Rent Allowance and such other allowance as may be sanctioned by Government from time to time to its employee working in equivalent scales of pay.

(2) For the purpose of calculating allowances which are related to pay, the term pay shall include basic pay, additional pay, officiating pay, personal pay or special pay, if any, The allowance except cash allowance (i.e. allowance sanctioned for handling cash) typing allowance, shorthand allowance, shall not, however, count as pay for this purpose.

(3) In case where both husband and wife are employed under the University, they shall draw dearness allowance, if otherwise, admissible to them.

(4) Dearness Allowance may be drawn during the period of any kind of leave except extraordinary leave.

(5) The House Rent Allowance shall be admissible to employee at the places and at the rates as sanctioned by Government to its employees working in equivalent scales of pay, from time to time. When an employee is provided with the residential quarters by the Vidyapeeth either on rent free basis or on rental basis he shall not be entitled to House Rent Allowance.

**24. Subsistence Allowance :**

(1) The employee under suspension shall not be entitled to pay and allowance as prescribed in these rules. The Competent Authority shall pay to the employee under suspension by an order in writing a subsistence allowance at the following rates :-

(a) A subsistence allowance at an amount equal to the leave salary which the employee would have drawn, if he had been on leave on half pay and in addition, dearness allowance based on such leave salary shall be payable to the employee under suspension.

(b) Where the period of suspension exceed 6 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 6 months as follows namely :-

(i) The amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of first 6 months 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.

(ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first 6 months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee.

(iii) The rate of Dearness Allowance shall be based on the increased or on the decreased amount of subsistence allowance, as the case may be, admissible under sub-clause (i) and (ii)

(2) The employee shall not be paid the subsistence allowance unless he furnishes a certificate to the following effect before payment is made every month :-

“ I certify that I did not accept any private employment or engage myself in trade or business during the period on question”

If the Authority sanctioning the payment of special allowance has any reasons to doubt this certificate, it may ask the police authority to verify the certificate and if, the employee is found to have given a false certificate that should be construed as an act of misconduct and it shall be made an additional charge against him.

(3) Other compensatory allowance, if any, of which the employee was in receipt on the date of suspension shall also be payable to the employee under suspension to such extent and subject to such conditions as the authority suspending the employee may direct :

Provided that the employee shall not be entitled to the compensatory allowance unless the said Authority is satisfied that the employee continues to meet the expenditure for which such allowance was granted :

Provided further that, when an employee is convicted by a competent court and sentenced to imprisonment, the subsistence allowance shall be reduced to a nominal amount of rupee one per month which effect from the date of such conviction and he shall continue to draw the same till the date of his removal or reinstatement by the Competent Authority :

Provided also that, if an employee is acquitted by the appellate court and no further appeal or a revision application to a higher court is preferred and pending, he shall draw the subsistence allowance at the normal rate from the date of acquittal by the appellate court till the termination of the inquiry, if any, initiated under these rules :

Provided also that, in cases falling under sub-rules (1) and (3) where the University refuse to pay or fails to start and continue payment of subsistence allowance and other compensatory allowance, if any, to an employee under suspension, payment of the same may be made by the Director of Higher Education, Maharashtra State, Pune. Who may deduct an equal amount from the grant that may be due and payable or may become due and payable to the University.

(4) When an employee under suspension the age of superannuation while under suspension, he / she shall be deemed to have been retired on attaining the age of superannuation and any departmental or judicial proceeding pending against him shall be continued even after his retirement. He shall not be entitled to subsistence allowance after he attains the age of superannuation. If, he has opted for the Contributory Provident Fund Scheme, he shall be entitled to his share of contribution on his attaining the age of superannuation but he shall not be entitled to the University or Management share to the Contributory Provident Fund. If he has opted for the pension-cum-gratuity scheme, he shall be entitled to provisional pension not exceeding the maximum pension which would have been admissible to him on the basis of qualifying service up to the date immediately preceding the date on which he was placed under suspension. No amount of Death-cum-Retirement Gratuity shall be paid to him till his case is finally decided.

(5) When an employee who has been suspended is reinstated the Competent Authority to order the reinstatement shall consider and made a specific order –

(a) regarding the said period being treated as duty or ' leave ' and

(b) regarding the pay and allowance to be paid to the employee for the period of his absence from duty.

(6) If the Authority mentioned in sub-rule (5) is of the opinion that the employee has been fully exonerated or in the case of suspension, that it was wholly unjustified , the employee shall given full pay and allowance, to which he could have been titled to, had he not been dismissed, removed or suspended, as the case may be. In that case the subsistence allowances already paid to him shall be fully recovered from the arrears of the pay and allowance. The University shall bear expenditure on pay and allowances of the substitute., if any appointed in place of the employee under suspension, and the same shall not be held admissible for Government Grants.

(7) In case the employee is not fully exonerated, the authority mentioned in sub-rule (5) shall specify in the order the pay and allowances to be given to such an employee which may either be equal to (i) subsistence allowance already sanctioned to him, or (ii) any other percentage of pay depending upon the merit of the case :

Provided that the period of absence from the date of suspension to the date of reinstatement or otherwise can be converted into leave due and admissible only if the employee concerned request the Authority mentioned in sub-rule (5) in writing :

Provided further that the subsistence allowance already paid to an employee shall be fully recovered either from the pay and allowances as the case may be or from the leave salary payable to him.

**25. Subsistence Allowance When to be Paid :**

(1) The Subsistence Allowance or arrears of pay and allowance or leave salary as provided under sub-rules (1), (3), (6) or (7) of rule 24 shall be payable to an employee only after he produces a certificate that during the period of suspension he had not engaged himself into any gainful employment, trade or business and the Competent Authority shall pay the subsistence allowance only after he is satisfied in that respect.

(2) Where the employee is entitled to the subsistence allowance or arrears of pay and allowance or leave salary, as provided under sub-rules (1), (3), (6) or (7) of rule 24, and when the Competent Authority does not pay the same within the reasonable fixed by the Director of Higher Education, Maharashtra State, Pune, or the Administrative Officer, Higher Education Grants of the region concerned then the Director of Higher education, Maharashtra State, Pune or the Administrative Officer, Higher Education Grants of the region concerned, shall be competent to pay the same, direct to the employee concerned up to a period of one year subject to the following conditions namely :-

( i) The employee concerned had been sanctioned by the Competent Authority after obtain prior approval of the Director of Higher Education, Maharashtra State, Pune.

( ii) If the Competent Authority fails to obtain prior approval as provided in condition if the Competent Authority shall not be entitled to the grant or the pay and allowances of the substitute, appointed in the vacancy of the suspended employee.

(iii) Such a direct payment to the suspended employee shall be restricted to a period of six months, within which period the Competent Authority shall make all effects to finalize the enquiry. The Director of Higher Education, Pune, shall also see that the period of suspension comes to an end as early as possible and in no case it shall extend beyond a period of one year. If the period of suspension is required to be extended beyond a period of one year, the Competent Authority of the Director of Higher Education, Maharashtra State, Pune, shall take steps well in advance to obtain Government's approval for extending the period of suspension as well as for the payment of amount provided in condition (i), direct to the employee.

**26. Traveling Allowance :**

(1) The employee required to undertake tour in the course of discharge of this duty, shall be entitled to traveling allowance and daily allowance as per the rules and at the rate prescribed by the Government for its employee working in comparable scales or pay from time to time.

(2) The employee proceeding to his home town or otherwise and back during leave shall be entitled to leave travel allowance (Concession) as per the rules and at the rates prescribed by the Government for its employees working in comparable scales of pay from time to time.

**CHAPTER IV ( LEAVE )**

**27. General Conditions -**

(01) (a) The leave cannot be claimed as a matter of right. When experiences of the service so require, discretion to refuse or revoke leave of any kind is reserved by the Leave Sanctioning Authority. On which recall, the employee shall report for duty forthwith. The leave sanctioning Authority may sanction or refuse the leave applied for, but shall not after the nature of the leave applied for.

(b) The employee may be granted leave only on his request. No employee shall be forced to proceed on leave. The employee may, with the approval of the leave sanctioning Authority curtail the period of his leave. The employee who is on leave preparatory to retirement, shall not, however, be entitled to return to duty by canceling the unexpired portion of his leave.

(02) The employee shall be entitled to leave in proportion to the period spent on duty and of kind to the extent specified here below. The period spent in foreign service counts as duty, if condition towards leave salary is paid, however, the period spent on leave is not counted as duty for this purpose. The period suspensions of the employee shall be treated as duty for the purpose. In case the employee is fully exonerated by the Competent Authority from the charges for which he was suspended and is reinstated in service.

(03) The employee shall have to apply for grant of leave, in the prescribed Form 7(a) to (d) in Appendix I appended to these rules, as the case may be and shall proceed on leave after due sanction.

Provided that if the employee is required to proceed suddenly on any leave and for reasons beyond his control the leave sanctioning Authority may, on satisfying itself sanction leave on his application which is submitted later.

(04) Leave shall not be granted ordinarily to the extent by which it would deplete the strength of service or department below are received resulting into exigency, the leave Sanctioning Authority shall consider the following factors while granting the applications, namely.

**(a)** Special circumstances for which leave is requested.

**(b)** Amount of leave due to the applicant.

**(c)** Whether applicant was recalled from his last leave or has been refused leave in the interest of officer requirements.

**(d)** The period and character of the service rendered by the applicant since has last return from leave.

**(e)** The employee who can for the time being best be spread.

**(f)** Whether any of the employees already on leave can be recalled to duty in order to spare any other employees for availing his leave under any special circumstances.

(05) The period of leave of the employee begins on the day on which he relinquishes Charge of his post before 12 noon, if not, from the next day. The period of leave ends on the day the employee assumes charge of his post before 12 noon, if not, from the next day.

(06) Except otherwise provided under these rules any period of leave may be granted in combination with or in continuation of any other kind of leave except casual leave, subject to the limit of aggregate period of absence, as may be prescribed by the Competent Authority, Sunday and Holiday may be prefixed or suffixed to the leave.

(07) The application for leave on medical grounds shall be accompanied by medical certificate given by the Medical Authority, indicating the nature and probable duration of the illness. The employee returning to duty from leave on medical grounds shall produce a certificate of fitness from the Medical Authority.

(08) The employee against whom a departmental enquiry is instituted or proposed to be instituted or who is proposed to be suspended or is discharged, or is under order of removal or dismissal, or has given notice of resignation shall not be entitled to leave however he may be given short leave on condition that he becomes available for inquiry, if and required. The employee already on authorized leave, on submitting the notice of resignation, shall cease to draw any leave salary with effect from the date from which his resignation is accepted. No leave can be adjusted against the period of notice of resignation.

Provided that, on the recommendation of the Medical Authority, the Leave Sanctioning Authority may sanction with the previous permission of Director of Higher Education, Maharashtra State, Pune leave to such employee.

(09) The employee on leave shall not accept any other employment, either part-time or full-time except casual literary work or service as public examination.

(10) If the employee overstays the sanctioned period of his leave without prior permission and intimation he shall not be entitled to any leave salary for this period, and such absence from duty may be treated as misconduct. The sanctioning Authority, may however for the reasons to be recorded in writing condone the irregularity.

(11) The employee shall not be permitted to formally join the duty at the end of the leave with the intention of taking leave again within a few days.

(12) If the employee frequently applies for grant of leave on medical ground with short intervals, his case may be referred to the Medical Authority, with a request to give its considered opinion on employee's state of health, the period required for his complete recovery and also where he is healthy for fit for duty after rest and treatment.

(13) The employee discharged or removed except on account of misconduct or who has once resigned, if reappointed, if appointed shall not be claim leave in respect of service rendered prior to his discharge, removal or resignation, as the case may be.

(14) The employee appointed on contract basis in time-scale of pay shall be entitled to leave in accordance with the terms of the contract into by him with the Competent Authority.

### **KINDS OF LEAVE**

#### **28. Casual leave**

**(1) (a)** The employee shall be entitled to 15 days casual leave in a calendar year.

**(b)** Permission for casual leave in Form 7 (a) in Appendix I appended to these rules shall ordinarily be obtained before the day from which casual leave as required. In exceptional circumstances there application of casual leave cannot be submitted before the leave begins ex-post-facto sanction for casual leave shall be obtained by the employee.

In asceponeal circumstances leave Sanctioning Authority may grant ex-post-facto sanction to the casual leave which was not previously approved. If the leave Sanctioning Authority is not qualified about the exceptional circumstances, the casual leave availed of without prior permission may be treated as leave without pay.

Mass casual leave shall not be treated as actual leave. It shall be treated as unauthorized absence and clear it with accordingly. The action go on mass casual leave shall be treated as misconduct.

**(c)** The employee shall be entitled to the more than seven days casual leave at a time. The same may be prefixed or suffixed with holidays or Sundays provided that the period of total absence does not exceed from day at a time. Any number of Sunday and or Public Holidays are permitted to be prefixed / or suffixed so also. Holiday or a series of holidays are permitted to interpose between the period of casual leave. However the total period of casual leave and holidays enjoyed in continuation at one time would not exceed seven days. Save only in exceptional circumstances if may be extended up to ten days,

**(d)** The casual leave cannot be combined with any kind of leave.

**(e)** The casual leave for half day can be granted to an employee, Absence on Saturday where it is observed as half working day shall be treated is casual leave for full day.

**(f)** The following kinds of special casual leave which shall not be to the casual leave admissible to an employee will be granted namely.

**(a)** Special Casual Leave under the Family Planning Scheme.

Occasion                      Special Casual Leave Admissible.

( i) Vasectomy or as the case may not exceeding six working days be tubectomy operation.

(ii) Female Employees undergoing Not exceeding 14 days non puerperal sterilization.

( i) Vasectomy or as in the case may not exceeding six working days be tubectomy operations.

(ii) Female Employees undergoing Not exceeding 14 days , non puerperal Sterilization.

**Explanation :** The special casual leave on the above two decisions may be combined with ordinary casual leave or regular leave provided the applications is supported by a medical officer.

(iii) Female employee undergoing for a day subject to production of I.U.C.D. insertion a medical certificate.

(iv) Employee whose wife under. Not exceeding seven days subject goes a Gynaec Sterilisation, to product of a medical (non-puerperal) certificate.

**Explanation : 1 -** The special casual leave may be combined with ordinary casual leave or regular leave provided the applications is supported by a medical certificate by the doctor who actually reforms the operation to the effect that the presence of the employee is essential to look after his wife during the period of leave.

**Explanation : 2 -** Special casual leave not exceeding four days shall be granted to the employee whose wife undergoes tubectomy operation immediately after the delivery subject to production of a medical certificate from the doctor who actually perform the operation.

(b) Special Casual leave may be give on other occasions as mentioned below –

Occasion	Special Casual Leave Admissible
( i) Anti – cubic treatment	Up to 3 weeks
( ii) Participation in national or international sports.	Up to30 days, subject to the provisions of Explanations 1 and 3.
(iii) Mountaineering	Up to 30 days, subject to the provisions of Explanations 2 and 3.
(v) Free Blood Donation	One day (either on the same day or on the very most day of donation of blood but not on any other subsequent day)

**Explanation 1.** - Grant of Special Casual Leave for Participation in National or International sports shall be.

(1) For participation in sporting events of National or International Importance.

(2) When the employee is selected for such participation -

( i) In respect of International Sporting events by National Sports Federation or Association recognized by the All India Council or Board and approved by Ministry of Education of Government of India, or

(ii) In respect of national importance when the sporting event in which participate takes place is held on an Inter-State, Inter-Zonal or Inter-Circle basis and the employee takes part in the event in a time as a duly mentioned representative on behalf of the State, Zone or Circle and when he participates in his personal capacity.

(3) When an employee is selected or sponsored for attending, coaching a Training Camp or All-India Coaching or Training Schemes or his service are utilized as Umpire for such sporting events.

**Explanation 2 –** Special casual leave for Mountaineering shall be admissible when the expedition is approved by the Indian Mountaineering Foundation.

**Explanation 3 –** If an employee participates in National or International Sporting event and also in mountaineering the total special casual leave. shall not exceed 30 days, in a calendar year.

(g) Account of casual leave availed by the employee shall be maintained in the office.

(h) Leave Sanctioning Authority may refuse casual leave if it is requested on flimsy pretext. The Leave Sanctioning Authority, shall have the power to grant casual leave in proportion to the period of the calendar year and the casual leave availed of unit then. The Leave Sanctioning Authority may grant leave without pay o shorter duration if no casual leave is available to the account of the employee.

(i) The employee belonging either to Class II or Class IV, I if asked to work on Sundays or holidays by the Competent Authority in writing shall be entitled to have compensatory holiday, provided they ask for the same during the same Calendar year. Compensatory Holidays should not be accumulated for more than three days and should not be allowed to be carried forward to the next calendar year. Compensatory Holidays can be prefixed or suffixed or such both to leave due or holidays.

**29. Earned Leave :**

(1) An employee who is not entitled to vacation shall be entitled to the earned leave at the rate of one eleventh of the period spent on duty, subject to the accumulation of maximum of two hundred and forty days of leave.

(2) The employee may be granted not more than 120 days earned day at a time.

(3) The earned leave admissible to a permanent employee entitled to vacation in respect of any year in which he is provided from availing himself of the full vacation, or a part there of shall be in such proportion of thirty days in a year as the number of days of vacation not availed of bear to the full vacation provided that the employee shall cause to earn such leave when the earned leave due is accumulated to 240 days.

**Illustration –** An employee who is prevented from availing himself of the full vacation of 63 days in a year, shall be entitled to earned leave for thirty days. Similarly the employee who is prevented from availing himself of twenty-one days out of the total vacation shall be entitled to earned leave for ten days, and so on.

(4) (i) A non-teaching employee shall be allowed to surrender earned leave at his option to the extent of thirty days in a financial year on **availment** of not less than thirty days earned leave, subject to the following conditions, namely :-

(a) The surrender of earned leave shall not be allowed more than once in any financial year.

(b) The applications for surrender of earned leave shall be made along with the application for grant of leave.

(c) The number of days of earned leave surrendered under these rules shall be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the employee on that date.

(d) The total of the earned leave actually availed of and the normal leave Surrendered should not exceed the maximum leave admissible to the employee at any one time, namely 120 days.

(e) on return from earned leave the employee should serve the University for a period of notice than that if the earned leave surrendered.

(f) In the case of a employee who is on the verge of retirement, the period of leave surrendered shall not exceed the period of duty between the date of expiry of earned leave actually availed of and the date of compulsory retirement.

(g) The surrender of earned leave shall not be allowed in the case of leave preparatory to retirement.

(h) The surrender of earned leave shall, not be admissible to a non-teaching employee who resigns while on leave.

(i) a non teaching employee who is permitted to surrendered leave shall not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him.

(J) In case of compulsory recall to duty, the non-teaching employee shall be allowed to enjoy the balance of his earned leave before expiry of the period of six months from the date on which he proceeded on earned leave or before he again proceeds on earned leave with surrender of earned leave, whichever is earlier. The leave sanctioning authority shall grant pay to such a non-teaching employee, during the prescribed period. If he applies for it, if however, the non-teaching employee concerned leave, the balance of the earned leave shall lapse and the said period shall be debited to his leave account as if he had enjoyed it.

(ii) The authorities who are empowered to sanction earned leave shall be competent to accept surrender of earned leave.

(iii) The leave salary and allowances admissible for the leave surrendered shall be at the rate of leave salary and allowances admissible at the commencement of earned leave and shall include dearness allowances compensatory local allowance and non-practicing allowance but shall not include house rent allowance. For the purpose a month shall be reckoned as thirty days, irrespective of the month in which the leave is availed of.

(5) The employee who retires on superannuation or who dies while in service, shall be entitled to the benefit of cash equivalent of unutilized earned leave standing to his credit, on the date of such retirement or death, as the case may be, as provided in rule 39.

**(30) Leave on Half pay** –(i) The employee including an employee who is entitled to vacation shall be entitled to leave on half pay to the extent of 20 days for every completed year of service. The leave so earned can be accumulated without any intimation. The employee shall not be entitled to leave on half pay during the first year of his service. The leave on half pay due may be granted to the employee either on medical ground or for private reasons. The leave requested on medical ground shall have to be supported with the certificate from the Medical Authority.

**Explanation –** The period of suspension if any, finally treated as suspension shall be excluded for counting completed years of service for this purpose.

(2) If an employee is on leave on the day on which he complete a year of service, he / she shall be entitled to half pay leave without having to return to duty.

**(31) Commuted Leave** – (i) The employee may with the approval of Competent Authority, commute leave on half pay at his credit on medical grounds on the following conditions namely :-

(a) The commuted leave shall be debited to the account of leave on half pay at the rate of twice the number of days actually availed of .

(b) No commuted leave shall be granted under this rule, unless the authority competent to sanction leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.

(c) The authority competent to grant leave shall obtain as undertaking from the employee that in the event of his resignation or retiring voluntary from service he shall refund between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Where employee who has been granted commuted leave resigns from his / her service or his / her request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

Provided that no such recovery shall be made if the retirement is by reason of his ill-health incapacitating the employee for further service or is the event of his death.

**(32) Leave not due** – In respect of permanent employee, if he has no earned leave or leave on half pay to his credit, the Leave Sanctioning Authority may grant him leave not due, for a period not exceeding 180 days during the entire service. The employee shall be entitled to not more than 90 days at a time except on medical ground. Such leave availed of by the employee shall be debited against the leave on half pay that the employee shall earn subsequently :

Provided that the leave not due shall be granted only if the leave Sanctioning Authority is satisfied that there are reasonable prospects of the employee returning to duty on expiry of leave and has sufficient service to earn leave to compensate leave not due granted to him.

**(33) Special Disability Leave :-**

**(1)** The employee disabled by injury or illness caused in, or in consequence of due performance of his official duty, or in consequence of his official position, shall be entitled to special disability leave, only when the injury or illness is sanctioned as result of a risk which is beyond the ordinary risk attached to the post. On production of certificate from the concerned Medical Authority, covering the requirement, the leave Sanctioning Authority shall sanction the said leave for such period as is certified by the concerned medical authorities which shall in case exceed 24 months in entire service. Such leave shall not be debited to any other kind of leave. But it may be combined with leave of another kind. The period of such leave shall be treated as duty for pension only.

**(2) (a)** In the case of a person to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (i) of section 4 of the said Act.

**(b)** In the case of a person to whom the Employees State Insurance Act, 1948 (XXXIV of 1948) applies, the amount of benefit payable under the said Act for the corresponding the period.

(34) **Maternity leave** :

(1) A competent Authority may, subject to the provision of this rule, grant to a permanent female employee, who does not have these or more living children on the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Such leave shall not be debited to the leave account. In the case of the employee entitled to leave shall not run concurrently with the vacation.

(2) A female employee not in permanent employee who has put in at least one year of continuous service shall also, subject to the provisions of this rule, be eligible for maternity leave referred to in sub-rule (1), subject to the condition that the leave salary admissible during the period of maternity leave shall be regulated as follows, namely :-

(a) in the case of a female employee who has put in two or more years continuous service, the leave salary admissible shall be as provided in sub-rule (1) of rule 40 of these rules and

(b) In the case of a female employee who has put in continued service for a period exceeding one year, but less than two years, the leave salary admissible shall be as provided in the sub-rule (2) of rule 40 of these rules.

(3) The applicant for maternity leave shall invariably be supported by medical certificate, as to the probable date of confinement, and an undertaking to the effect that the employee shall report the date of confinement supported by a medical certificate. In case of Class IV employee in which insistence on a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient.

(4) A female employee may be allowed leave of the kind due, including commuted leave, if she so desires, in continuation of the maternity leave, up to a maximum of 60 days without production of a medical certificate.

(5) Leave under this rule shall be admissible in a case of mis-carriage or abortion including abortion under the Medical Termination of Pregnancy Act 1971, subject to the following condition namely :-

(a) the leave does not exceed six weeks, and

(b) the application for the leave is supported by a medical certificate.

35. **Extraordinary Leave:**

(1) Extraordinary leave (leave without pay and allowances) may be granted to a employee in special circumstances

(a) when no other leave is admissible.

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

(2) Unless the Competent Authority in views of the exceptional circumstances of the case otherwise determines no employee who is not in permanent employee shall be granted extraordinary leave on any one occasion in excess of the following limits :-

(a) three months,

(b) six months, where the non-teaching employee three years continuous service, on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his required for such leave is supported by a medical certificate as required by these rules.

© twelve months, in the case of a non-teaching employee who has completed five years continuous service on the date of expiry of leave due and admissible under the rules including extraordinary leave under rules (a) and (b) of sub-rule(2) if the extraordinary leave is required on account of illness of the non-teaching employee as certified by a Medical Authority.

(3) The period of extraordinary leave other than on Medical ground shall not count for increment. The extraordinary leave on medical grounds shall count for increment only with the permission of the Director of higher Education, Maharashtra State, Pune.

(4) The extraordinary leave shall not ordinarily be granted to the employee for more than a year at a time. Provided that if the employee is suffering from Tuberculosis Leprosy. Cancer or such other disease, which may be specified by the Competent Authority and undergoing treatment in a recognized clinic or under a specialist, extraordinary leave up to 24 months may be granted by the Competent Authority.

(5) The extraordinary leave shall be debited to the employee's account and it shall postpone his date of increment, postpone, the date of a confirmation if on probation and effect such other privileges as may be dependent on the period of such leave.

(6) The extraordinary leave may be availed in combination with any other kind of leave with the approval of the Competent Authority.

(7) The Competent Authority may commute retrospectively the period of absence without leave not exceeding five years on each occasions, into extraordinary leave.

**Explanation :-** The power of commuting retrospectively the period of absence without leave into extraordinary leave is absolute and subject to any conditions that may be laid down by the leave Sanctioning Authority.

36. **Special Leave :-** The leave Sanctioning Authority may sanction the special leave to –

(i) the permanent Class I employees who have put in at least five years continuous service for attending conferences, seminar etc. on behalf of the University or for working as a member on a Committee appointed by the State Government or by the Government of India or by any other University or Academic Body.

(ii) the permanent Class II, III and IV employees who have put in at least five years continuous service for attending meeting of the recognized unions of employee :

Provided that the special leave so sanctioned shall not be more than 10 days in a calendar year.

37. **Leave to persons Re-employed after Retirement –**

(1) in the case of a person reemployed after retirement, the provision of these rules shall apply as if he had entered in the service of the University or the College, for the first time on the date of his re-employment.

(2) Earned leave due and admissible may be granted to a re-employed pensioner prior to **cessation** of his duties.

38. **Leave Preparatory to Retirement –**

A non-teaching employee may be permitted by the Authority competent to grant leave to date, leave preparatory to retirement to the extent of earned leave due, subject to the condition that the total period of leave should not exceed 28 months or such leave does and extend beyond the date of compulsory retirement.

**39. ( i) Cash equivalent of leave salary in respect of earned leave at the credit at the time of retirement on superannuation** – (1) The Authority Competent to grant leave shall suo- motu sanction to an employee who retires on attaining the age of superannuation the cash equivalent of leave salary in respect of the period of external leave at his credit on the date of his superannuation, subject to a maximum of 240 days.

( ii) The cash equivalent of leave salary payable under sub-rule (i) shall also include dearness allowance admissible on the leave salary at the rates in force on the date of retirement and it shall be paid in one lump sum as a one-time settlement.

(iii) The compensatory local allowance and house rent allowance shall not included in calculating the cash equivalent of the leave salary under this rule.

( iv) From the cash equivalent so worked out , no deduction shall be made on account of pension and pensionary equivalent of other retirement benefits.

( v) A non-teaching employee who retires from service attaining the age of compulsory retirement while under suspension shall be paid cash equivalent of leave salary under sub-rule (i) in respect of the period of earned leave at his credit on the date of his superannuation, provided that in the option of the authority competent to order reinstatement a non-teaching employee has been fully exonerated and the suspension was wholly unjustified.

**Explanation 1.** An employee can also avail of leave preparatory to retirement of a part of earned leave at his credit. In that case, he shall be allowed payment of cash equivalent of leave salary for the retirement in accordance with sub-rule (i)

**Explanation 2.** with a view to enabling the retiring employee to receive cash equivalent of leave salary in respect of the unutilized earned leave without delay, the following procedure shall be following namely :-

(a) An employee nearing the retirement date on superannuation should inform in writing to the Authority competent to sanction leave, three months, in advance of the date of retirement, if he desires to avail of cash equivalent of leave salary in respect of the unutilized earned leave at his credit on the date of his superannuation.

(b) The Competent Authority shall after satisfying himself that earned leave, if any, availed of by the concerned employee after receipt of his written intimation as in clause (a) is actually deducted from the earned leave due and admissible as on the date of superannuation as reported by his office, arrange to issue necessary orders sanctioning cash equivalent of leave salary in respect of the unutilized earned leave within a week of the date of retirement of the concerned non-teaching employee.

© Thereafter the Competent Authority shall within 15 days after the date of retirement, prefer a bill claiming the cash equivalent of leave salary in respect of the unutilized earned leave have to the Administrative Officer, Higher Education Grants of the region concerned.

(d) Payment of cash equivalent of leave salary in respect of the unutilized earned leave at the credit of the non-teaching employee retiring on superannuation, shall be made irrespective of whether or not “No Demand Certificate” from the Registrar or the Principal concerned is received.

**Explanation :** The cash payment for unutilized earned leave shall be made in the following manner –

**( Pay Dearness Allowance – No. of utilized days of earned leave admissible on date, leave at credit subject to a cash payment )**

(2) Cash equivalent of leave salary in case of death while in service, In case of a non-teaching employees dies while in service the cash equivalent of his leave salary admissible on the date immediately following the death and in case, not exceeding leave salary for 180 days, shall be paid to his family without any reduction account of pension and pension equivalent to death-cum-retirement gratuity. In addition to the cash equivalent of leave salary admissible his family shall also be entitled to payment of dearness allowance only.

**39 A. Leave Sanctioning Authority** – Subject to the overall control of the Competent Authority, the following shall be the Leave Sanctioning Authorities :-

No.	Kind of Leave	Category	Leave Sanctioning Authority
1	Casual Leave	Registrar / Principal	Vice – Chancellor, Chairman of the Management
2	Casual Leave	<b>A.</b> Other Employees in Class I,	Registrar
		<b>B.</b> Employee in Class II,	His Supervisor in Class I or Principal
		<b>C.</b> Employee in Class III & IV	His Supervisor in Class II or Principal.
3	Earned Leave, Half Pay Leave, Commuted Leave, Maternity Leave, Extraordinary Leave.	<b>A.</b> Registrar and other Officers in the Vidyapeeth.	Vice Chancellor
		<b>B.</b> All Categories of employee in Class II, III and IV	Registrar or Principal
4	Leave not due Special Disability Leave, Special Leave.	All Categories	Competent Authority

Provided, that the Leave Sanctioning Authority may further, delegate to the Registrar / Chairman / Principal or such other subordinate officer the powers to sanction particular kind of leave.

..41

#### 40. Leave Salary :

1. (a) The employee on authorized earned leave shall be entitled to the pay, drawn by him immediately prior to the commencement of leave, plus allowances admissible on that pay, subject to the provision of rule 19.

(b) The employee on authorized half pay or on leave not due shall be entitled to half of the basic pay, drawn by him immediately prior to the commencement of half pay leave or leave not due, as the case may be plus the allowances admissible on that pay.

© The employee on authorized commuted leave entitled to leave salary equal to the amount admissible under sub-clause (a).

(b) The employee who is granted leave not due shall be entitled to leave salary equal to the amount admissible under clause (b).

(e) The employee who is granted special disability leave shall be entitled to leave salary equal to the amount admissible under clause (a) for the first 120 days and for the remaining period at equal to the amount admissible under clause (b).

(f) The lady employee on authorized maternity leave shall be entitled to :-

( i) leave salary admissible under clause (a), in the case the employee is permanent.

( ii) leave salary admissible under clause (a) in case of temporary employee, who has put in not less than two years continuous service.

(iii) leave salary admissible as under clause (b), in case of temporary employee who has put in more than one year continuous service but less than

(g) The employee who is granted study leave shall be entitled to leave salary equal to the amount admissible under clause (b), in case the employee is in receipt of any stipend or scholarship or any other monetary assistance during such leave : otherwise he shall be entitled to leave salary equal to the amount admissible under sub-clause (a)

(h) ( i) The employee on extra-ordinary leave shall not be entitled to any leave salary.

( ii) The employee on leave which is not authorized shall not be entitled to any leave salary.

(2) The employee on authorized leave shall be entitled to pay, personal pay, compensatory local allowance, dearness allowance, house rent allowance but shall not be entitled to additional pay, officiating pay and special pay, if any.

(3) The employee who has been authorized to surrender leave, shall be entitled to the pay and personal pay drawn by him immediately prior to the commencement of the leave, plus dearness pay, dearness allowance, compensatory local allowance, as admissible under the rules, for the period of leave, so encashed, as per rule 29. However, no house rent allowance half be admissible.

(4) The leave salary for the period of surrendered leave shall not be able for deduction on account of Provident Fund, House Rent Allowance and payment of dues, co-operative societies etc. For this purpose a month shall be reckoned of 30 days.

## **CHAPTER V**

### **CONDUCT, DISCIPLIN AND APPEALS**

#### 41. Conduct –

(1) The employee of the University shall be at the disposal of the University for full-time and shall serve in such capacity and at such place as he may from time to time, be so directed.

(2) The employee shall confirm and abide by the provision of the constitution, Regulations and Rules and directives and decisions of the Competent Authority. The employee shall also observe comply with and obey all orders and instructions which may from time to time be given to him by the officer under whose jurisdiction, superintendence or control, he has been placed, for the time being.

(3) The employee shall at all time maintain absolute integrity, and show devotion to duty, and shall be nothing which is unbecoming of an employee of the University as the case may be. He shall ensure the integrity and devotion to duty of all employees under his control and authority for the same being.

(4) The employee shall extend utmost courtesy and attention to all persons with whom he has to deal in the sphere of his duties. He shall strive hard to promote the interest of the University, as the case may be.

(5) No employee shall in the discharge of the Official duties deal with any matter relating to award of any contract in favour of a Company or firm or any other body or person in which he or any member of his family is interested except with the prior permission of the Competent Authority After such a permission is granted, the employee shall remain himself from extending any undue advantage or benefit to such Company, firm or body as the case may be.

(6) (a) The employee except in accordance with any general or special orders of the Competent Authority or in performance of his duties and in good faith, shall not communicate or cause to communicate directly or indirectly any official document or any part thereof or information to any person within the University or outsider, to whom he is not authorized to communicate such documents or information, or to make any use thereof.

(b) The employee shall not contribute to the Press any matter connected with the University without obtaining the previous sanction of the Competent Authority or without such sanction make use of any documents. Paper or information which may have come in his official capacity. He shall also not try to obtain unauthorisedly any information, document, paper which may not come in his possessions in his official capacity in order to make any use thereof.

© The employee shall not directly or indirectly take part in any activity of demonstration or movement which is considered by the Competent Authority to be prejudicial to the academic and administrative interest of the University or College or being the University or the College in dispute.

(7) (1) Subject to the provision of the rule, any employee may, with previous permission of the Executive Council in writing. Contest, direction to public officer other than those mentioned in sub-rule (1) at the local, District , State or National Level.

(2) The permanent employee shall, immediately after filing the nomination form for contesting such elections and the same being declared as said proceed on leave due and admissible to him, and if there is no leave to his credit, he shall proceed on extraordinary leave and shall continue to be on leave till the declaration of the election results.

Provided that the Executive Council may require a temporary employee on testing such elections to resign his post even during the election , if in the opinion of the Management the election campaign is likely to adversely affect the duties of the employee.

(3) The employee contesting such an elections shall not involve the Executive Council, employees or students of the University, in which he is employed in the election campaign.

(4)(a) In the event of his being elected the permanent employees shall apply for further extension of leave due and admissible to him and if there is no leave t his credit, the extraordinary leave for the period for which he is likely to continue to hold the office shall be granted by the Exec utive Council in relaxation of the limit prescribed in sub-rule (2) of rule 35.

(b) In case, however, if the sessions or meetings of the public office are old at intervals he may be allowed to avail of leave due and admissible him or, as the case may be the extraordinary leave for the actual period of the sessions or meetings including the period of journey and may be allowed to attend the school during the remaining periods.

© The period of extraordinary leave availed of for the purpose shall be counted for purpose of annual increments.

5(a) In the event of a permanent employee who becomes an office bearer such as Chairman, President, Vice President, Secretary, Joint Secretary etc., which requires full time attendance or long-time absence on normal duties, then he shall apply for keeping his lien on the post which he had held. And shall be granted by the Executive Council.

(b) In the case of temporary employee who is on leave till the declaration of election results, and in the event of his being elected he shall resign the post he had held immediately on his election to the public office.

(6) Provision of sub-rules (3), (4) and (5) shall mutatis mutandis also apply to the permanent employees elected to public office being further nomination the University

(7) The employee, except with the previous sanction of the Competent Authority shall not give evidence in connection with any enquiry conducted by any person, committee or authority and shall not criticize the policy or action of the Competent Authority.

Provided that the employee may give guidance at –

(a) an enquiry before an authority appointed by the Competent Authority

(b) a judicial enquiry, or

© a departmental enquiry ordered by the Competent Authority

(8) The employee without the express sanction of the Competent Authority shall not ask for or accept contribution to or otherwise associate himself with the raising of funds or other collection in cash or otherwise for the own benefit.

(9) The employee shall not accept or permit any member of his family or any person acting on his behalf to accept any gift in cash or in kind for his own benefit from any person including another employee for a work to be done in connection with the business of the University.

Provided that, the collection of monthly subscription of membership at the rate prescribed collected by the office bearer of the Employees Union or the Club and in respect of which a due receipt or tendered shall not amount to gift or realization of other contribution for this purpose.

Explanation 1 - The expression “ gift “ include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person also than a near relative or personal friend having no official dealing with the employee.

Explanation 2 – The employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealing with him or from industrial or commercial firms, organizations, or any similar bodies.

(10) The employee shall not accept, solicit or seek except with the previous sanction of the Competent Authority any outside office, stipendiary or honorary work. He shall not engage in any trade or business or canvas in support of in any commercial or insurance owned or managed by any member of his family except co-operative consumers or housing or credit society, insurance agency or commission agency the Competent Authority may grant the permission if it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Competent Authority, while granting this sanctions may stipulate that any fees received by the employee for undertaking the work shall be opaid in whole or in part to the University or College.

Provided that this provision shall not be applicable to the honorary work of special charitable nature, or literary artistic or scientific in character including T.V. / Radio talk without affecting his official duties.

(11) The employee shall not apply for job post or scholarship without the previous knowledge of the Competent Authority.

(12) The employee shall not absent himself from his duties without his first having obtained the permission of the Competent Authority. In case it is not possible for the employee to obtain such permission owing to circumstances or reasons beyond his control, he shall intimate to Competent Authority within 3 days from the first date of absence failing which the absence may be treated as leave without pay, and he shall further be liable to such disciplinary action as the Competent Authority may deem fit.

Provide that the Competent Authority may condone this condition in respect of an employee who for reason of his own physical state was unable to convey the cause of his absence.

(13) The employee shall not bid either directly or indirectly, at any sanction of any University property not shall be submit any tender for any supply to the University.

(14) The employee shall not, by writing speech or deed, or otherwise indulges in any activity which is likely to incite and create feeling of hatred or ill-will between different communities in India or religion, social, regional, communal or other grounds.

(15) The employee shall not enter upon a course of studies or appear for any examination by University or other bodies without the previous permission of the Competent Authority.

**42. Misconduct** – Misconduct shall include as follows, namely :-

- (a) Any action by the employee contrary to the provision prescribed in the foregoing rules.
- (b) going on illegal strike, abetting including instigation or action in furtherance thereof.
- © theft, fraud or dishonesty.
- (d) habitual break of any standing orders, rules.
- (c) wilful or negligent damage of the University property.
- (f) refusal to accept charge-sheet, order or other communications served according to the rules.
- (g) conviction in a court of law, involving moral turpitude.
- (h) riotous or disorderly behavior, threatening intimating of concerning in connection with or relating to any duties or working of the University

- (i) neglect of work or negligence in discharging any duty or failure to give the day's out-turn.
- (j) violence or inciting violence.
- (k) stopping work either singly or with other employees or inciting anyone else not to work.
- (l) allowing anyone within the prohibited premises of the University or allowing any Person or persons, whose entry is prohibited without the permission of the Competent Authority.
- (m) falsification or tempering any paper or record of the University.
- (n) obtaining employment under the University or College by misrepresentation of facts.
- (o) making any false or exaggerated allegations against any officer, superior or a co-employee or Authority.
- (p) committing nuisance during the working hours by being found intoxicated or otherwise.
- (q) misappropriation of any amount, movable property of the University or late crediting the amount in the University account.
- (r) committing say act involving moral turpitude.

**43. Penalties :-** (1) Without prejudice to the provisions of any law for the time being in force, the following penalties may for good and sufficient reasons and as hereinafter provided be imposed on the University employee found guilty of misconducts :-

- (a) Minor Penalties -
  - ( i) censure.
  - ( ii) fire
  - (iii) withholding of increment of pay.
  - ( iv) withholding of promotion
  - ( V) recovery from his pay, or such other amounts as may be due to him of the whole or part of any pecuniary loss caused by him to the University by negligence or by breach of orders
- (b) Major penalties :-
  - ( i) Reduction to a lower stage in the time-scale of pay, for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction shall or shall not have the effects of postponing the future increments of his pay.

( ii) reduction to a lower time-scale of pay, grade, post or services which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade or service from which he was reduced, with or without further directions regarding condition of restoration to the time-scale of pay, grade, post or service from which he was reduced and his seniority and pay on such restoration.

(iii) Compulsory retirement.

(iv) removal from service which shall not be a disqualification for future employment under the University.

(v) dismissal from service, which shall be disqualification for future employment under the University.

**Explanation** : The following shall not amount to penalty within the meaning of this rule, namely :-

( i) withholding of increment of pay of the employee for his future to pass any departmental examination in accordance with the rules or orders or the terms of his appointment probation.

( ii) Stoppage of an employee , at the efficiency bar, in the time-scale of pay on the ground of unfitness to cross the bar by the employee.

(iii) non-promotion of the employee, whether in substantive or in officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible on administrative ground not connected with his conduct :

(iv) reversion of the employee officiating in higher service, grade or post to a lower grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post, or on any administrative ground not connected with his conduct.

( v) reversion of the employee, appointed on probation to any other service, grade or post, to his permanent service, grade or post held by him under the University management, during or at the end of the period of probation, in accordance with the terms of his appointment of the rules and orders governing such probation.

( vi) repatriation of the service of the employee whose services have been borrowed from outside authority or recalling the employee from the foreign employment to such authority :

(vii) Compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement :

(viii) termination of the services (i) of the employee appointed on probation, during or at the end of his probation in accordance with the terms of his appointment or rules or orders governing such probation or (ii) of a temporary employee on grounds unconnected with his conduct or (iii) of the employee under an agreement in accordance with the terms of such agreement.

(2) where a penalty mentioned in item (b)(i) or (b)(ii) in sub-rule (1) is imposed on the employee, the Authority imposing the penalty shall expressly state in the order imposing the penalty that the period for which the reduction is to be effective shall be exclusive of any interval spent on leave before the period is completed.

**44. Procedure for Imposing Minor Penalty** – No full-fledged and elaborate departmental enquiry shall necessary for inflicting minor penalty. In such cases, the employee shall be given intimation of the act of misconduct committed by him and he will be given a reasonable opportunity to furnish his explanation, before the penalty is imposed.

**44 A. Disciplinary Authorities :-** (1) The Competent Authority may impose any of the penalties laid down in rule 43 of any employee.

(2) Without prejudice to the provisions of sub-rule (1) Appointing Authorities may impose any of the penalties specified in rule 43 upon members of class III and class IV services serving under them, whom they have power to appoint.

Provided that the Registrar of the University shall exercise the powers of imposing minor penalties on the Class III and Class IV employees under their respective administrative control.

**45. Suspension-** (1) The Appointing Authority or any authority to which the Appointing Authority is subordinate or any other authority empowered in that behalf by the Competent Authority, by general or special order, in Form 8 in Appendix I appended to these rules may place an employee under suspension :-

(a) where disciplinary proceedings against him is contemplated or is pending and is likely to result into imposing any of the major penalties, or

(b) Where in the opinion of the Authority he has engaged himself in activities prejudicial to the interest of the University.

© Where case against him in respect of any criminal offence is under investigation, enquiry or trial :

Provided that, where the order of suspension is made by an Authority lower than the Appointing Authority, such Authority shall forthwith report to the Appointing Authority, the circumstances in which the order was made.

Provided further that, suspension of an employee shall not be ordered unless there is a *prima –Facie* case against him for imposing one of the major penalties stated in these or there is reason to believe that his continuance in service is likely to cause embarrassment or to hamper the investigation of the case.

(2) The employee shall be deemed to have been placed under suspension –

( i) with effect from the date of his detention if he is detained in police or judicial custody on a criminal charge for a period exceeding 48 hours.

(ii) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removal or compulsory retired, consequent to such conviction and shall remain under suspension until the order of suspension is modified or revoked by the Authority Competent to do so.

(3) While under suspension the employee shall not be allowed to resign nor shall he be granted leave by the Competent Authority.

(4) The employee under suspension will not accept any private or gainful employment.

(5) The employee under suspension shall not leave the headquarters during the period of suspension without the prior approval of the Competent Authority.

#### **46. Procedure for imposing major penalty :-**

(1) The order imposing major penalty shall be made only after an enquiry is hold whether the Competent Authority is of the opinion that there are grounds for enquiry into the truth of the opinion of misconduct or which may result in major penalty, misbehavior against another employee, it may itself enquire into or appoint an authority to enquire into the truth thereof in form 9 of Appendix I appended to these rules.

(2) Where it is proposed to hold enquiry against the employee, the Disciplinary Authority shall draw up or cause to be drawn up :-

(a) the substance of imputation of misconduct or misbehavior vato definite or district articles of charge.

(b) a statement of imputation of misconduct or misbehavior in support of each article of charge shall contain :-

( i) a statement of all relevant facts including any admission, or confession by the employee, and

(ii) a list of documents by which a list of witness by whom, the articles of charge are proposed to obtain.

(3) The Disciplinary Authority shall deliver or cause to be delivered to the employee, in Form 10 of Appendix I appended to these rules a copy of the articles of charge, the statement of imputation of misconduct and misbehavior and a list of documents and of the witness by which each article of charge is proposed to be sustained, and shall by a written notice require the employee to submit to it within such time as may be specified in the notice, a written statement of his defense and to state whether he desires to be beard in person.

(4) (a) On receipt of the written statement of defense, the Disciplinary Authority may itself require into such of the articles of charges as are not admitted or, if it necessary to do so, appoint an Enquiry Authority for the purpose, and where all the articles of charge have been admitted by the employee, the Disciplinary Authority shall record its findings on each charge, after taking such evidence as it may think, and shall act in the manner laid down in these rules.

(b) If no written statement of defense is submitted by the employee, the Disciplinary Authority may itself enquire into the articles of charge or may appoint Enquiry Authority

© Where the disciplinary authority appoints the Enquiry Authority, it may be an order appoint another employee or a legal practitioner as the Presenting Officer to present the case in support of the articles of charge before the Enquiring Authority. The employee may take assistance of any other employee to represent the case on his behalf, but may not engage a legal practitioner unless the Presenting Officer is a legal practitioner or the Disciplinary Authority, having regard to the circumstances so permits.

(5) The Disciplinary Authority shall forward to the Enquiry Authority as follows namely :-

(a) a copy of each of the articles of charge and the statement of imputation of misconduct or misbehavior

(b) a copy of the written statement of defense submitted by the employee.

© copies of the statement of witness.

(d) evidence proving the delivery of documents to the employee, and

(d) a copy of the order appointing the Presenting Officer.

(6) The employee shall appear in person before the Disciplinary Authority or the Enquiring Authority on such day and at such time within 10 working days from the date of receipt by the employee of the articles of charge and the statement of imputation of misconduct or misbehavior as the Disciplinary or the Enquiring Authority may be notice in writing specify, or such further time not exceeding 10 days as the Enquiring Authority may allow.

(7) The Disciplinary Authority may sub motto or on being moved by the employee against whom enquiry is instituted, for just and sufficient reason transfer the proceeding to another Enquiring Authority constituted for the purpose.

(8) If the employee who has not admitted any of the article of charge in his written statement of defense or has not submitted any written statement of defense, appears before the Disciplinary Authority or Enquiring Authority, it shall ask him whether he is guilty or has any defense to make and if he pleads guilty of any of the articles of charge, it shall be so recorded under the signature of the employee and of that Authority.

..51

. 51 ..

(09) The Enquiring Authority shall return to the Disciplinary Authority the findings of guilt in respect of those articles of charge to which the employee pleads guilty.

(10) If the employee fails to appear within the specified time or refuses to plead or Admits to plead, the Enquiring Authority shall require the Presenting Officer to produce the evidence by which he proposes to prove articles of charge, and shall adjourn the case to a later date not exceeding 30 days, after recording the order hat the order employee may, for the purpose of preparing his defense :-

(a) inspect within 5 days of the order or within such further time not exceeding 5 days as the Enquiring Authority may allow, the documents specified in the list.

(b) submit a list of witness to be examined on his behalf.

© give a notice within 10 days of the order or within such further time not exceeding 10 days as the Enquiry Authority may allow, for the discovery or production of any documents, but not mentioned in the list, indicating the relevance of such documents.

(11) Whether the employee applies orally or in writing for the supply of the copies of the statements of witness mentioned in the list, the Enquiring Authority shall furnish him such copies as early as possible, and in any case not later than 3 days before the commencement of the examination of the witness on behalf of the Disciplinary Authority.

(12) (a) Where the Enquiring Authority receives a notice from the employee for the discovery of production of documents, the Enquiring Authority, shall forward the same or copies thereof to the Authority in whose custody or possession the documents are kept, with a requisition for the production of the document by a specified date.

Provided that, the Enquiry Authority may, for reasons to be recorded in writing, refuse to requisition any of such documents, as are not relevant in the case.

(b) On receipt of the requisition, the Authority having the custody or possession of the requisitioned documents, shall produce the same before the Enquiring Authority.

Provided that, if the authorities having the custody or possession of the requisitioned documents ,is satisfied for the reasons to be recorded in writing that the production of all or any of such documents would be against the public interest, it shall inform the Enquiring Authority, and the Enquiring Authority shall, on being so informed, communicate the information to the employee and withdraw the requisition.

(13) (a) The enquiry shall be commenced on the date fixed by the Enquiring Authority and shall continue thereafter on the dates as may be fixed from time to time.

..52

(b) The oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by the Disciplinary Authority. The witness may be examined by the Disciplinary Authority and cross examined by the employee. The disciplinary Authority shall be entitled to reexamine the witness on any points on which they have been cross examined, but no on any now matter without the permission of the Enquiring Authority. The Enquiring Authority may also put question to the witnesses.

© Before the close of the case by the Disciplinary Authority, the Enquiring Authority may allow the presenting Officer to produce fresh evidence, not included in the list, or may, itself call for new evidence or re-call and re-examine any witnesses and in such cases the, employee shall be entitled to a copy of the list of further evidence. The Enquiring Authority shall give the employees an opportunity of inspection of documents before they are taken on record. The Enquiring Authority may also allow the employee to produce new evidence, if it is necessary in the interest of justice:

Provide that, no new evidence shall be permitted unless there is an inherent lacuna or defect in evidence which has been originally produced.

(d) When the case of the Disciplinary Authority is closed, the employee shall be required to state his defense orally or in writing as he may prefer. If the defense is made orally, it shall be recorded and the employee shall sign the same. A copy of the statement of defense shall be given to the Disciplinary Authority, the employee may examine himself, and the witness. They may be cross-examined by the Disciplinary Authority re-examined by the employee and examined by the Enquiring Authority.

(e) After the employee close his case and if the employee has not examined himself, the Enquiring Authority may generally question him on the circumstances appearing against him, for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(f) The Enquiring Authority may, after the completion of production of evidence, bear the Disciplinary Authority or the Presenting Officer, and the employee or permit them to file written briefs of their respective case.

(g) If the employee to whom a copy of the articles of charge has been delivered, does not submit a written statement of defense on or before the date specified or does not appear in person before the Enquiring Authority or otherwise fails or refuses to comply with the provision of the rule, the Enquiring Authority may hold the enquiry ex-part.

(14) (a) Where the Disciplinary Authority is competent to impose may any of the minor penalties , but not competent to impose any of the major penalties has itself enquired into or causes to be enquired into any of the articles of charge and that Authority having regard to its own findings or having regard to its, decision on any of the findings of the Enquiring Authority appointed by it, is of the opinion that any of the major penalties should be imposed on the employee, that Authority shall forward the record of the enquiry to the Authority competent to impose major penalty.

(b) The Disciplinary Authority to which the records are forwarded may act on the evidence of the record or may, if it is of the opinion that further examination of any of the witnesses is necessary, recall the witness and impose on the employee such penalty as it may deem fit in accordance with these rules.

Provided that, if any witness is recalled, he may be cross-examined by the employee.

(15) wherever any Enquiring Authority, after having heard and recorded the whole or in part of the evidence in an enquiry, ceases to exercise jurisdiction therein, and is succeeded by another Enquiry Authority, which has such jurisdiction, the Enquiry Authority so succeeding him, shall act on the evidence so recorded by its predecessor and partly recorded by itself.

Provide that, if the succeeding Enquiring Authority is of the opinion that further examination of any of the witness already recorded, is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine him.

Provided further that, if the witness is recalled, he may be cross-examined by the employee.

(16) (a) After the conclusion of the enquiry, a report shall be prepared by the Enquiring Authority, such report shall contain –

- ( i) articles of charge and the statement of imputation of misconduct and Misbehavior.
- ( ii) the defense of the employee in respect of each article charge :
- (iii) an assessment of the evidence in respect of each article of charge and
- ( iv) the findings on each article of charge and the reason therefore.
- ( v) recommendation regarding quantum punishment.

(b) Where in the opinion of the Enquiring Authority, the proceedings of the enquiry establish any article of charge different from original article of charge, it may record its findings on such article of charge :

Provided, that the findings on such article of charge shall not be recorded, unless the employee has neither admitted the facts on which such article of charge is based or has been provided a reasonable opportunity of defending himself against such article of charge.

© The Enquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the record of enquiry which shall include –

- ( i) the report prepared by it,
- ( ii) the written statement of defense submitted by the employee.
- (iii) the oral and documentary evidence produced in the enquiry
- (iv) written briefs filed by the Presenting Officer and the employee, and
- ( v) the orders, if any, made by the Disciplinary Authority and Enquiring Authority in regard to the enquiry

. . .54

**47. Action on Enquiry Report -**

(1) The Disciplinary Authority, if it is not itself Enquiring Authority, shall consider the reports and record its findings on each charge.

(2) (i) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the major penalties shall be imposed on the employee, then it shall -

(a) furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge or where the inquiry has been held by an Enquiring Authority appointed by it, a copy of the report of such Authority and a statement of the findings on each article of charge expressly stating whether or not it agrees with the findings of the Enquiring Authority, together with brief reasons for its disagreement, if any, with the findings of the Enquiring Authority : and

(b) give to the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representative, as he may wish to make on the proposed penalty on the basis of evidence adduced during the inquiry.

(ii) The Disciplinary Authority shall consider the representation, if any, made by the employee and determine the quantum of penalty, if any, that should be imposed on him on the basis of the evidence adduced.

(3) If the Disciplinary Authority, having regard to the findings, is of the opinion that any of the minor penalties shall be imposed on the employee. It shall be imposed on the employee and make an order imposing such penalty.

(4) If the Disciplinary Authority, having regard to the findings on the charges of the opinion that no penalty shall be imposed or that the employee be honorably acquitted the Disciplinary Authority shall inform the employee accordingly.

(5) The Disciplinary Authority, itself not being the Enquiring Authority shall consider the enquiry report and if it disagrees with the Enquiring Authority, on any article of charge, it shall record its reasons for such disagreement, and refer the case back to the Enquiring Authority for further enquiry and report. The Enquiring Authority shall thereon proceed to hold further enquiry according to the provisions of the preceding rule as far as may be.

(6) The orders made by the Disciplinary Authority under this rule shall be communicated to the employee and the Enquiring Authority.

**48. Common Proceeding** – Where two or more employees are concerned in any case, the Competent Authority who is the Appointing Authority or the highest ranking employee amongst those concerned shall take all actions as Disciplinary Authority and proceed as per the provisions hereto before provided in respect of the employees concerned and direct disciplinary action against all of them in a common proceeding.

#### **49. Appeals and Review :-**

(1) Notwithstanding anything contained in his rule to appeals shall lie against –

- (a) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding. Other than an order of suspension.
- (b) any order passed by an Enquiring Authority in the case of an enquiry under these rules.

(2) Subject to the provision of sub-rule (1), employee may prefer an appeal against all or any of the following orders, namely :-

- (a) An order of suspension or deemed suspension made under rule 45.
- (b) An order imposing any of the penalties, whether made by the Disciplinary Authority or by any Appellate, or by Reviewing Authority.
- © An order enhancing any penalty, imposed under these rules.
- (d) An order which -
  - ( i) denies or varies to his disadvantage his pay, allowances or any other condition of service :
  - (ii) denies promotion to which he is otherwise eligible according to the recruitment and promotion rules and which is due to him according to seniority.
  - (iii) interpreter to his disadvantage the provisions of any such rules.
  - (iv) an order –
    - ( i) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
    - ( ii) reverting him while officiating in a higher service grade or post to a lower service, grade or post otherwise than as a penalty.
    - (iii) reducing or withholding the post retirement benefit, if any
    - (iv) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof.

..56

( v) determining his pay and allowances

(1) for the period of suspension, or

(2) for the period of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a time-scale of pay, to the date of his of his reinstatement or restoration to his service, grade or post or

(vi) determining nature of the period form the date of his / her suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service grade, post, time-scale of pay or stage in a time-scale of pay or the date of his reinstatement or restoration to his service, grade or post.

(3) *Appellate Authorities – subject to the provision of any law for the time being in force -*

( i) the employee in Class I and Class II shall appeal to the Executive Council against the order passed by the Vice-Chancellor.

( ii) the employees in Class III to the Vice-Chancellor against the orders of the Registrar

(iii) the employee in Class IV appeal to the Registrar against the orders passed by the authorities subordinate to the Registrar / the Principal.

(4) *Period of Limitations for Appeal –* No appeal preferred under then rules shall be entertained unless it is preferred within a period from the date of the order :

Provided that, the Appellate Authority may entertain the appeal after the expiry of the said period. If it is satisfied that the appellant had sufficient clues for not preferring the appeal in time.

(5) *Mode, Form and Contents of Appeal –*

(a) Every employee preferring an appeal shall do so separately and in his own name shall address to the Authority to which the appeal lies.

(b) The appeal shall be complete in itself and shall contain all materials statement and arguments on which the appellant relies, but shall not contain any disrespectful or improper language.

(6) *Submission of Appeals –*

(a) Every appeal shall be submitted to the Appellate Authority through the proper channel.

(b) An advance copy may be submitted direct to the Appellate Authority.

..57

(7) *Transmission of Appeals* - The Authority which made the order appealed against shall, on receipt of a copy of the appeal without any avoidable delay and without waiting for any direction from the Appellant Authority, transmit to the Appellate Authority every appeal together with its comments thereon and the relevant record.

(8) *Consideration of Appeal* –

(a) In the case of an appeal against an order of suspension, the Appellate Authority shall consider, whether the order of suspension is justified or not and confirm or revoke the order accordingly in the case of an appeal against an order imposing any of the penalties notified in the rule or enhancing any penalty imposed under the rule, the Appellate Authority shall consider -

- (i) whether the procedure laid down in these rules has been followed is not whether such non-compliance has resulted in the violation of any provision of the Acts or in the failure of justice.
- (ii) whether the findings of the Disciplinary Authority are warranted by the evidence on the record and
- (iii) whether the penalty imposed is adequate, in adequate or severe : and pass orders –
  - (i) confirming, enhancing, reducing or setting aside the penalty : or
  - (ii) remitting the case to the Authority which had passed the order appended against, with such directions as it may deem fit in the circumstances of the case :

Provided that –

- (i) The Appellate Authority shall not impose any enhanced penalty whether neither such Authority nor the Authority which made the order appealed against is competent to impose :
- (ii) If the enhanced penalty which the Appellate Authority proposes to impose is one of the major penalties and an enquiry under the rules has not already been held in the case, the Appellate Authority shall itself hold which enquiry or cause it to be held as per the prescribed provisions and hereafter on consideration of the proceedings of such enquiry and after giving the employee a notice stating the enhanced penalty to be imposed to him and calling upon him to submit within 15 days of receipt of the notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the proposed enhanced penalty.

..58

(iii) If the enhanced penalty which the Appellate Authority proposes to impose is one of the major penalties and an enquiry under these rules has already been hold in the case, the Appellate Authority shall give to the employee a notice stating the enhanced penalty proposed to be imposed on him, and calling upon him to submit within 15 days of receipt of the notice or such further time not exceeding 15 days, o receipt of the notice, such further time not exceeding 15 days, and make orders as it may deem fit and as may be allowed, a such representation as he may wish to make on the enhanced penalty and make orders as it may deem fit ; and

(iv) no order imposing en enhanced penalty shall be made in any other case unless the applicant has been served with a notice.

(v) The Appellate Authority shall consider all the circumstances of the case and make such orders it may deem just and equitable.

( 9) Implementation for order – The Authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

(10) Review –

(a) notwithstanding anything contained in these rules of Reviewing Authority may at any time, either on his own or on being move call for the records of an enquiry and review any order made under the rules and

( i) Confirm, or set aside the order : or

( ii) Direct the Competent Authority to reduce or to enhance the penal impose by the orders or impose any penalty where no penalty has been imposed :

(iii) remit the case to the Authority which made the order or to any other Authority directing such authority to make such further enquiry as may consider proper in the circumstances of the case :

Provided that, the Competent Authority shall not enhance the penal and give such directives , unless the employee is given an opportunity represent as to why the penalty should not be enhanced.

(b) No proceeding for review shall be commenced until after –

( i) The expiry of the period of limitation for an appeal,

(ii) The disposal of the appeal, if any such appeal has been ordered.

© An application for review shall be dealt with in the same man as if it were an appeal under these rules except that the period of limitation for its consideration shall be six months commencing from the date on which a copy of order under review is delivered to the applicant.

(11) Miscellaneous :

(a) Service of orders, notices, etc. – Every order notice and other process made or issued under these rules shall be service in person on the employee concerned or shall be communicated to him by registered post.

(b) Power to relax time-limit and condone delay - Save as otherwise expressly provided in these rules, the Authority competent under these rule to make any order may, for good and sufficient reason or, if sufficient cause to shown, extend the time specified in these rules for anything required be done under these rules or condone any delay.

**50. Deserter** – The employees who absent from duty without permission for a period of more than thirty days, shall be deemed to deserter and his service shall stand terminated automatically on the expiry of the period of thirty days.

Provided that, whenever the employee is not able to attend the duties prescribed and not able to communicate reasons of his absence for the reasons beyond his control, the Competent Authority may be a specific order condone his absence.

**51. Discontinuation and Termination –**

(1) The employee shall on leave or discontinue his service in the University without giving a prior notice in writing to the Registrar of his intention to leave or discontinue the service. The period of notice shall be .

(a) three calendar months in the case of employee in Class I, Class II and Class III

(b) One calendar month in the case of employee in Class IV.

© In case of breach of these provisions, the employee shall pay to the University an amount equal to his pay for the notice period required to be given by him.. In case he fails to pay the amount, it shall be recovered from the dues payable to him.

(2) The Competent Authority, after completing the procedure of departmental enquiry , comes to the conclusion that the employee should be compulsorily retired or removed from service, it shall give three months notice in case of employee in Class I Class II or Class II, service and one month notice in case of an employee in Class IV service.

(3) The employee on probation shall not leave or discontinue his service without first giving prior one month's notice in writing or one month's salary in lieu thereof.

(4) The Competent Authority shall not terminate the service of the employee in probation without giving one month's prior notice in writing to the employee or one month's salary in lieu thereof.

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(5) No notice of resignation or termination of service shall be necessary in case of the employee -

(i) on work charged establishment, and

(ii) appointed purely on temporary basis with or without definite period prescribed in the appointment order.

(6) The employee shall cease to be in the service of the University in case he absent himself continuously for a period of five years :

Provided that, the period spent by the employee on Study Leave shall not be counted as absence for this purpose.

(7) The employee suffering from contagious or infectious of disease and is declared unfit for the service by the Medical Authority shall be discharged from the service of the University.

(2) The Competent Authority shall require the employee to retire from the service of the University, if –

(a) The employee has reached the age of superannuation.

(b) The employee has committed misconduct or has been found to be insufficient.

(c) The employee is found by the Medical Authority to be incapacitated for further service of any kind under the University, it includes the retirement on account of mental or bodily infirmity : and

(d) The post held by the employee is abolished and there is no suitable post equal on his post in which he can be absorbed.