



Shri Gajanan Shikshan Sanstha's  
**SHRI SANT GAJANAN MAHARAJ COLLEGE OF ENGINEERING  
SHEGAON – 444203, DIST. BULDANA (MAHARASHTRA STATE), INDIA**

"Recognized by A.I.C.T.E., New Delhi" Affiliated to Sant Gadge Baba Amravati University, Amravati  
"Approved by the D.T.E., M.S. Mumbai"

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## Service Rules and Procedure

### Chapter 1

#### STUDENTS RELATED ISSUES

##### 1.1 Students Discipline:

A student shall conform to a high standard of discipline and conduct himself within and outside the precincts of the Institute in a manner befitting the students. He/She shall have a seriousness of purpose for completion of his academics within the time frame and shall in every way, train himself to lead a life of earnest endeavor and cooperation with his fellow students and Institute authorities. He/She shall show due courtesy and consideration to the employees of the Institute and the hostels, good neighbourliness to his fellow students, respect to the Warden of the Hostels, and the teachers of the Institute, and pay attention and courtesy to the visitors.

The academic activities of the institute are scheduled in the academic calendar at the beginning of each academic year. It is mandatory for the students to strictly adhere to the academic calendar for completion of academics.

##### 1.2 Discipline Committee:

For the maintenance of discipline amongst the students of the Institute, the Principal may appoint a Discipline Committee each year to examine the cases of any student or students involved in any breach of conduct and recommend to the Principal for suitable disciplinary action or punishment.

##### 1.3 Act of Indiscipline:

###### The following acts are deemed to be an act of indiscipline

- i) Violation of Rules and Regulations of Hostels. (Refer Hostel Admission Form-SGM/FRM/HST-191-A)
- ii) Overall lack of decorum, bad conduct etc.
- iii) Willful damage of the Institute or hostel properties, or to the belongings of a fellow student.
- iv) Adoption of unfair means in the classrooms, laboratories, field etc.
- v) Adoption of unfair means in theory/practical examination, during class tests, exams including University exams.



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vi) Violation of any norms related to exam/academics defined by authority time to time, the decision of Dean Academic/Dean Examination will be final.

vii) Promoting and indulging in acts of mass bunking.

viii) Hacking on a computer system, either software or hardware or both.

ix) Any other act which is deemed to be indiscipline in general or particular.

#### **1.4 Punishment:**

A student whose conduct has not been up to the standard expected may be imposed a monetary fine, temporarily or permanently suspended or rusticated from the Institute or debarred from participating in examinations (of the Institute or university) by the Principal.

#### **1.5 Redressal:**

The Principal shall grant hearing to the students punished against and after due considerations of their appeal and seriousness of the act shall pass the appropriate orders accordingly.



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## Chapter 2

### *Service Conditions of Employment*

#### **2.1 Recruitment and Selection Procedure:**

- i) Recruitment shall be made either externally or internally through applications invited by an advertisement or applications submitted voluntarily by the eligible candidates concerned. Such candidates may be appointed on a purely temporary basis (Adhoc) by a local committee constituted by the Governing Body or Chairman of the Governing Body or his representative or Principal of the Institute who shall have to face the appropriate Selection Committee.
- ii) No candidate shall be employed in the Institute if he/she has been dismissed for misconduct from its own service or from any other Institute or statutory body or convicted of an offense which in the opinion of the Competent Authority involves moral disgrace. The candidate shall be terminated without giving any notice if found guilty subsequently.
- iii) For a regular appointment at university level, all the norms prescribed by UGC shall be applicable.  
Refer- Maharashtra University Act 1994 and its amendment.
- iv) A candidate selected for appointment shall furnish satisfactory evidence regarding - Age, Good Character, Good Health, Prescribed Qualifications for the post applied, and Backward or Schedule Caste.
- vi) The procedure prescribed in University statute and Act applicable to the Institute shall prevail over in any case of dispute. Refer website [www.sgbau.ac.in](http://www.sgbau.ac.in)

#### **2.2 Service Regulations**

##### **2.2.1 Service regulations**

- a) **Condition for Appointment:** The appointments shall generally be on probation for two years, extendable once by one year. The Governing Body may, at its discretion, reduce the period of probation or completely waive-off this condition.

The service of an employee shall commence from the date He/She reports for service and He/She shall be entitled to salary from that day if He/She reports on duty in before 1.30 p.m. or from the next date if reports to duty after 1.30 p.m.



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- b) Nature of Appointment:** On completion of the probationary period to the satisfaction (No adverse remarks is a deemed satisfaction) of the Competent Authority, (Refer 3.12) the employee shall be deemed to be confirmed automatically ( unless informed otherwise). If, however, the probationer is found unfit the Competent Authority shall, if He/She is a direct recruit, dispense with his services, and if He/She has been recruited by transfer or promotion, revert him / her to his / her old post. Confirm order shall be issued separately within one month time after the completion of probation period.
- c) Appointment by Extension / Re-employment:** On the recommendation/s of the Principal of the Institute, it's employees may be given extension of the term of appointment or re-employment for a specified period in his / her present post. The conditions for such appointment shall be laid down in a fresh appointment letter.
- d) Appointment of Head of the department:**
- The Head of the Department shall be the faculty appointed in the grade of Professor in order of his / her seniority in that grade. However, in the case of the post of Professor lying (or falling) vacant due to any reason in a particular department, the next senior faculty member in the just below grade, i.e. Associate professor/Assistant Professor shall be the acting head of the department till such time and period an appointment in the regular post of Professor is made.
- e) Powers of Appointing Authorities:** The appointing authorities shall have the powers to frame / revise the terms of appointment and terminate the appointments on the report of the dissatisfactory conduct of the concerned employee from the Principal of the Institute.
- f) Pay Fixation, Increments:** Persons selected shall ordinarily start at the minimum of the pay scale along with admissible allowances as prescribed for the post by AICTE / UGC / State Government (whichever is applicable for the post) at the time of appointment. However, it shall be at the discretion of the appointing authorities to fix the starting pay of any deserving candidate at a subsequent stage in the pay scale along with admissible allowances. Increments shall be given as a matter of course, unless it is withheld (with a period specified).
- g) Outside Employment:** Employee of the Institute shall not be entitled to engage in any employment outside the Institute to gain personal benefits. However, consultancy



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works through the Institute shall be exempt from this clause. Probationers may, however, be permitted on request to apply for the outside employment through the proper channel. (Through reporting authorities.) Pls. Refer Chapter no 11.

### **2.2.2 Posting**

The appointed employee shall be posted in department / section / wing of the Institute as deemed fit by the Principal of the Institute, unless otherwise recruited for a specified post.

### **2.2.3 Transfer**

The Competent Authority shall be free to transfer the employees from one department / section / wing of the Institute to other either as per requirement of the Institute or the fitness of the employee without affecting other terms and conditions of the said employee. However, he / she may be transferred on charges of misconduct (Refer 3.2) with prior written communication of the same to him / her.

## **2.3 Working Norms**

**2.3.1 a) Working Hours (Academic):** Working hours for a week shall be 40 hours excluding recess of one hour each day, except Saturday, which shall be a half working day. However, during hours of need as understood by the Principal of the Institute, the working hours may be extended to accommodate the emergent works in any particular week or month.

The timing of work shall be fixed by the Competent Authority as per the requirements of the Institute and looking into the general benefits of the students. It shall be mandatory for the employees of the Institute to observe the working time as notified by the Competent Authority.

Present working hours are as follows:

Monday to Friday: 10.30 am to 6.00 pm  
Saturday: 8.15 am to 1.00 pm

### **b) Working Hours (other services) - Other services such as:**

Library, Hostel, Study centre, Laboratories, Security, Training & Placement, Maintenance and any other essential services decided by the Competent Authority, will work in timings as decided from time to time by competent authority.



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All Employees shall not be entitled to overtime allowance for working after the notified hours.

**Duties:** Employees shall sincerely observe their duties as assigned by the respective controlling authority or Competent Authority / Principal as defined in their respective responsibility and authorities. Disobedience in any form shall be treated as negligence of duty and shall attract suitable punishment clauses.

**2.3.2 a) Attendance:** Every employee shall sign attendance register before starting the work. He/She shall be at work at the time fixed and notified.

**b) Late coming:** If an employee reports late, the Head of the Department /Section Head / Principal, at their discretion, may ask him to take half day / full day casual leave. This concession shall not be claimed by another staff member as a matter of right and shall be considered as misconduct if there is a repetition of such late coming and shall, therefore, be liable for suitable punishment.

Any other employee who does not attend the duty within 15 minutes of the notified time and report before the expiry of one hour shall be liable to be marked late by the controlling authority at his discretion.

In case of repetition of such late coming, the concerned employee shall be liable to forfeit one day casual leave or leave without pay for every three days of late attendance in any calendar month.

The employee, who has to give charge of his duty to other employee on expiry of duty hours, shall not leave his place of duty until such time his or her reliever arrives and takes charge from him.

c) In case of emergency the suitable leave may be granted by reporting authority to an employee asked to attend the emergency work for a complete day.

**2.3.3 Assignments, Its completion & change:** The Reporting Authority shall, at his discretion, give or change assignments to employees as deemed necessary. The employees shall complete such assignments on time as asked by the Reporting Authority.



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#### **2.3.4 Grading (*Appointment to Higher Post & Scale*):**

The Competent Authority may appoint an employee, subject to his/ her performance evaluation and other service conditions to a higher post and scale (Appendix- I).

#### **2.4 Promotions:**

All departmental promotions shall be made on the basis of merits and performance. Departmental candidates selected for higher post shall be deemed to be promoted to higher post and shall be treated as on probation for a period of one year extendable by two years and shall be liable to be reverted to his original post during the period of probation if the competent authority finds his/Her/She performance below expectations.



## Chapter 3

### CONDUCT, DISCIPLINE AND APPEALS

#### 3.1 Conduct.-

- (1) The employee shall be at the disposal of the Institute and shall serve in such capacity and at such place as he may from time to time, be so directed.
- (2) The employee shall conform and abide by the Rules, 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 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 Institute, as the case may be.
- (4) No employee shall in the discharge of the Official duties deal with any matter relating to the 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 refrain himself from extending any undue advantage or benefit to such Company, firm or body as the case may be.
- (5) (a) Any employee will not communicate directly or indirectly any information, document/s, (soft/hard) to any person either internal or outside the Institute who is not required to know the information or document which is against the interest of our Institute, without the explicit written permission of the competent authority.
- (b) The employee shall not contribute to the Press/ Media any matter connected with the Institute, without obtaining the previous sanction of the Competent Authority or without such sanction disclose to the media any document, paper or information, which may have come in his possession in his Official capacity.
- (c) The employee shall not directly or indirectly take part in any activity or demonstration or movement - which is considered by the Competent Authority to



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be prejudicial to the academic and administrative interests of the Institute or bring disrepute to the Institute.

- (6) The employee shall- not take active part in politics or demonstrations. He shall not take part in campaigning or canvassing in any manner for and on behalf of or against any candidate in any elections. No employee shall be a member, of or be otherwise associated with, any political party or any organization, which takes part in politics, nor shall he take part in, or subscribed in aid of, or assist in any other manner, any political movement or activity.
- (7) The employee, except with the previous sanction of the Competent Authority, shall not give evidence in connection with any inquiry conducted by any person, committee, or authority and shall not criticize the policy or action of the institute.
- Provided that the employee may give evidence at-
- (a) an inquiry before an authority appointed by the Competent Authority,
- (b) a judicial inquiry, or
- (c) a departmental inquiry ordered by the Competent Authority
- (8) The employee without the express sanction of the Competent Authority, shall not ask for or accept a contribution to, or otherwise associate himself with the raising of funds or other collections in cash or otherwise for his 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 activities of the institute.

***Explanation: 1***

The expression "gift" include, free transport, boarding, lodging or other service or any other financial advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.

***Explanation: 2***

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



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- (10) The employee shall not accept, solicit, or seek, except with the previous sanction of the Competent Authority, any outside office, stipendiary honorary work. He shall not engage in any trade or business or canvass 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.

Every employee shall report to the Competent Authority if any member or his family is engaged in any trade or business or owns or manages an insurance 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 sanction, may stipulate that any fees received by the employee for undertaking the work shall be paid in whole or in part to the Institute.

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 a job or any post or scholarship, without informing the Competent Authority in writing.*

- (12) The employee shall not absent himself from his / her 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.

Provided 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 auction of any Institute property, nor shall he submit any tender for any supply to the Institute.*

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



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(15) The employee shall not enter upon, a course of studies or appear for any examination by the Institute or other bodies without the previous sanction of the Competent Authority in writing.

**3.2 Misconduct - Misconduct shall include as follows:**

- (a) Any action by the employee contrary to the provisions prescribed in the foregoing rules.
- (b) Theft, fraud and act of dishonesty.
- (c) Break of any rules.
- (d) Willful or negligent damage to the Institute property.
- (e) Refusal to accept charge sheet, order or other communications served according to the rules.
- (f) Conviction in a court of law, involving moral turpitude.
- (g) Indulging in any kind of sexual misconduct or harassment.
- (h) Being under the influence of alcohol or any other similar intoxicating/mind altering drugs during work.
- (i) Riotous or disorderly behaviour, threatening, intimidating or coercing others in connection with or relating to any duties or working of the Institute.
- (j) Neglect of work or negligence in discharging any duty.
- (k) Violence or inciting violence.
- (l) Stopping work either singly or with other employees or inciting anyone else not to work.
- (m) Allowing anyone within the prohibited premises of the institute or allowing any person or persons whose entry is prohibited without the permission of the Competent Authority.
- (n) Falsification or tampering any paper or record of the institute.
- (o) Obtaining employment under the institute by misrepresentation of facts.
- (p) Making any false or exaggerated allegations against any officer, superior or a co-employee or Authority.
- (q) Committing a nuisance during the working hours.
- (r) Misappropriation of any amount, movable property of the institute or deferred crediting of monies in the institute account.
- (s) Committing any act involving moral turpitude.
- (t) Not completing the task or delaying the task given by the authority within a given time frame.



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### 3.3 Penalties:

(1) The following penalties may, for good and sufficient reasons be imposed on the Institute employee found guilty of misconduct :

(a) Minor Penalties-

- (i) Censure
- (ii) Fine
- (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 financial loss caused by him *to* the Institute, by negligence or by breach of orders

(b) Major Penalties –

- i. Reduction to the lower scale.
- ii. Withholding the annual increment permanently.
- iii. Depriving the concern employee from any financial benefits.
- iv. Compulsory Retirement
- v. Removal from service, which shall not be, a disqualification for future employment under the Institute
- vi. Dismissal from service, which shall *be* a disqualification for future employment under the Institute

Explanation – The following shall not amount to a penalty within the meaning of this Rule, namely : -

- (i) Non-promotion of the employee, whether in substantiating or in an official 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,
- (ii) 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.
- (iii) *Reversion* of the employee, appointed on probation to any, other service, grade or post; to his permanent service, grade or post, post held by him under Institute or Management during or at the end of the period of probation, in accordance with the terms his appointment or the rules and orders governing such probation.
- (iv) Termination of the services of:



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- (a) The employee appointed on probation during *or* at the end of *his probation in* accordance with the terms of his appointments or rules *or* orders, governing *such* probations.
- (b) the temporary employee on grounds unconnected with his conduct.
- (c) the employee under an agreement in accordance with the terms of such agreement.
- (2) Where a penalty mentioned in item 3.3(b) (i) or (ii) is imposed, on the employee, the Authority imposes the penalty *shall clearly* state in order imposing the penalty, that the period for which the reduction is to be effective shall be exclusive of any interval, leave availed, before the period is completed.

**3.3.1 Procedure for Imposing Minor Penalty** – No full-fledged and elaborate departmental inquiry shall be 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.

**3.3.2 Discipline & Disciplinary Authorities**

- (1) The Competent Authority may impose of the penalties laid down, as per the rule 3.4 on any employee.
- (2) Appointing Authorities may impose any of the penalties specified in rule 3.4 upon members of supporting staff services serving under them, whom they have power to appoint :

Provided that the Competent Authority of the institute shall exercise the powers of imposing minor penalties on supporting staff under their respective administrative controls.

- (3) The completion time of an employee shall be at the disposal of the institute and he / she shall serve the institute in its activities in such capacity and at such place as may be directed from time to time unless it be explicitly informed.

Every employee of the institute shall conform to and abide by these rules and shall observe, comply with and obey all orders and directions, which may from time to time be given to him / her by any person(s) under whose jurisdiction, superintendence or control he/she may for the time being placed.



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### **3.4 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, or appended to these rules may place an employee, under suspension ( ref. form no- 8 in this manual)

- (a) Where disciplinary proceedings against him are contemplating or are pending and are likely to result into imposing any of the major penalties.
- (b) Where in the-opinion of the Authority he has, engaged himself in activities prejudicial to the interest of the institute.
- (c) Where a case against him in respect of any criminal: offense is under investigation, inquiry 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 rules 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 hiHe/Sher conviction, if in the event a conviction for an offence, He/She is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed, compulsory retired, consequent to such conviction and shall remark under suspension until the order of suspension is modified or revoke by the Authority Competent to do so.
- (3) While under- suspension, the employee shall not be allowed to resign nor shall be granted leave by the Competent Authority.
- (4) The employee under suspension shall not accept any private gainful employment.



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

**3.5. Procedure for imposing major penalties: The detailed procedure for imposing major penalties is mentioned in Appendix –I.**

The order imposing major penalty shall be made only after an enquiry is held. Whenever the Competent Authority is of the opinion that there are grounds for enquiry into the truth of

imputation 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. The authority could be internal or external third party or as per departmental enquiry procedure (Government of Maharashtra). (Ref. Form no 9 of this Manual)

**3.5.1. Internal Enquiry:**

An internal enquiry shall be commissioned by the Competent Authority in case of complaints of any type of misconduct. The enquiry committee shall record the statements of the persons concerned and collect evidences in favor through interviews. The enquiry committee shall submit a report to the Competent Authority within the stipulated time as mentioned in the enquiry order along with suggested course of actions to impose the punishment. The party affected shall not be allowed to examine witnesses.

**3.6 Actions on Enquiry Report**

- (1) The Competent Authority, if it is not itself Enquiring Authority, shall consider the report and record its finding on each charge.
- (2) (i) If the Competent 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 –

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 representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry.



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- ii) The Competent 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.
- (4) If the Competent Authority, having regard to the findings on the charges, is of the opinion that any of the minor penalties shall be imposed on the employee, it shall notwithstanding anything contained in these rules, determine what penalty shall be imposed on the employee and make an order imposing such penalty.
- (4) If the Competent Authority, having regard to the findings on the charges, is of the opinion that no penalty shall be imposed or that the employee be honorably acquitted, the Competent Authority shall inform the employee accordingly.
- (5) The Competent 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 Competent Authority under this rule shall be communicated to the employee and the Enquiring Authority.

**3.7 Common Proceeding-** Where two or more employees are concerned in any case, the Competent Authority, who is the appointing authority for 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 actions against all of them in a common proceeding.

**3.8 Appeals & Review:**

- A. An appeal shall lie to the Chairman of the Sanstha, if the penalty or dismissal order is passed by the competent authority, within 15 days from the date of communication of the order. If the order is passed by the authority subordinate to the competent authority, appeal in similar circumstances and within a week shall lie to the competent authority. If the order is passed by



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the competent authority of the Institute, the appeal shall lie in similar circumstances to the management Committee. Every appeal shall comply with the following requirements:

- a) It shall be written in English or Hindi or Marathi
  - b) It shall be framed in a polite and respectful language and shall be free from statements, allegations or insinuations not strictly relevant to the matter
  - c) It shall contain all material statements, explanations and argument and it shall be complete in itself
  - d) It shall specify the relief desired
  - e) It shall be submitted through the proper channel
  - f) It shall be accompanied by a copy of the order challenged.
- Decision on the appeal shall be communicated to the employee within one month from the date of the submission.

[1] Notwithstanding anything contained in this rule no appeal shall lie against-

Any order, interim or final, given for the final disposal of a disciplinary proceeding, other than an order of suspension,

[2] Period of Limitations for Appeals – No appeal preferred under these rules shall be entertained unless it is preferred within a period of 30 days from the date of the order :

Provided that, the chairman of the Sanstha may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

[3] 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 chairman of the Sanstha, transmit to the Chairman of the Sanstha every appeal together with its comments thereon and the relevant records within seven days.

[4] Consideration of Appeal –

(a) In the case of an appeal against an order of suspension, the chairman of the Sanstha shall consider whether the order of suspension is justified or not and confirm or revoke the order accordingly.

(b) In the case of an appeal against an order imposing any of the penalties specified in the rule or enhancing any penalty imposed under the rule, the Chairman of the Sanstha shall consider and take a decision as he deems fit–



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- (5) Implementation of order – The Authority, which made the order appealed against shall give effect to the orders passed by the chairman of the Sanstha .
- (6) Review – a) Notwithstanding anything contained in these rules the chairman of the Sanstha 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 these rules, and take a decision as he deems fit.
- (7) Miscellaneous – (a) Service of orders, notices, etc. – Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or shall be communicated to him by registered post/ UPC / Hand delivery.  
(b) Power to relax time-limit and condone delay – Save as otherwise expressly provided in these rules, the competent Authority under these rules to make any order may, for good and sufficient reasons, or, if sufficient cause is shown, extend the time specified in these rules for anything required be done under these rules or condone any delay.

**3.9 Deserter** – the employee, who absents from duty without permission for a period of more than thirty days, shall be deemed to be deserter and his services 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 as prescribed and not able to communicate reasons of his absence for the reason beyond his control, the Competent Authority may, be a special order condone his absence.

**3.10 Acceptance of resignation and discontinuation of services-**

- (1) The employee shall not leave or discontinue his service in the institute without giving a prior notice in writing to the competent authority of the institute through proper channel. The period of notice shall be as mentioned in the appointment letter.

In case of breach of these provisions, the employee shall pay to the institute 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.



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- (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, as per the decision of competent authority (3) The employee on Adhoc/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.
- (3) 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 appointed order.
- (1) The employee suffering from contagious or infectious disease and is declared unfit for the service by the Medical Authority shall be discharged from the service of the institute.
- (5) The competent authority reserves the right to accept the resignation with immediate effect and waive off the conditions of notice period.

### **3.11 Definition of Competent authority:**

For all practical purposes Principal of the Institute will be a competent authority and he will seek clarification/ guidance from Management time to time and act accordingly.



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**FORM No. 8**

**Form of Suspension Order**

(ref. Rule 3.4)

Mr. /Ms. .... is hereby informed that the charge (s) of

1).....

2).....

3).....

has been proved prima facie.

Mr. /Ms. .... is hereby suspended with effect from ..... pending further investigation in matter. He/She should hand over the charge of his post as directed by his superiors.

Principal



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**FORM No. 9**

**Form of Appointment of Inquiry Authority / Officer**

(ref. Rule 3.5)

Order no: SSGMCE/ ADM/

Date:

As it has been decided to hold an inquiry into the conduct of Mr. /Ms.  
 ..... on the charge (s) mentioned below:

.....  
 .....  
 .....

..... an Authority/Committee consisting of:

Mr. /Ms. ....  
 (Chairperson of Committee)

Mr. /Ms. ....  
 (Member)

Mr. /Ms. ....  
 (Member)

Is /Are appointed to hold the inquiry in accordance with the prescribed procedure. A  
 proforma in which the charge sheet is to be served on Mr. /Ms.  
 ..... is attached.

Mr. /Ms. .... is requested to see that they /  
 He/She complete/s the inquiry and submit/s his/ her/ their report of findings and  
 recommendations expeditiously in any case on or  
 before.....

Principal



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## Chapter 4

### Retirement

- (1) The employee after confirmation shall continue in the service of the Institute till he completes the age of Superannuation.
- (2) The Competent Authority shall require the employee to retire from the service of the institute, if –
  - a) The employee has reached the age of superannuation - for Teaching employees – 60 Years. and for Group C-58 years and Group D-60 years.
  - b) The employee has been found to be inefficient /guilty of misconduct during inquiry.
  - c) The employee is found to be incapacitated for further service of any kind by the Medical Authority. It includes the retirement on account of mental or bodily infirmity.
  - d) The post held by the employee is abolished and there is no suitable post equal to his post in which he can be absorbed.



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## Chapter 5

### Code of Conduct and Appraisal

#### 5.1 Service Book:

Service book shall be opened for every employee on the establishment of the Institute except adhoc, casual and apprentice employees immediately on his/ her joining the service of the Institute. It shall be kept in the custody of the competent authority or his representative who would ensure that no entries in it are tampered with. Following facts of the employee concerned shall be regularly and concurrently recorded and each entry verified by the competent authority under his/ her signature and seal:

Date of birth, date of joining in the Institute, pay scale(s), increments, temporary and official promotions, earned and commuted leave to his/ her credit, rewards and achievements during his/ her service life in the Institute, disciplinary actions, and other important details of his/ her service life.

The Competent Authority may correct obvious clerical errors in the service book on being so questioned after confirming the same. The concerned employee may be shown his service book on demand and a copy of the same may be handed over to him/ her on his/ her retirement or resignation. In case of his/ her leaving the Institute, the service book shall be retained in the Institute for next three years.

#### 5.2 Criminal Proceedings:

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. When an employee is found liable to be arrested for debt or has recourse to insolvency or when it is found that a moiety of his salary is continuously being attached, he may be liable to dismissal. An employee who becomes the subject of legal proceeding for insolvency shall forthwith report full facts to the Institute. An employee who gets involved in some criminal proceedings shall immediately inform the competent authority through Head of the Dept. An employee who is detained in police custody for a period longer than forty eight hours shall not join his duties unless he has obtained written permission from the competent authority to that effect.

#### 5.3 Misuse of Office:

Employee shall not be permitted to misuse the office or his authority for any personal use. The official premises, equipments and facilities shall not be used for commercial gains or



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doing consultancy without obtaining prior approval of competent authority. He/she is not to use the electronic media in any way which can bring disrepute to the institute.

#### **5.4 National Interest:**

No employee shall participate in any activity or act in a manner or communicate or make a statement which is anti-secular or which tends to create communal disharmony. Or partake in any activity which is detrimental to national security.

#### **5.5 Grievance Redressal:**

Any employee desirous of redressal of grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall submit a complaint to the Principal or any officer appointed by him in this behalf. In case of the superior being Principal, the complaint is being addressed to the Chairman of the Sanstha and be submitted through proper channel.

#### **5.6 360 degree Appraisal by Employee:**

All staff of the institute working in any grade shall file at the end of each year his 360 degree appraisal about the works and duties assigned and complied by him/her in the proforma so stipulated for the purpose and given as enclosure under Appendix-II (Format no SSGMCE/FRM- 41C) for teaching staff and (Format no: SSGMCE/FRM- 41D) for supporting staff.(Refer Appendix-II)

#### **5.7 Contributory Provident Fund & Gratuity:**

Every employee of the institute appointed on a written contract shall be entitled to contributory provident fund and gratuity benefits. These benefits shall accrue to him from the Institute in accordance with the provisions of the Employees Provident Fund and Miscellaneous Act (as amended to date). In case an employee leaves the service of the Institute within two years he will not be entitled for contribution from the management in his CPF a/c i.e. while refunding the CPF management shall withdraw the contribution made by it and the interest, if any. In case an employee leaves the service of the Institute after two years up to ten years a part of the management contribution to his CPF a/c, depending upon the discretion of the management shall be withdrawn while refunding his CPF.

##### **a) Contributory Provident Fund**

As per employees Provident Fund & Miscellaneous Act.1952 provision is made to cover all Regular, Adhoc, Temporary Teaching & supporting staff of the institute under the contributory Provident fund.



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- Employees pension scheme, 1995 of C.P.F. is also applicable to the above employees.

**b) Payment of Gratuity:**

Gratuity act 1972 is applicable to regular employees of the institute.

1. The Institute has undertaken insurance link Gratuity scheme introduced by Life Insurance Corporation of India, P&GS Unit, Amravati, India.

**5.8 Salary Advances:**

Salary advances only on medical grounds may be sanctioned and given to the employee and recoverable within the same financial year or as decided by the competent authority. The institute will provide assistance to avail of Loans against CPF a/c as per prevailing norms of PF dept.



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**Chapter 6  
LEAVE RULES & REGULATIONS**

**6.1 Leave Rules:**

As per the University Act 1994 and standard code of State Government leave rules will be applicable to the staff members of Shri Sant Gajanan Maharaj Institute of Engineering, Shegaon. However the nature of duties and the exigencies of situation provisions from Institute level is made available to adopt the leave practice. Mainly the institute staff is divided into two parts, i.e. teaching & non teaching.

**1. Teaching Staff**

1. Casual Leave (Regular)	15 Days
2. Casual Leave (Probation)	10 Days
3. Medical Leave (Regular/Probation)	10 Days
4. Casual Leave(Adhoc)	12 Days
5. Half Day Casual Leave	04 Days
6.#Winter/Summer Vacation	
# As declared in the Academic Calendar (Based on University Gazette)	

**2. Supporting Staff (Laboratories)**

1. Casual Leave (Regular)	15 Days
2. Casual Leave (Probation)	10 Days
3. Casual Leave (Adhoc)	12 Days
4. Medical Leave( Regular/Probation)	10 Days
5. Half Day Casual Leave	04 Days
6.#Winter/Summer Vacation	
# As declared in the Academic Calendar (Based on University Gazette)	

**3. Supporting Staff (Administrative)**

1. Casual Leave (Regular)	12 Days
2. Casual Leave (Probation)	10 Days
3. Casual Leave (Adhoc)	12 Days
4. Medical Leave (Regular/Probation)	10 Days
3*. Earned Leave	30 days
4. Summer Vacation	One week
5. Winter Vacation	Ten Days
6. Half Day Casual Leave	04 Days

\*Earned Leave are to be en-cashed at the time of retirement

**4. Staff of Essential Services  
(Staff of Security/Maintenance/B&C/Driver)**

1. Casual leave	12 Days
2. Medical Leave	10 Days



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5. **Duty leave-** The duty leave is permitted for all official works approved by the Competent Authority.

6. **Medical Leave** -Every regular employee of the college is entitled to avail ten (10) days Medical Leave on Full Pay basis per annum on submission of appropriate documents of illness or otherwise.

The unveiled Medical Leave of any regular employee shall be accumulated in his/her Medical Leave subject to a maximum of **120 days**. Employees availing leave on medical grounds must produce a fitness certificate from the concerned Medical Authority on resumption of duty. Such leave shall not be granted as leave preparatory to retirement.

7. **Special Leave**

The Special Leave is also granted in exceptional cases, depending on the seriousness and the need of the cause to be decided by the Competent Authority. Special Leave details are stated below:

Nature of Leave/Reasons	Numbers	Remarks
Maternity Leave	90 Days	Depend upon Health
Paternity Leave	05 Days	Leave applicable to Husband
Death of Mother, Father, Brother, Sister, Son, Daughter & Wife	13 Days	Leave to the employee
Death of Father-in-Law/Mother in-Law	13 Days	Applicable to the couple working at SSGMCE
Marriage – own/son/daughter	10 Days	Leave to the employee
Critical illness –Father/Mother/Son/ Daughter/Wife	10 Days	Leave to the employee

Note: Special Leave is applicable to all employees of the college

**6.2 Provision of Lien:** Provision of lien rules is restricted to the teaching members only. As and when Authority feels to depute any person on lien he or she should be deputed for a period of two years. At the request of employees this period can be extended for another one year. Further, no extension shall be entertained under any circumstances.

The leave applicant before proceeding for casual leave should apply to the HOD and make the necessary alternate arrangement for smooth functioning of the department. The concerned HOD should give the decision regarding the same on the same day.



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## Chapter 7

### MISCELLANEOUS

#### 7.1 Classification of Employees (definitions)

- a) **Permanent Employee:** Means an employee appointed and approved by the Competent Authority and who is in the exclusive employment of the Institute and has been confirmed by an order in writing or has satisfactorily completed his probation period.
- b) **Adhoc Employee:** Means an employee appointed for a specified period through written contract entered between the Competent Authority of the institute or its representative and the person concerned.
- c) **Probationary Employee:** Means an employee appointed in a clear vacancy for a probation period of generally not more than two years and extendable once by one year only.
- d) **Officiating Employee:** Means an employee ordered by the Competent Authority to officiate on behalf of other employees during his leave, absence, vacancy or otherwise, for a period so stated in the order after which he ceases to be the officiating employee.
- e) **Employee Appointed against Leave, & Lien:** Means an employee appointed by the Competent authority against a leave reserve post or lien for specified period.
- f) **Casual Employee on a clock hour basis:** Means an employee whose employment is on the clock hour basis for a specific task.
- g) **Apprentice:** Means a person who is a learner and who may or may not be paid stipend during the period of his training.
- h) **Visiting Faculty:** Means a faculty whose services are obtained on occasional or intermittent basis as and when the demand arises and is also paid a lump sum amount intermittently.

Every employee as defined above shall be employed with an order in writing by Competent Authority with the Terms and Conditions of Services as may be stated therein except in the case of Casual and Apprentice employee who may be appointed on Muster Roll or by the mere letter in writing by the Competent Authority. If the Competent Authority fails to mention any terms or conditions of



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service in the appointment order, then the “SSGMCE Rules” shall be deemed to be service and conditions of employment.

## **7.2 Gradation of Members of the Staff:**

The members of the staff of the Institute shall be graded in the following categories. The qualifications and the Pay Scales prescribed under AICTE / UGC / State Govt. Rules and / or approved by the Competent Authority shall apply.

- i) **Academic Staff:** This term shall include the followings:
  - a) Principal
  - b) Deans/HOD
  - c) Professor
  - d) Associate Professor
  - e) Assistant Professor
  - f) Physical Education Director
  - g) Librarian
  - h) Other Academic Posts as decided by the Board of Governance
  
- ii) **Technical Staff:** This term shall include the followings:
  - a) Programmer
  - b) Maintenance Engineer
  - c) Civil Engineer
  - d) Lab. Assistant
  - e) Lab Attendant
  - f) Instructor
  - g) Apprentice
  
- iii) **Administrative & Other Staff:** This term shall include the followings:
  - a) Registrar
  - b) Accountant
  - c) Superintendent
  - d) Head Clerk
  - e) Cashier
  - f) Senior Clerk
  - g) PA to Principal
  - h) Assistant Librarian
  - i) Clerk Cum Typist
  - j) Computer Operator
  - k) Library Assistant
  - l) Stores Keeper
  - m) Medical Officer
  - n) Attendants
  - o) Auto Driver
  - p) Peons
  - q) Security Guard
  - r) Other Administrative & Staff as decided by the Board of Governance.



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The Competent Authority may employ staff on a temporary basis in any of the above grades on the basis of the qualification prescribed for respective grades.

### 7.3 ALLOTMENT OF QUARTERS

#### A. Allocation of Quarters

Residential accommodation available in the campus shall be allotted as per the need and availability.

#### B. Essential Services and reservation of quarters :

(I) Staff members of the following categories shall have to stay in campus:

- a) Principal b) All HOD's c)Registrar d) Chief Warden e)Training & Placemen officer f) Medical officer g) Incharge Electricity h) Warden

#### D. General :

(1) Standard rate shall be decided on the basis of the type of Quarter and facilities provided inside the Quarters.

Sr. No	Type of Quarter	Rate per month
1	Eknath Bhavan	Rs. 1800/-
2	Namdeo Bhavan	Rs. 1800/-
3	Tukaram Bhavan	Rs. 1800/-
4	Tulsidas Bhavan	Rs. 2250/-
5	Other Small Quarter	Rs. 400/- per room

Retention of Quarters in case of removal from the services, sudden death of an employee, retirement or any other such case shall be at the discretionary power of the Competent Authority.

The Competent Authority shall be empowered to get vacated the Quarters of the employees who shall be going on long leave and in case of sponsorship if feels necessary.



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(6) Quarters sharing shall be allowed only with the permission of the Competent Authority in case of unmarried/single staff members.

*In case of following misuse, the Competent Authority is empowered to get vacated the Quarters:*

- a) Sublet the allotted Quarter to others.
- b) Damage to any part of the Quarter.
- c) Misuse of electrical connection
- d) Creating nuisance.
- e) Pet animals.
- f) Consumption of Alcohol/ Tobacco/ Gutka/ Banned Drugs/Non- vegetarian food.



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## Chapter 8

### T.A. & D.A.

A) T.A. is not a source of income of the employees. Employees should undertake tour with prior approval and sanction from the Competent Authority.

Institute rules of Traveling Allowance, Daily Allowance & Local Conveyances

**TABLE-A**

#### Daily Allowance Rate

##### I) Own arrangement by the employee

##### II)

Delhi, Mumbai, Calcutta, Chennai, Bangalore, Hyderabad	National/ State "A" Class Cities	National/ State "B" Class Cities	Not included in Columns Cities/ Villages
325	200	160	130

##### II) Employees reside in the Hotel

**TABLE-B**

Delhi, Mumbai, Calcutta, Chennai, Bangalore, Hyderabad	National/ State "A" Class Cities	National/ State "B" Class Cities	Not included in Columns Cities/ Villages
1000	800	650	500

**Grade "A" Cities-** Pune, Nagpur, Ahmedabad, Surat, Jaipur, Lucknow, Kanpur

**Grade "B" Cities-** Nashik, Vijayawada, Vishakhapattanam, Patna, Rajkot, Vadodara, Faridabad, Jamshedpur, Dhanbad, Kochi, Jabalpur, Bhopal, Indore, Amritsar, Ludhiyana, Coimbatore, Madurai, Meratha, Agra, Allahabad, Varanashi, Asansol.

Note: 1) Above stated rates are as per university notification dated 27.03.2010

2) If expenses are on the higher side as per above Table-"B", Competent Authority is empowered to consider the actual expenses incurred towards the lodging subject to produce receipt/documents.



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**TABLE-C**

Travelling expenses applicability of employees as per basic pay

A	Employees reached basic upto 12000 & above	Ordinary mail, express, passengers & super fast – 1 <sup>st</sup> class /AC 2 Tier
B	Employees reached basic upto 8000 & above	Ordinary mail, express, passengers & super fast – 1 <sup>st</sup> class /AC 3 Tier
C	Employees basic 8000 & below	Second Class Sleeper or actual bus fair

Note: Competent Authority is empowered to sanction class claim with flexibility based on circumstances

**TABLE-D**

**III) Conveyance Allowance**

1. Owned motor/jeep/car (Petrol/diesel) is Rs.9.00 PKM

<b>Owned motor/jeep/car (Petrol/Diesel)</b>
<b>Rs.9.00 per km</b>

2. 5% extra kilometer age is admissible on the actual distances of journey
3. Travelling charges for journey by own car, jeep, etc. shall be admissible to the husband/wife irrespective of its ownership. In case the journey is performed together fare shall be admissible to one member only.
4. A member shall have to produce an attested copy of registration certificate of his own vehicle while travelling TA bill.
5. There shall be ceiling on journey by own car/jeep upto 1000 kms.
6. In case the journey is performed beside own vehicle, fare will be admissible only if taxi is hired at least by two members.
7. Higher side sanction if any at the discretion of the Competent Authority.

\* More than 12 hours - Full D.A.

\* 6 to 12 hours - 50% of admissible rate



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- Advance may be taken before proceeding for tour. Advance to be taken normally 90% of probable expenses for healthy settlement of claims.
- Submit T.A. /D.A. bills within one week after the completion of tour.
- As to avoid malpractice in T.A. /D.A. billing part is made obligatory to those who execute tour.
- Entitlement of claim seeker should be well defined by the management to avail privileges and benefits from the Institute as per the T.A. /D.A norms.
- The claim will be sanctioned as per rules and rate of the institute, but if the expenses are more, actual expenses may be sanctioned by the competent authority.



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## Chapter -9

### Incentives

#### 9.I Stagnation Increment

- (1) Employees who have reached at the maximum in the pay scale drawing they are eligible to get two stagnation increments during service period. The first stagnation increment shall be released on two years after reaching at the maximum. Second stagnation increment shall release on two years after granting 1<sup>st</sup> stagnation increment.
- (2) Those drawing fixed or consolidated salary are not eligible for stagnation increment.



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## Chapter – 10

### Other Strategies

#### 10.1 Conversion of Post:

Different posts with appropriate designation in Teaching & Non Teaching categories are in existence in the various departments of the Institute. However, provision is made to convert from one post to another required post with equivalent pay scale. In case Management & Competent Authority seeks any necessity to convert existing post into another post in the interest of Institute such provision would be applicable. Moreover justification for conversion for both the posts should be on substantial ground to upkeep natural justice.



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## **Chapter - 11**

### **CONSULTANCY**

In the following area Institute employees should undertake consultancy work & execute the same as per the stipulated norms.

- a. Computer based programme- Latest highly demanded courses to be introduced.
- b. Technical consultancy- From various organizations regular job orders to be undertaken.
- c. Management consultancy- Counselling & problem related with routine dealing of the organization.
- d. Through MBA/Management expert in all relevant area- Counselling & problem related with routine dealing of the organization.
- e. Seminars/Symposia/Workshops/National/International Seminar/Symposia/Workshop in the field to Workshop/ Technology Management/IT for Institute of repute Formulate yearly calendar & organize programmes from time to time. Especially tailor made strategy to be followed to fulfil the current needs.
- f. Industry Institute interface- Maintain present track & necessary liaison with industries.
- g. Consultancy in R & D should identify the area.
- h. General consultancy- Other than these areas which have not been covered in the point no. a to g.

### **MODE OF PAYMENT**

Mode of payment is as per the rules framed by Shri Gajanan Invention And Research Centre (SGIARC) of the institute.



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**APPENDIX –I**

**(Procedure for imposing major penalties)**

1. Where it is proposed to hold inquiry against the employee, the Disciplinary Authority shall draw up or cause to be drawn up :-
  - a) The substance of imputation of misconduct or misbehavior into definite or distinct article of charge.
  - b) A statement of imputation of misconduct or misbehavior in support of each article of charge which shall contain : Statement of all relevant facts, including any admission, or confession by the employee, and a list of documents by which, a list of witnesses by whom, the articles of charge are proposed to be sustained.
2. 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 witnesses 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 defence, and to state whether he desires to be heard in person.
- (3) (a) On receipt of the written statement of defense, the Disciplinary Authority may itself inquire into such of the articles of charges as are not admitted or if it considers it necessary to do so, appoint an Enquiring Authority for the purpose, and where all the articles of charge have been admitted by the employee, the Disciplinary Authority shall record its findings in 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 Enquiring Authority.
  - (c) Where the disciplinary authority appoints the Enquiring Authority, may by an order appoint another employee or a legal practitioner as the Presenting Officer to present the case in support of the articles of charge therefore the Enquiring Authority. The employee may take assistance of any other employee to represent



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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.

- (4) The Disciplinary Authority shall forward to the Enquiring Authority 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.
  - c) Copies of the statements of witnesses.
  - d) The evidence proving the delivery of documents to the employee and
  - e) A copy of the order appointing the Presenting Officer.
- (5) The employee shall appear in person before the Disciplinary Authority of 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 by notice in writing specify, or such further time not exceeding 10 days as the Enquiring Authority may allow.
- (6) The Disciplinary Authority may suo moto or on being moved by the employee against whom inquiry is instituted, for just and sufficient reason, transfer the proceedings to another Enquiring Authority constituted for the purpose.
- (7) If the employee who has not admitted any of the articles 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 take and if he pleads guilty of any other articles of charge, it shall be recorded under the signature of the employee and of the Authority.
- (8) The Enquiring Authority shall return to the Disciplinary Authority the findings of guilt in respect of those articles of the charge to which the employee pleads guilty.



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- (9) 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 that the 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 witnesses to be examined on his behalf.
  - (c) Give a notice within 10 days of the order or within such further time not exceeding 10 days as the Enquiring Authority may be allowed the discovery or production of any documents, but not mentioned in the list, indicating the relevance of such documents.
- (10) Whether the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list, the Enquiring Authority shall furnish him such copies as early as possible, as and in any case not later than 3 days before the commencement of the examination of the witness on behalf of the Disciplinary Authority.
- (11) (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 Enquiring 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



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the Enquiring Authority, and the Enquiring Authority shall, on being so informed, communicate the information to the employee and withdraw the requisition.

(12) (a) The inquiry shall be commenced on the date fixed by the Inquiring Authority and shall continue thereafter on the dates as may be fixed from time to time.

(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 witnesses may be examined by the Disciplinary Authority shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter without the permission of the Enquiring Authority. The Enquiring Authority may also put questions to the witnesses.

(c) 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 on a copy of the list of further evidence. The Enquiring Authority shall give the employee an opportunity of inspection of documents before they are taken on record. The Enquiring Authority may also allow the employee produce new evidence, if it is necessary in the interest of justice:

Provided 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 Disciplinary case is closed, the employee shall be required to state his defense orally/written and it shall be recorded with the employee's signature on the same. A copy of the statement of defence shall be given to the Disciplinary Authority, the employee may examine himself, and the witnesses. They may be cross-examined by the Disciplinary Authority, re-examined by the employee and examined by the Enquiring Authority.

(e) After the employee closes 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.



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- (f) The Enquiring Authority may, after the completion of production of evidence, hear 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 this rule, the Enquiring Authority may hold the enquiry *in absentia*.
- (13) (a) Where the Disciplinary Authority is competent to impose 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 the 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 and ensure documented evidence for the same.
- (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 witnesses and examine, cross-examine, and re-examine the witnesses, 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.
- (14) Whenever 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 Enquiring Authority which has such jurisdiction, the Enquiring Authority so succeeding shall act on the evidence so recorded by its predecessor and partly recorded by itself:
- Provided that, if the succeeding Enquiring Authority is of the opinion that further examination of any of the witnesses, already recorded, if necessary in the interest of justice, it may recall, examine, cross-examine and re-examine him:



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

(15) (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 of 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 reasons therefore.
- v) Recommendation regarding the quantum of punishment.

(b) Where in the opinion of the Enquiring Authority, the proceedings the inquiry establish any article of charge different from an original article 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 either admitted the facts on which such article or charge is based or has been provided a reasonable opportunity of defending himself against such article of charge.

(c) The Enquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the record of inquiry 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 inquiry,
- (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 inquiry.

d) All such records shall be handed over by the Inquiry Officer to Principal in person confidentially.