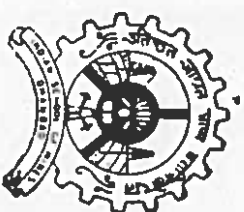


ISM 3

*By-laws in the matter of classification
and method of appointment and
terms and conditions of service
in respect of Non-teaching
employees*



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INDIAN SCHOOL OF MINES

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These bye-laws have been approved by
 Government vide letter No. F. 7-47 71-T.6
 dated the 25th February, 1972 from the
 Ministry of Education and Social Welfare.

Bye-laws in the matter of classification & method of appointment and terms and conditions of service in respect of Non-teaching employees of the Indian School of Mines, Dhanbad.

CHAPTER I

Application and Definition

SECTION I

Extent of Application

1. These bye-laws shall apply to the employees (NON-TEACHING) of the Indian School of Mines, Dhanbad :

- (a) who are appointed on or after 1st July, 1967
- (b) who exercise option, under Rule 30 (1) (a) of the Rules and Regulations of the Society of Indian School of Mines, Dhanbad, to be governed by such Bye-laws; and
- (c) who are covered by such Bye-laws, under Rule 30 (1) (b) of the Rules and Regulations of the Society of Indian School of Mines, Dhanbad.

SECTION II

Definitions and Interpretations

2. Unless the context otherwise requires, the various terms are used in the Bye-laws in the sense explained below :

(i) **Average Pay** : means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.

(ii) **Board** : means the Executive Board of the Indian School of Mines, constituted under Rule 7 of the Rules and Regulations of the Indian School Mines, Dhanbad.

(iii) **Cadre** : means the strength of a service or a part of a service sanctioned as a separate unit.

(iv) **Compensatory Allowance** : means an allowance granted to meet personal expenditure necessitated by the circumstances in which duty is performed. It includes a travelling allowance.

(v) **Duty** : Duty includes (a) service on probation provided that such service is followed by confirmation; (b) joining time

(vi) **Employee** : means an employee of the Indian School of Mines, Dhanbad, to whom these bye-laws apply.

(vii) **Fee** : means recurring or non-recurring payment to an employee from a source other than the funds of the Indian School of Mines; whether made directly to an employee or in-directly through the intermediary of the Indian School of Mines.

(viii) **Honorarium** : means recurring or non-recurring payment granted to an employee from the funds of the Indian School of Mines as remuneration for special work of an occasional or intermittent nature.

(ix) **Foreign Service** : means service in which an employee receives his substantive pay with the sanction of the Indian School of Mines from a source other than the funds of the Indian School of Mines.

(x) **Joining Time** : means the time allowed to join a new post or to travel to or from a station to another to join a post.

(xi) **Leave Salary** : means the monthly amount paid by the Indian School of Mines to an employee who is on leave.

(xii) **Lien** : means the title of an employee to hold substantively either immediately, or on the termination of a period or periods of absence, a permanent post, including, a tenure post, to which he has been appointed substantively.

(xiii) **Month** : means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

(xiv) **Officiating** : an employee may officiate in a post when he performs the duty of a post on which another person holds a lien. An employee, may also officiate in a vacant post on which no other employee holds a lien.

(xv) **Pay** : means the amount drawn monthly by an employee as :

a) the pay other than special pay or pay granted in view of his personal qualification, which has been sanctioned for a post held by him substantively

or in an

officiating capacity or to which he is entitled by his position in a cadre; and
b) special pay and personal pay.

(xvi) **Personal pay** : means additional pay granted :

a) to save an employee from loss of substantive pay in respect of a permanent post, other than a tenure post, due to revision of pay or to any reduction of such substantive pay, otherwise than as a disciplinary measure or

b) in exceptional circumstances on other personal consideration.

(xvii) **Probation** : A person on probation on a post is one appointed to a post for determining his fitness for eventual substantive appointment to the post.

(xviii) **Special Pay** : means an addition of the nature of pay, to the emoluments of a post or of an employee, granted in consideration of,
a) the specially arduous nature of the duties; or
b) a specific addition to the work or responsibility.

(xix) **Permanent Post** : means a post carrying a definite rate of pay sanctioned without limit of time.

(xx) **Society** : means the Indian School of Mines, Dhanbad
(xxi) **Subsistence Grant** : means monthly grant made to an employee who is not in receipt of pay or leave salary.

(xxii) **Substantive Pay** : means the pay other than special pay or personal pay to which an employee is entitled on account of a post to which he has been appointed substantively
(xxiii) **Temporary Post** : means a post carrying a definite rate of pay sanctioned for a limited time.

(xxiv) **Time Scale Pay** : means pay which rises by periodical increments from a minimum to maximum.

(xxv) **Travelling allowance** : means an allowance granted to an employee to cover the expenses which he incurs on travelling in the interest of Indian School of Mines.

Words not defined in these Bye-laws shall have the meaning assigned to them in the Memorandum and Rules and Regulations of the Indian School of Mines.

CHAPTER II
General

SECTION — 1

General condition of service

3. Posts, Recruitment and Appointments :

A) **Categorisation of posts :** Cadre and the posts under the Society shall be as specified by the Board from time to time. These posts shall be categorised in to categories A, B and C on the Basis of the scale of pay of various posts as determined by the Board.

B) **Qualifications for appointments :** The qualifications for appointment to the posts in various cadres in the Society shall be such as may be determined by the Board.

C) **Fitness :**

a) Appointment of persons by direct recruitment for more than 12 months shall be subject to their being found medically fit by the Medical Officer of the Indian School of Mines.

b) No person shall be appointed to any post unless the appointing authority is satisfied that he possesses good character and antecedents.

D) **Method of Recruitment :**

Recruitment to the posts may be made :

- i) by direct recruitment;
- ii) by promotion; and
- iii) by appointment of employees borrowed from other institutions.

E) **Recruitment by promotion :**

i) Appointment to a post in any grade by promotion shall be made, whether in a permanent or officiating capacity, from amongst employees serving in post in the next lower grade.

ii) Every appointment by promotion shall be on the basis of suitability, due regard being paid to seniority.

F) **Appointments :**

i) Appointments to the posts shall be made by the Board on the recommendations of Selection Committees appointed for the purpose from time to time.

ii) The age, educational and other qualifications for appointment to various posts and the methods of recruitment shall be as prescribed by the Board from time to time.

G) **Ad-hoc Appointments :**

Notwithstanding anything contained in this bye-law, the Board may by a general or special order and subject to such conditions as it may specify in such order delegate to any officer in the Society the power to make ad-hoc appointments.

H) **Appointments in the place of employees dismissed, removed or reduced :**

Where an employee has been dismissed, removed or reduced from any cadre in the service, no vacancy caused thereby or arising subsequently in such cadre in the service shall be substantively filled to the prejudice of such person until the appeal, if any preferred by him against such dismissal, removal or reduction is decided, and except in conformity with such decision or until the time allowed for preferring an appeal has expired, as the case may be.

I) **Re-employment in service beyond the date of Compulsory Retirement :**

Nothing in these bye-laws shall be constructed to limit or abridge the power of the Board to re-employ persons in the service of the Society who have reached the date of compulsory retirement prescribed by the Board, provided that :

- a) if the following pre-requisite conditions are satisfied :
 - a) such re-employment is certified to be in the interest of the society ;
 - b) no suitable person could be made available from the lower cadre on promotion; or there is shortage in that cadre ; and
 - c) for other special circumstances to be recorded in writing and sanctioned by the Director.
- ii) the re-employment is not sanctioned beyond two years after the date of compulsory retirement, the re-employment being only for a year at a time.

Employees absent from duty :

i) The absence of an employee of the Society from duty whether on leave or on foreign service or on deputation and

whether his lien in a post borne on the cadre of the service is suspended or not, shall not, if he is otherwise fit, render him ineligible on his return :

- a) for re-appointment to a permanent or officiating vacancy in the cadre of post on which he may be on probation ;
- b) for promotion from a lower to a higher category in the service, as the case may be in the same manner as if he had not been absent. He shall be entitled to all privileges in respect of appointment, seniority, promotion and confirmation which he would have enjoyed but for his absence subject to his completing satisfactorily the period of probation on his return ;
- ii) a) No permanent employee shall be granted leave of any kind for a continuous period exceeding three years ;
- b) When an employee does not resume duty after remaining on leave for a continuous period of three years, or where an employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of the leave granted to him exceeds three years, he shall unless the Board in view of the exceptional circumstances of the case, otherwise determines, be deemed to have resigned and shall accordingly cease to be in the Society service.

SECTION II

Tenure

4. Probation and confirmation :

(A) Every person appointed permanently to a post under the Society, after the commencement of these bye-laws, whether by promotion or by direct recruitment, shall be on probation in such post for a period of one year, provided that the appointing authority may, in any individual case, extend the period of probation to such extent as it deems necessary, the reasons thereof to be recorded in writing.

- (B) Where a person appointed to a post under the society on probation is, during his period of probation, found unsuitable for holding that post or has not completed his period of probation satisfactorily — the appointing authority may :
 - i) in the case of a person appointed by promotion revert him to the post held by him immediately before such appointment ; and
 - ii) in the case of a person appointed by direct recruitment terminate his services under the Society without notice.
- (C) Every person appointed to a permanent post under the Society by promotion or by direct recruitment shall on satisfactorily completing his period of probation, be eligible for confirmation in that post.
- (D) No employee shall be confirmed in any post unless :
 - i) such post is permanent and no one else holds a lien on the post.
 - ii) the service of the employee under the society is approved by the appointing authority.

5 Seniority :

The seniority of employees in a particular grade shall be determined with reference to the date of satisfactory completion of probation, provided that the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointments, persons appointed as a result of earlier selection being senior to those appointed as a result of a subsequent selection.

6. Temporary and permanent service :

- (A) An employee shall be a temporary employee of the Society, until he is confirmed in a permanent post under the society ;
- (B) An employee confirmed in any permanent post under the Society shall be a permanent employee of the Society.

7 Termination of service :

- (A) The service of a temporary employee may be terminated by the Board without assigning reasons—

- (i) during the period of probation following the first appointment, at any time without notice ; and
 - (ii) if the post is temporary, at any time by a notice of one month in writing given by the appointing authority to the employee, or, at any time without notice on payment of one month's pay.
- (B) The services of a permanent employee may be terminated by a notice of three months or on payment of pay for such period as the notice falls short of three months, or, without notice, on payment of three months pay, if the post in which he was confirmed is abolished.
- (C) An employee who is given notice of termination of service under Bye-law 7 (B) may be granted, during the period of notice, such earned leave, as may be admissible to him, and, where the leave so admissible and granted is more than three months, his services shall be terminated on the expiry of such leave.
- 8. Retirement :**
- (A) The age of retirement of the employee shall be 60 years provided that any employee shall be retired :
- (i) on his being declared medically unfit for service by a medical Board to be appointed by the Board in this behalf ; or
 - (ii) on the imposition of the penalty of compulsory retirement ; or
 - (iii) when the competent authority has occasion to believe that the employee is suffering from :
 - a) a contagious disease ; or
 - b) a physical or mental disability, which in its opinion interferes with the efficient discharge of his duties; that authority shall direct the employee to undergo within such period not exceeding one month, as may be specified by it a medical examination; and on the basis of the medical opinion may require the employee to retire from service and he shall be granted such retirement benefits as may be admissible under the bye-laws applicable to him on the date of such retirement.

9. Resignation :

Subject to the acceptance of resignation by the competent authority, a permanent/temporary employee may, by notice of three months/one month in writing addressed to the appointing authority resign from the service of the Society, or by payment of salary in lieu thereof.

SECTION III

Miscellaneous

10 Service Books and Character Rolls :

(A) The society shall maintain a service book and a character roll for each employee in such form and with such particulars as may be prescribed by the Board.

(B) The entries in the service book of an employee shall be made by the Head of the Office.

11. Confidential Reports :

(A) Such authorities of the Society as may be prescribed by the Board, shall report confidentially by the 15th January of each year in the form prescribed by the Society on the work and conduct of the employees who had served under them for a period of not less than four months in the calendar year immediately preceding and forward their reports to the Registrar not later than the 31st January.

(B) The Reviewing Officer, the next higher authority, will have the discretion to determine which unfavourable reports or portions thereof are weighty enough to be communicated to the employee reported against. All adverse entries should be communicated within a specific period to the officials concerned. Any representation against the adverse remarks will have to be made within two months and would lie to the next higher authority than the Reviewing Officer.

12. Test or Examinations :

Employees shall be required to pass such departmental and other tests or examinations as may be prescribed by the Board. The Board may also lay down rules regarding the periods within which the test should be passed, the consequences of not passing the tests and other cognate matters.

13. Residuary Conditions of Service :

Any matter relating to the conditions of service of an employee for which no provision is made in these bye-laws shall be determined by the Board.

14. Power to relax :

Notwithstanding anything contained in these bye-laws, the Board may, in the case of any employee, relax any of the provisions of these bye-laws to relieve him of any undue hardship arising from the operation of such provisions or in the interests of the society.

15. Removal of doubts :

When a doubt arises as to the interpretation or application of any of the provisions of these bye-laws, the matter will be referred to the Board for a decision and its decision shall be final.

CHAPTER III**Pay and Allowances****SECTION I****Pay****16. Scales of Pay :**

The scales of pay for the posts in the Society services shall be as specified from time to time by the Board.

17. Initial Pay :

An employee shall, on his appointment to a post on a time scale of pay, draw pay at the minimum of the time scale, unless the appointing authority decides that he shall draw pay at any higher stage.

Provided that, when such appointment is made by promotion

- i) the pay of the employee will first be increased by one increment in the lower scale, and then fixed in the higher scale at the stage next above ;
- ii) if he had previously served in the same post or in any other post under the Society on the same or identical time-scale of pay, and was drawing pay higher than the pay admissible to him under clause (i) he shall draw such higher pay, and the period of his duty in such post on such pay shall also count for the purpose of increment in the higher post.

18. Increments :

(A) An increment shall ordinarily be drawn as a matter of course unless it is withheld by the Board if the conduct of the employee has not been good or his work has not been satisfactory.

(B) where an efficiency bar is prescribed in the time-scale the increment next above that bar shall not be given to an employee without specific sanction of the authority empowered to withhold increment.

19. Service counting for increments :

The following service shall count for increment on the time scale of a post :

- (i) duty in that post or in any other post of the same or higher grade, whether continuous or not ;
- (ii) duty in an equivalent or higher post in foreign service ;
- (iii) duty on a temporary post and on probation ; and
- (iv) leave other than extraordinary leave.

Provided that the sanctioning authority may direct that extraordinary leave shall also count for increments, if it is satisfied that such leave was taken on account of illness or for any other cause beyond the control of the employee.

20. Pay during suspension :

An employee under suspension shall, during the period of suspension, draw subsistence allowance equivalent to half the rate of pay which is admissible to him immediately before the commencement of the suspension and allowances based on such half pay.

21. Special pay, personal pay, honorarium and fee :

The Society may sanction to an employee in any special circumstances, such special pay, personal pay, honorarium or fee and on such conditions as it may deem fit.

22. Drawal of Pay :

[A] An employee shall be entitled to draw the pay of the post to which he is appointed from the date on which he assumes charge of the post.

(B) Pay in respect of any month shall become payable on or after the last working day of each month.

(C) An employee resigning from the service of the Society without the notice prescribed shall not, unless the Board directs otherwise, be allowed to draw pay due but not drawn.

SECTION II

Pay and allowances for holding additional charge of posts

(23) (A) An employee placed in charge of the current duties of a higher post will receive pay in the basic post plus 1/10th of the minimum of the scale of pay applicable to the higher post.

(B) No allowance will be admissible when an employee holding one post is placed in charge of the current duties of a post of equivalent status of his own basic post. The employee concerned will receive pay in his basic post only.

(C) An employee placed in charge of the full duties of a post of status equivalent to his own basic post will receive allowance at 20% of the minimum of the scale of the post.

(D) An employee holding one post when placed in charge of the current duties of a lower post will not receive any allowance for the additional work.

Note :—The additional pay or allowance will not be admissible if the period of additional charge is 30 days or less.

SECTION III

Compensatory Allowances

24. Employees will be eligible to House Rent Allowances, City Compensatory Allowance, Travelling Allowance and other allowances as sanctioned by the Society according to the rules in force from time to time.

CHAPTER IV

Leave

SECTION I

Interpretations

25. Under the bye-laws in this Chapter, unless the context otherwise requires :

(A) Earned leave, half-pay leave, leave not due, commuted leave, extraordinary leave, etc., mean the leave as provided in these bye-laws :

(B) A completed year of service means continuous service of the specified duration under the Society and includes periods spent on duty as well as on deputation to foreign service or leave ;

(C) 'Earned Leave' means leave earned in respect of periods spent on duty ;

(D) 'Half-pay Leave' means leave earned in respect of completed years of service calculated according to the provisions hereinafter contained.

SECTION II

General Conditions

26. (A) Right to leave :

Leave cannot be claimed as a right, and when the exigencies of service so demand, leave of any description may be refused or revoked by the authority empowered to sanction leave.

(B) Combination of leave :

Except as otherwise provided under these bye-laws, any kind of leave under these provisions may be granted in combination with or in continuation of any other kind of leave subject to any limit on the aggregate period of absence as may be prescribed in such cases, except in case of casual leave.

(C) Commencement and Termination of leave :

(i) Leave ordinarily begins from the date on which leave as such is actually availed of and ends on the day one resumes one's duty ;

(ii) Sundays and other holidays may be prefixed or suffixed to leave subject to any limit of absence on leave prescribed under each kind of leave.

(D) **Grant of leave beyond the date of retirement and in the event of resignation :**

No leave shall be granted beyond the date on which an employee must compulsorily retire : provided that the authority empowered to grant leave may allow any employee who had been denied earned leave in whole or in part on account of exigencies of service, the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which such an employee must compulsorily retire :

Provided further that an employee, who is re-employed in the interest of Society service beyond the date of his compulsory retirement, may be granted earned leave as under :

(i) During the period of re-employment any leave due in respect of the period of such re-employment and to the extent necessary earned leave which would have been granted to him under the preceding proviso, had he retired on the date of compulsory retirement;

(ii) After the expiry of the period of re-employment.

(a) The earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement, diminished by the amount of such leave as is availed of during the period of re-employment and

(b) Any leave earned during the period of re-employment as has been formally applied for as leave preparatory to retirement prior to final cessation of his duties in sufficient time during the period of re-employment and refused to him on account of exigencies of Society service ;

(iii) In determining the amount of earned leave due during the period of re-employment, the earned leave if any admissible under the preceding proviso shall be taken into account.

Note-1 : For the purpose of bye-law 26(D) an employee may be deemed to have been denied leave only if in sufficient time

before the date on which he must compulsorily retire or the date on which his duty finally ceases, he had either formally applied for leave and been refused to it on the ground of exigencies of service or has ascertained in writing from the sanctioning authority that leave applied for would not be granted on the aforesaid ground.

Note-2 : If any employee resigns he shall not be granted either prior or subsequent to his resignation any leave due to his credit provided that the Society may, in any case, grant terminal leave to an employee prior to his resignation which may extend beyond the date on which the resignation becomes effective, if in the opinion of the Society the circumstances justify such grant of leave.

(E) **Conversion of one kind of leave to another kind :**

(i) At the request of an employee the sanctioning authority may convert any kind of leave, including extraordinary leave, retrospectively into leave of a different kind which may be admissible as on the date on which the conversion is sought; but the employee cannot claim such conversion as a matter of right.

(ii) If one kind of leave is converted into another, the amount of leave salary and the allowances admissible shall be re-calculated and arrears of the salary and allowances paid or amounts over-drawn recovered as the case may be.

(F) **Joining the duty on return from leave on medical grounds :**

An employee who has been granted leave on medical grounds shall be required to produce a medical certificate of fitness before resuming duty. A competent authority may also require an employee to produce a certificate, if the ground of leave is illness.

(G) **Re-joining of duty before the expiry of the leave :**

Except with the permission of the sanctioning authority, no employee on leave may join duty before the expiry of the period of leave sanctioned to him.

(H) **Application for leave :**

Leave should be applied for in the prescribed form. It should be applied for sanction before it is availed of except in special cases of emergency and on satisfactory reasons.

(I) **Inclusion of temporary service for computation of leave :**
Continuous temporary service followed by permanent service without any break, shall be included in the permanent service for the purpose of computation of leave.

(J) **Increment during leave :**

If the increment falls during leave other than casual leave or special casual leave, the effect of increase of pay will be given from the date the employee resumes duty without prejudice to the normal date of his increment.

(K) An employee ceases to be in service if he continues to be absent from duty for 3 years whether wither with or without leave, unless such absence is absence on foreign service.

(L) A leave account will be maintained for each employee.

(M) Honorary or part-time employees shall be entitled to leave on the same conditions on which it is available to salaried employees of the Society.

(N) Leave to the employees engaged on contract will be in accordance with the terms of the contract entered into.

SECTION III

Kinds of leave

27 The following kinds of leave, shall be admissible to the employees :

(A) **Leave not earned by duty :** Earned leave, Half pay leave, commuted leave and leave 'not due'.

(B) **Leave earned by duty :** Casual leave, special casual leave, maternity leave, hospital leave, study leave, quarantine leave and extra-ordinary leave.

28. **Earned leave :**

(A) **Earned leave admissible to employees :**

Earned leave admissible to an employee in permanent employment shall be 1/11 of the periods spent on duty.

In the case of employees not in permanent employment, the earned leave admissible during the first year of service shall be 1/22 of the periods spent on duty and thereafter 1/11 of the periods spent on duty.

An employee in permanent employment, appointed without interruption of duty to a permanent post, shall be credited with the earned leave which shall be admissible if his previous duty has been in permanent employment diminished by any amount of leave availed of. The leave is not an interruption of duty for the purpose of this bye-law.

(B) **Limits of accumulation and grant :**
(applicable to all employees)

An employee shall cease to earn the earned leave when the earned leave amounts to 180 days.

The maximum amount of earned leave that can be granted to an employee at a time shall be 120 days. Earned leave may be granted for a period not exceeding 150 days if any portion thereof is spent outside India, provided that when earned leave exceeding 120 days is so granted, the period of such leave spent within India shall not, in aggregate, exceed 120 days.

29. **Half pay leave**

(A) The half-pay leave admissible to an employee in respect of each completed year of service shall be 20 days.

(B) Half-pay leave may be granted to an employee on medical certificate or on private affairs. No half pay leave may be granted to an employee in temporary appointment except on medical certificate.

30. **Commuted leave :**

Commuted leave not exceeding half the amount of half-pay leave may be granted on medical certificate to a permanent employee subject to the following conditions :

(A) The commuted leave during the entire period of service shall be limited to a maximum of 300 days.

(B) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due.

(C) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 360 days provided that no commuted leave may be granted under this provision unless the authority competent to sanction leave has reasons to believe that the employee will return to duty on its expiry.

31. Leave 'not due' :

- (A) Leave 'not due' may, at the discretion of the sanctioning authority, be granted on half-pay to a person in permanent employment only on medical certificate for a period not exceeding 180 days during his entire service. Such leave will be debited against the half-pay leave, the employee may earn subsequently.
- (B) Any employee to whom leave 'not due' is granted shall not be permitted to tender his resignation from service so long as the debit balance in his leave account is not wiped off by active service, or he refunds the amount paid to him as salary for the period not so earned.
- (C) Leave 'not due' shall not be granted unless the sanctioning authority is satisfied that, as far as can reasonably be foreseen, the employee will return to duty on the expiry of the leave and earn the leave granted.

SECTION IV

Leave not debitabale to leave account

32. Casual Leave

- (A) Casual leave is not earned by duty. An employee on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave cannot be claimed of right and its grant is always subject to the exigencies of service and subject to a maximum of 12 days in a calendar year.

- (B) Casual leave may be granted as and when occasion arises at the discretion of the sanctioning authority, provided that the total period of absence, including Sundays and other holidays shall not exceed 8 days at a time.

Note : Holidays or Sundays falling between will not count as casual leave.

- (C) Casual leave cannot be combined with any other kind of leave.

33. Special Casual Leave :

- (A) An employee summoned to serve as Juror or Assessor

or to give evidence before the Court of law as a witness in a civil or criminal case in which his private interests are not at issue may be given this leave. The leave so granted should be sufficient to cover the period of absence necessary.

- (B) It may also be granted when an employee is deputed to attend reference libraries of other institutions and conferences or educational gatherings of learned and professional societies in the interests of the Society or other academic work which will include working on committees appointed by the Universities/Government/ University Grants Commission, lecturing and examination work and U. P. S. C. work, or such other work as may be specified by the Society.

- (C) The period of such leave admissible in a year shall not exceed 15 days.

34. Maternity Leave :

- (A) Maternity leave may be granted to a woman employee on full pay for a period which may extend upto the end of 3 months from the date of the commencement or to the end of 6 weeks from the date of confinement which ever is earlier. Maternity leave may also be granted in cases of mis-carriage, including abortion, subject to the condition that the leave applied for does not exceed 6 weeks and the application for leave is supported by medical certificate.

- (B) Maternity leave may be combined with leave of any other kind except casual leave but the leave applied for in continuation of maternity leave may be granted only if the application is supported by a medical certificate.

35. Hospital lile :

- (A) Hospital leave may be granted to an employee for medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of official duty. This leave will be available to such employees only whose duties expose them to such illness or injury.

(B) Hospital leave may be granted on leave salary on average pay or half average pay as the Society may consider necessary.

(C) The amount of hospital leave is limited to 3 months on average pay in any period of three years. Hospital leave on half average pay counts for the purpose of this limit as half the amount of leave on average pay.

(D) Hospital leave may be combined with any other leave which may be admissible provided that the total period of leave after such combination shall not exceed 180 days.

36. Extra-ordinary Leave :

(A) Extra-ordinary leave shall be without pay and allowances and may be granted when no other kind of leave is admissible or when other kind of leave being admissible, the employee specifically applies in writing for the grant of extra-ordinary leave.

(B) The period of extra-ordinary leave shall not count for increment.

(C) Except in case of a permanent employee the duration of extra-ordinary leave on any one occasion shall not exceed the following limits :

(i) Three months.

(ii) Six months in the case of an employee who has completed three years of continuous service on the date of expiry of the leave admissible to him under the bye-laws and his application for such leave is supported by a medical certificate.

(iii) Eighteen months when the employee is suffering from tuberculosis or leprosy and undergoing treatment in a recognised clinic or under a specialist.

(D) The authority empowered to grant leave may commute retrospectively the period of absence without leave into extraordinary leave.

Note : The power of commuting retrospectively the period of absence without leave into extra-ordinary leave is absolute and not subject to any conditions.

37. Quarantine Leave :

Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family/in the household of an employee. Quarantine leave may be granted on the certificate of the medical or public health officer for a period not exceeding 21 days or in exceptional cases 30 days. Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted as necessary in continuation of other leave subject to the above maximum. An employee-on-quarantine leave is not treated as absent from duty and his pay is not affected.

38. Study Leave :

Suitable rules may be prescribed to enable the employees to improve their technical qualifications.

CHAPTER V

Conduct

SECTION I

Interpretations

39. In this chapter unless the context otherwise requires :

(A) 'Members of family' in relation to an employee includes :

(i) The wife or husbands, as the case may be, of the employee whether residing with the employee or not, but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court ;

(ii) Son or daughter or step-son or step-daughter of the employee wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee, or of whose custody the employee has been deprived by or under any law ;

(iii) Any other person related, whether by blood or marriage to the employee or to the employee's wife or husband, and wholly dependent on the employee.

(B) 'Prescribed authority means the Director or the authority prescribed by the Board for the purpose of these bye laws as a whole or for any individual rule.

SECTION — II
General

40. (A) Every employee shall at all time :
- (a) maintain absolute integrity ;
 - (b) show devotion to duty ; and
 - (c) do nothing which is unbecoming of an employee of the Society.
- (B) (i) Every employee, holding a supervisory post, shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority ;
- (ii) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable and, where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of direction as soon thereafter as possible.
- Explanation :** Nothing in bye-law 40 (B) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from or approval of, a superior officer or authority when such instructions are not necessary under the scheme of delegation of power and responsibilities.

41. **Joining of Associations by Employees :**

No employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the Society or public order, decency or morality.

42. **Demonstration and Strikes :**

No employee shall :

- (A) engage himself or participate in any demonstration which is prejudicial to the interest of the Society, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (B) resort to or, in any way, abet in any form of strike in

connection with any matter pertaining to his service or the service of any employee.

43. **Connection with Press or Radio :**

- (A) No employee shall except with the previous sanction of the Society, own wholly or in part, or conduct, or participate in the editing or management of any newspaper or periodical publication.

- (B) No employee shall, except with the previous sanction of the Society or the prescribed authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter or a book either in his own name or anonymously, pseudonymously or in the name of any newspaper or periodical.

Provided that no such sanction shall be required if such broadcast or contribution or writing is of a purely literary, artistic or scientific character.

44. **Evidence before a Committee or any other authority :**

- (A) Save as provided, in "Bye-law 44 (C), no employee shall, without the previous sanction of the Society, give evidence in connection with any enquiry conducted by any person, committee or authority ;
- (B) Where any sanction has been accorded under Bye-law 44 (A) no such employee giving such evidence shall criticise the policy or any action of the Society or the Government.

(C) Nothing in this bye-law shall apply to :

- (i) The evidence given at an enquiry before an authority appointed by the Government and Parliament or any State Legislature ; or
- (ii) The evidence given in any judicial enquiry ; or
- (iii) The evidence given in any departmental enquiry ordered by authorities subordinate to the Board.

45. **Unauthorise communication of information :**

No employee shall except in accordance with any general or special order of the Society or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly any official document or any part thereof or information to any other employee or any other person to whom he is not authorised to communicate such document or information.

46. Subscription :

No employee shall except with the previous sanction of the Society or of the prescribed authority ask for or accept contribution to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

47. Private Trade or employment :

(A) No employee shall except with the previous sanction of the Society engage directly or indirectly in any trade or business or undertake any other employment. Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject, to the condition that his official duties do not thereby suffer; but he shall not undertake and shall discontinue such work if so directed by the Society.

Explanation : Canvassing by an employee in support of the business of insurance agency, commissin agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this clause.

(B) Every employee shall report to the Society if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(C) No employee shall without the previous sanction of the Society except in the discharge of his official duties take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any co-oprative society for commercial purposes :

Provided that an employee may take part in the registration, promotion or management of a co-oprative society substantially for the benefit of the employees registered under the co-operative society Act

1912 (2 of 1912) or any other law for the time being in force or of a literary scientific or charitable society registered under the societies Registration Act 1860 (2 of 1860) or any corresponding law in force.

(D) No employee may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

48. Insolvency and habitual indebtedness :

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee against whom any legal proceeding is instituted for the recovery of any debt due from him for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Society.

Note : The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits shall be upon the employee.

49. Vindication of acts and character of employees :

(A) No employee shall, except with the previous sanction of the Society, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

(B) Nothing in this bye-law shall be deemed to prohibit any employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the prescribed authority regarding such action.

50. Canvassing of non-official or other influence :

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Society.

51. Bigamous marriages :

(A) No employee who has a wife/husband living shall contract another marriage without first obtaining the permission of the Society notwithstanding that such subsequent marriage is permissible under the personal law, for the time being applicable to him.

(B) No female/male employee shall marry any person who has a wife/husband living without first obtaining the permission of the Society.

52. Interpretation :

If any question arises relating to the interpretation of these bye-laws, it shall be referred to the Board which shall decide the same.

53. Delegation of Powers :

The Board may by a general or special order direct that any power exercisable by it under these bye-laws (except the powers under bye-law 52 of these bye-laws) shall, subject to such conditions, if any, as may be specified in the order be exercisable also by such officer of authority as may be specified in the order.

CHAPTER VI

Penalties and Appeals

SECTION 1

Interpretations

54. In this chapter unless the context otherwise requires :

(A) 'Appointing Authority' means the authority empowered to make appointments in a cadre in which the employee is for the time being included vide bye-law 3 chapter II.

(B) 'Disciplinary Authority' in relation to the imposition of penalty on an employee means the authority competent under these bye-laws to impose on him any of the penalties specified in bye-law 57.

(C) 'Employee' means as defined in bye-law 1 and also any person in the service of a State Government or Central Government or a local or other authority, or any other autonomous body whose services are temporarily placed at the disposal of the Society.

55. Protection of rights and privileges conferred by agreement:
Nothing in these bye-laws shall operate to deprive any

employee of any right or privilege to which he is entitled by the terms of any agreement subsisting between any such person and the Society on the commencement of these bye-laws.

SECTION II

Suspension

56.(A) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Board in that behalf may place any employee under suspension :

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

(ii) Where a case against him in respect of a criminal offence is under investigation/enquiry or trial.

Provided that where an 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.

(B) An employee shall be deemed to have been placed under suspension by an order of appointing authority :

(i) With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty-eight 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 forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent on such conviction.

Explanation : The period of forty-eight hours referred to in bye-law 56 B (ii) shall be computed from the commencement of the imprisonment after the conviction.

(C) Where a penalty of dismissal, removal or compulsory

retirement from service, imposed upon an employee under suspension is set aside on appeal or on review under these bye-laws, and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have

continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(D) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further enquiry against him on the allegations on which the penalty of dismissal, removal, or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of the dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(E) (i) An order of suspension made or deemed to have been made under this bye-law shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(ii) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of the suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

SECTION III

Penalties and Disciplinary Authorities

57. penalties :

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely :

Minor penalties :

- (i) Censure;
- (ii) With-holding of promotion;
- (iii) Recovery from the pay of the whole or part of any pecuniary loss caused by him to the Society by negligence or breach of orders;
- (iv) With-holding of increments of pay.

Major Penalties :

- (v) 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 to pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) Reduction to a lower time scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and the seniority and pay on such restoration to that grade or post.

(vii) Compulsory retirement;

(viii) Removal from service.

(ix) Dismissal from service.

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

- (i) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
- (ii) Non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case for promotion to a grade or post, to which the employee is eligible;
- (iii) Reversion of an employee, appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment, or the rules and orders governing such probation;

- (iv) Reversion of an employee officiating in a higher grade, or post to a lower grade or post, on the ground that the employee is considered to be unsuitable for such higher grade or post or on any administrative ground unconnected with the conduct.
 - (v) Replacement of the services of an employee, whose services had been borrowed from outside authority, at the disposal of such authority.
 - (vi) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.
 - (vii) Termination of the services :
 - (a) of an employee appointed on probation during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - (b) of a temporary employee in accordance with the rules made in that behalf by the Society, or
 - (c) of an employee employed under an agreement, in accordance with the terms of such agreement.
- 58. Disciplinary Authorities :**
- (A) The Board may impose any of the penalties specified in bye-law 57 on any employee.
 - (B) Without prejudice to the provisions of this bye-law, any of the penalties specified in bye-law 57 may be imposed by the appointing authority or by any other authority empowered in this behalf by a general or special order of the Board.
- 59. Authority to institute proceedings :**
- (A) The Board or any other authority empowered by it by general or special order may :
 - (i) institute disciplinary proceedings against any employee;
 - (ii) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these bye-laws any of the penalties specified in bye-law 57.

- (B) A disciplinary authority competent under these bye-laws to impose any of the penalties specified in bye-laws 57 (i) to (iv) may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in bye-law 57 (v) to (ix) notwithstanding that such disciplinary authority is not competent under those bye-laws to impose any of the latter penalties.

SECTION IV

Procedure for imposing penalties

60. Procedure for imposing major penalties :

- (A) No order imposing any of the penalties specified in bye-law 57 (v) to (ix) shall be made except after an enquiry held as may be, in the manner provided in this bye-law and bye-law 61.
- (B) Whenever the disciplinary authority is of the opinion that there are grounds for enquiry into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint under this bye-law any authority to enquire into, the truth thereof.

Explanation : Where the disciplinary authority itself holds the inquiry any reference in bye-law 60 (G) to (T) and (V) to the inquiring authority shall be constructed as a reference to the disciplinary authority.

- (C) Where it is proposed to hold an enquiry against an employee under this bye-law and bye-law 61, the disciplinary authority shall draw up or cause to be drawn up :
 - (i) The substance of the imputations of mis-conduct or misbehaviour into definite and distinct articles of charge ;
 - (ii) Statement of imputations of mis conduct or mis behaviour in support of each article of charge which shall contain :

- (a) a statement of all relevant facts including any admission or confessions made by the employee;
- (b) a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.
- (D) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or mis-behaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained; and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.
- (E) (i) On receipt of the written statement of defence the disciplinary authority may itself enquire into such of the articles of charge as are not admitted, or if it considers it necessary to do so, appoint, under bye-law 60(B) an inquiring authority for the purpose and where all the articles of charge have been admitted by the employee in his written statement of defence the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in bye-law 60 (O).
- (ii) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire in to the articles of charge, or it may, if it considers it necessary to do so, appoint, under bye-law 60 (B) an inquiring authority for the purpose.
- (iii) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may by an order, appoint an employee to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (F) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority,

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any, submitted by the employee;
- (iii) a copy of the statements of witnesses, if any, referred to in bye-law 60 (C);
- (iv) evidence proving the delivery of the documents referred to in bye-law 60 (C) to the employee;
- (v) a copy of the order appointing the "Presenting Officer"
- (G) The employee shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour as the inquiring authority may, by, a notice in writing specify in this behalf, or within such further time, not exceeding fifteen days as the inquiring authority may allow.
- (H) The employee may take the assistance of any other employee to present the case on his behalf but may not engage a legal practitioner for the purpose.
- (I) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence appears before the inquiring authority such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and the obtain the signature of the employee thereon.
- (J) The inquiring authority shall return a finding of "guilty" in respect of those articles of charge to which the employee pleads guilty.
- (K) The inquiring authority shall, if the employee fails to appear within the specified time of refuses or omits to plead guilty, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order

that the employee may for the purpose of preparing his evidence :

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in bye-law 60 (C).

(ii) submit a list of witnesses to be examined on his behalf

Note : If the employee applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in bye-law 60 (C) the inquiring authority shall furnish to the employee with such copies as early as possible and in any case not less than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

- (iii) Give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the production of any documents which are in the possession of the Society but not mentioned in the list referred to in bye-law 60 (C).

Note : The employee shall indicate the relevance of the documents required by him to be produced by the Society.

- (L) The inquiring authority shall, on receipt of the notice for the production of documents 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 documents by such date as may be specified in such requisition :

Provided that, the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, (i) relevant to the case.

- (M) On receipt of the requisition referred to in bye-law 60, (L) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority :

Provided that, if the authority having the custody or possession of the requisitioned documents, is satisfied for reasons to be recorded by it in writing that the

production of all or any such documents could be against the public interest, it shall inform the enquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production of such documents.

- (N) On the date-fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined. The inquiring authority may also put such questions to the witnesses as it thinks fit.

- (O) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he deems it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for at least three days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note : New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (P) When the case for the disciplinary authority is closed, the employee shall be required to state his defence orally or in writing as he may prefer; the employee shall also be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.
- (Q) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination or re-examination by the inquiring authority.
- (R) The inquiring authority may, after the employee closes his case, generally question him on the circumstances appearing against the employee in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (S) The inquiring authority may, after the completion of the production of evidence, hear the Presenting officer if any appointed, and the employee, or permit them to file written briefs of their respective case, if they so desire.
- (T) If the employee to whom the copy of the articles of charge has been delivered, does not submit the written statement of defence by or before the date specified for the purpose, or does not appear before the inquiring authority or otherwise fails or refuses to comply with the provisions of this bye-law, the inquiring authority may hold the inquiry ex-parte
- (U)(i) Where a disciplinary authority competent to impose any of the penalties specified in bye-law 57 (i) to (iv) but not competent to impose any of the penalties specified in clauses (v) to (ix) of that bye-law has itself enquired into or caused to be inquired into the articles of any charge and the authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in hv-law 57 (v) to (ix) should be

imposed on the employee, that authority shall forward the record of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(ii) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these rules.

(V) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself.

Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein-before provided.

(W) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain :

- (a) The articles of charge and statement of the impunitation of misconduct or misbehaviour;
- (b) The defence of the employee in respect of each article of charge;
- (c) An assessment of the evidence in respect of each article of charge ;
- (d) The findings on each article of charge and the reasons therefor.

Explanation : If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge

different from the original articles of the charge, it may also 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 to facts on which such article of charge is based, or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:

- (a) the report prepared by it under bye-law 60 (W) (i),
- (b) the written statement of defence, if any, submitted by the employee,
- (c) the oral and documentary evidence produced in the course of the enquiry,
- (d) written briefs, if any, filed by the presenting officer or the employee or both during the course of the inquiry, and
- (e) the order, if any made by the disciplinary authority, and the inquiring authority in regard to the inquiry.

61. Action on the inquiry report :

(A) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of these bye-law as far as may be.

(B) The disciplinary authority shall, if it disagrees with the finding on all or any of the articles of charge and is of the opinion that any of the penalties specified in bye-law 57 (i) to (iv) should be imposed on the employee, it shall notwithstanding anything contained in bye-law 62 make an order imposing such penalty.

(C) 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 penalties specified in bye-law 57 (i) to

(iv) should be imposed on the employee, it shall notwithstanding anything contained in bye-law 62 make an order imposing such penalty.

(D) (i) If the disciplinary authority having regard to its findings on all or any of the article of charges is of the opinion that any of the penalties specified in bye-law 57 (v) to (ix) should be imposed on the employee it shall:

(a) furnish to the employe 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 inquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement, if any, with the findings of the inquiring authority; and

(b) give the employe 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 held under bye-law 60.

(ii) The disciplinary authority shall consider the representations, if any, made by the employee in pursuance of the notice given to him under bye-law 61 D (i) and determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

62. Procedure for imposing minor penalties :

(A) Subject to the provision of bye-law 61 (C) no order imposing on an employee any of the penalties specified in bye-law 57 (i) to (iv) shall be made except after

- (i) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or mis-behaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

- (ii) holding an inquiry in the manner laid down in bye-law 60 (C) to (W) in every case in which the disciplinary authority is of the opinion that such inquiry is necessary.
- (iii) taking the representation, if any submitted by the employee under bye-law 62 A (i) and the record of enquiry, if any, held under bye-law 62 (A) (ii) into consideration; and
- (iv) recording a finding on each imputation of misconduct or mis-behaviour.
- (B) The record of the proceedings in such cases shall include :
- (i) a copy of the intimation to the employee of the proposal to take action against him;
- (ii) a copy of the statement of imputations of misconduct or mis-behaviour delivered to him;
- (iii) his representation, if any;
- (iv) the evidence produced during the inquiry;
- [v] the findings on each imputation of misconduct or misbehaviour; and
- [vi] the orders on the cash together with the reasons therefor.

63. Communication of Orders :

Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings. on each article of charge, or, where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement if any, with the findings of the inquiring authority unless they have already been supplied to him.

64. Common Proceedings :

(A) Where two or more employees are concerned in any case the Board or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary

action against all of them may be taken in a common proceeding

Note : If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(B) Subject to the provisions of bye-law 58 (B) any such order shall specify :

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding ;
- (ii) the penalties specified in bye-law 57 such disciplinary authority shall be competent to impose ;

(iii) Whether the procedure laid down in bye-law 60 and bye-law 61 or bye-law 62 shall be followed in the proceeding.

65. Special procedure in certain cases :

Notwithstanding anything contained in bye-laws 61 to 64

(A) Where any penalty is imposed on an employee on the ground of misconduct which has led to his conviction on criminal charge; or

(B) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonable practicable to hold an inquiry in the manner provided in these regulations; the disciplinary authority may consider the circumstances of the case and make such order thereon as it deems fit.

66. Provision regarding an employee lent to outside authority :

(A) Where the services of an employee are lent to an outside authority hereinafter in this bye-law referred to as 'The borrowing authority' the borrowing authority shall have the power of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary proceedings, as the case may be,

(B) In the light of the findings in the disciplinary proceedings conducted against the employee,

(i) If the borrowing authority is of the opinion that any of the penalties specified in bye-law 57 (i) to (iv) should be imposed on the employee, it may after consultation with the lending authority make such orders on the case as it deems necessary. Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in bye-law 57 (v) to (ix) should be imposed on the employee it shall replace his servicee at the disposal of the lending authority and transmit to it the proceedings of the inquiry, and there-upon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or if it is not the disciplinary authority submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary.

Provided that before passing any such order the disciplinary authority shall comply with the provisions of bye-law 61 (C) and (D)

Explanation : The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary as far as may be, in accordance with bye-law 60.

67. Provisions regarding persons borrowed from outside authorities :

(A) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services have been borrowed from outside authority, the authority lending his services (hereinafter in this bye-law referred to as the lending authority, shall forthwith be informed of the circumstances leading to the order of the

ment of the disciplinary proceedings, as the case may be. In the light of the findings in the disciplinary proceedings conducted against the employee, if the disciplinary authority is of the opinion that any of the penalties specified in bye-law 57 (i) to (iv) should be imposed on him, it may subject to the provisions of bye-law 61 (C) after consultation with the lending authority, pass such orders on the case as it may deem necessary. Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

(C) If the disciplinary authority is of the opinion that any of the penalties specified in bye law 57 (v) to (ix) should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit, to it the proceedings of the inquiry for such action as it may deem necessary.

SECTION V Appeals

68. Orders against which no appeal lies :

Notwithstanding anything contained in this part, no appeal shall lie against :

(A) Any order made by the Board ;

(B) Any order of an interlocutory nature or of the nature of a step-in-aid for the final disposal of a disciplinary proceeding other than an order of suspension ;

(C) Any order passed by an inquiring authority in the course of an inquiry under bye-law 60.

69. Orders against which appeal lies :

Subject to the provision of bye-law 68 an employee may prefer an appeal against all or any of the following orders namely :

(i) an order of suspension made or deemed to have been made under bye-law 56 ;

- (ii) an order imposing any of the penalties specified in bye-law 57 whether made by the disciplinary authority or by any appellate or reviewing authority ;
- (iii) an order enhancing a penalty, imposed under bye-law 57 ;
- (iv) an order :
- (a) which denies or varies to his disadvantage, his pay, allowance, pension or other conditions of service as regulated by rules or by agreement ; or
- (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty ;
- (c) 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 ;
- (d) determining his pay and allowances ;
- i) for the period of suspension ; or
- ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his grade or post ; or
- (e) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement, or reduction to a lower grade post, time-scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service' grade or post shall be treated as a period spent on duty for any purpose.

Explanation : in this bye-law the expression "disciplinary authority" includes a person who has ceased to be in the service of the Society.

70. Appellate authorities :

- (A) An employee including a person who has ceased to be in the service of the Society, may prefer an appeal against all or any of the orders specified in bye-law 69

to the authority specified in this behalf by a general or special order of the Society or where no such authority is specified :

- (i) to the Board where such order is made by another authority ;
- (ii) to the appointing authority, where the order appealed against is made by an authority subordinate to it ; or

(iii) Notwithstanding anything contained in bye-law 70 (A)

- (a) an appeal against an order in common proceedings held under bye-law 64 will lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate ;

b) where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

Provided that the Board may appoint a 'Committee of Appeals' to which all appeals against the major penalty of dismissal referred to in bye-law 57 (viii) and (ix) would lie against the orders of the Board for final decision.

The composition and terms of the 'Committee of Appeals' and also rules for the conduct of its business would be determined by the Board.

71. Period of limitation for appeals :

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant.

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 cause for not presenting the appeal in time.

72. Form and contents of appeal

- (A) Every person perfering an appeal shall do so separately and in own name.
- (B) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all the material statement and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.
- (C) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.
- 73 Consideration of appeals :**
- (A) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of bye-law 56 and having regard to the circumstances of the case, 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 bye-law 57 or enhancing any penalty imposed under the said rule the appellate authority shall consider :
- (i) Whether the procedure laid down in these bye-laws has been complied with ;
- (ii) whether the findings of the disciplinary authority are warranted by the evidence on the record ; and
- (iii) whether the penalty or the enhanced penalty imposed is inadequate, adequate, or severe; and pass orders:
- (a) Confirming, enhancing, reducing, or setting aside the penalty ; or
- (b) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

Provided that :

- (a) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in bye-law 57 (v) to (ix) and an inquiry under bye-law 60 has not already been held in the case, the appellate authority shall, subject to the provisions of bye-law 65 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of bye-law 60 and thereafter on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions in bye-law 61 (D) of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit.
- (b) No order imposing an enhanced penalty shall be made in any case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions of bye-law 62 of making a representation against such enhanced penalty.
- (C) In appeal against any other order specified in bye-law 69, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.
- C. Implementation of orders in appeal :**
- The authority which made the order appealed against shall give effect to the orders passed by appellate authority.

SECTION - VI

REVIEW

74.(A) Notwithstanding anything contained in these bye-laws :

- (i) The Board or (ii) The appellate authority, within six months of the orders proposed to be reviewed may at any time, either on its own notion or otherwise call for the records of any inquiry and review an order made under these bye-laws from which an appeal is allowed but

from which no appeal has been preferred or from which no appeal is allowed and may—

- (a) confirm, modify or set aside the order ; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed ; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other order as it may deem fit; Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the employe concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in bye-law 57 (v) to (ix) or enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in bye-law 61 and after giving a reasonable opportunity to employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.
- (B) An application for review shall be dealt within the same manner as if it were an appeal under these bye-laws.

SECTION VII

Miscellaneous

75 Service of orders, Notices, etc.

Every order, notice and other process made or issued under these bye-law shall be served in person on the employee concerned or communicated to him by registered post.

76 Power to relax time-limit and to condone delay :

Save as otherwise expressly provided in these bye-laws, the

may, for good and sufficient reasons, or or if sufficient cause is shown; extend the time specified in these bye-laws or condone and delay.

77. Repeal and Saving I

- (A) An appeal pending at the commencement of these bye-laws against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these bye-laws as if, such orders were made and appeal were preferred under these bye-laws.

- (B) As from the commencement of these bye-laws any appeal or application or reviewing against any orders made before such commencement shall be preferred or made under these bye-laws, as if such orders were made under these bye-laws.

Provided that nothing in these bye-laws shall be construed as reducing any period of limitation for any appeal or review provided by any bye-laws in force before the commencement of these rules.

78.

Removal of Doubts :

If any doubt arises as to the interpretation of any of the provisions of these bye-laws, the matter shall be referred to the Executive Board which shall decide the same.