

**ORDINANCE No.4**  
**Conditions of Service for Teachers.**

In pursuance of the provisions of section 26 of Bye-laws of the Manav Rachna International University, a Deemed to be University under Section 3 of UGC Act, 1956, the Board of Management of the Manav Rachna International University, hereby makes the following Ordinance relating to the manner of appointment, terms and conditions of service of teachers appointed by the University.

**1. SHORT TITLE AND APPLICATION**

1.1 This Ordinance may be called Manav Rachna International University Ordinance No. 4 titled 'Conditions of Service for Teachers.

1.2 This shall apply to teachers which shall include Directors, Deans, Professors, Associate Professors, Assistant Professors, Lecturers Selection Grade, Senior Lecturers and Lecturers and such other posts of the University as may be treated at par with teachers by the Board of Management.

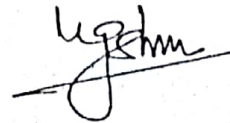
1.3 The terms and conditions of service of the teachers appointed by the University shall be those as embodied in the Agreement of Service annexed hereto which every teacher of the University appointed on regular basis shall be required to enter into.

**2. DEFINITIONS**

Words and expressions used in this Ordinance shall have the meanings assigned to them in the Memorandum of Association, Regulations and Bye-lawss of Manav Rachna International University, unless the context otherwise requires.

**3. RECRUITMENT**

3.1 Subject to the fulfillment of the requirements as prescribed in the Recruitment Rules for each post & all substantive posts of teachers shall be filled by direct recruitment through open advertisement and selection on the basis of merit by duly constituted selection committees set up under Rule 12 or 15 of Bye-lawss of the University, after interviewing the candidates. The appointments will be made by the Board of Management on the recommendations of the Selection Committees. Appointments may also be made on the recommendation of a selection committee for a particular post by considering the candidature in absentia in any special case.



### 3.2 RESERVATIONS

There will be no reservation of any kind for recruitment of teachers.

### 4. MEDICAL FITNESS

4.1 Every teacher, on his first appointment in the University through direct recruitment on regular basis shall be required to produce a medical certificate of fitness in the prescribed form from the Medical Officer of MRIU. In case he is not declared fit by the medical officer, the candidate may prefer an appeal within a month against the findings of the medical officer examining him, to the Vice-Chancellor who, after considering the appeal of the candidate, may refer the candidate to a medical board of a Govt. of Haryana/ NCT of Delhi / Govt. of India Hospital for undergoing fresh Medical Examination and the decision of the Medical Board shall be final. Provided that in case where a teacher has already been medically examined by a medical authority of a Govt. hospital for his previous appointment and if the required standard of medical fitness for the new post is the same, he shall not be required to undergo a fresh medical examination.

#### 4.2 For efficient discharge of duties

The appointing authority may require a teacher to appear before a medical board of Govt. of Haryana / Delhi hospital / Govt. of India hospital to test his physical or mental fitness necessary for the efficient discharge of the duties of his post, whenever it has reasons to believe that the teacher is not fit to perform his duties satisfactorily. The teacher shall, however, have the right to appeal to the appellate medical board against the decision of the first medical board.

### 5. Verification of Employee

The antecedents of every employee on his/her first entry into service of the University shall be got verified immediately after his/her joining the service in the University and his continuance in the university shall be conditional to his good character and antecedents.

### 6. JOINING TIME

The joining time shall be according to the Terms and Conditions mentioned in the Offer of Appointment and / or Agreement of Service.

### 7. DECLARATION OF AGE

A candidate shall make a declaration of his age to the University at the time of his entry into service, based on his matriculation or equivalent certificate.



## 8. WHOLE TIME OF AN EMPLOYEE

8.1 Unless otherwise expressly provided for, the whole time of a teacher shall be at the disposal of the University and he shall serve the University in such capacity and in such a manner and at such places as he may, from time to time, be directed by the University.

8.2 A teacher of the University may be called upon to perform any duty as may be assigned to him in the interest of and for the purposes of the University.

## 9. PAY AND ALLOWANCES

9.1 The teachers appointed by the University shall be in the cadres that is to say Director, Professor, Associate Professor, Assistant Professor or Lecturer in so far as they take part in the teaching in the University and shall, except in the case of re-employed teachers, be paid salaries on such pay scales or at such stage of such pay scales and allowances, as the Board of Management may adopt or decide from time to time.

## 9.2 INCENTIVES FOR HIGHER QUALIFICATIONS:-


9.2.1 At the time of recruitment as Lecturers, four and two advance increments will be admissible to those of the Science/ Humanities faculty who hold Ph.D. and M.Phil./ M.E./ M.Tech. degrees respectively; and to those of the Technical faculty who hold Ph.D. and M.E./ M.Tech. degrees respectively. Candidates with D.Litt./ D.Sc. shall be given benefit on par with Ph.D. and M.Litt. on par with M.Phil./ M.E./ M.Tech..

9.2.2 A Lecturer with Ph.D. will be eligible for two advance increments when he moves into Selection Grade/ Assistant Professor.

9.2.3 A teacher will be eligible for two advance increments as and when he acquires a Ph.D. degree in his service career.

## 10. ANNUAL INCREMENTS

10.1 An annual increment shall be granted to each teacher as a matter of course from the 1<sup>st</sup> day of the month of August every year, provided he has completed service of 12 months unless it is with-held. If a teacher joins on such date that he does not complete 12 months on 1<sup>st</sup> day of the month of July falling immediately after his joining, he shall be granted annual increment from 1<sup>st</sup> day of the month of July in the subsequent year but shall also be paid arrears from the month in which he has completed 12 months from the date of joining. An increment may be with-held by the Appointing Authority if his conduct has not been good and / or his performance has not been satisfactory, in the opinion of the appointing authority. No increment shall, however, be with-held without assigning the specific reasons in writing and without following the procedure laid down in this regard. A teacher shall have the right to appeal to the Board of Management against the decision to withhold his annual grade increment.





10.2 The following services in the stages of full time scale shall count for increment

- (i) Period of duty
- (ii) All kinds of leave other than extraordinary leave.
- (iii) Service in another post, other than the post carrying less pay, whether in substantive or officiating capacity.
- (iv) All kinds of leave other than extraordinary leave.
- (iv) Joining time, in case of transfer from one place to other, if permitted.

## 11. CAREER ADVANCEMENT

11.1.1 Minimum required length of service for eligibility for appointment on promotion as lecturer (senior scale) shall be four years for those with Ph.D., five years for those with Master's degree in the relevant discipline subject to his satisfactory performance and conduct and six years for others as lecturer, and for eligibility to move into the grade of lecturer (selection grade) or Assistant Professor, the minimum required length of service as lecturer (senior scale) shall be five years.

11.1.2 For movement into the post of Assistant Professor and above, the minimum eligible criteria would be Ph.D. Those without Ph.D. can go up to the level of Lecturer (Selection grade).

11.1.3 An Assistant Professor with a minimum of eight years of service in that grade will be eligible to be considered for appointment as Professor.

11.1.4 The selection committees for career advancement shall be the same as those for direct recruitment for each category.

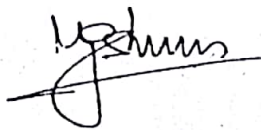
### 11.2 LECTURER (SENIOR SCALE)

A lecturer will be eligible for placement in a senior scale through a procedure of selection, if she/he has :

- (i) completed six years of service after regular appointment with relaxation of one year and two years respectively for Master's degree in the relevant discipline and Ph.D;
- (ii) participated in at least one orientation course and at least one refresher course of approved duration, or engaged in other appropriate continuing education programmes of comparable quality as may be specified or approved by the University; provided that those with Ph.D. degree shall stand exempted from the refresher course; and
- (iii) has consistently satisfactory performance appraisal reports.

### 11.3 LECTURER (SELECTION GRADE)

A lecturer in the Senior scale who does not have a Ph.D. degree or equivalent published work and who does not meet the scholarship and research standards, but fulfills the other eligibility criteria for the post of Assistant Professor and has a good record in teaching and, preferably, has contributed in various ways to the corporate life of the institution, examination work, or extension activities, will be placed in the selection grade, subject to the recommendations of the selection committee which is the same as for promotion to the post of Assistant Professor. He shall be designated as lecturer in the selection grade. He can offer himself for fresh assessment after obtaining the degree of Ph.D. and/or fulfilling other requirements for promotion as Assistant Professor and, if found suitable, could be given the designation of Assistant Professor.





#### 11.4 ASSISTANT PROFESSOR (PROMOTION)

11.4.1 A Lecturer in the senior scale will be eligible for promotion to the post of Assistant Professor if he/she has

- (i) completed five years of service in the senior scale;
  - (ii) obtained a Ph D. degree or has equivalent published work.
  - (iii) made some mark in the areas of scholarship and research as evidenced, for example, by self assessment, reports of referees, quality of publications, contribution to educational innovation, design of new courses and curricula and extension activities
  - (iv) after placement in the senior scale, participated in at least two refresher courses or summer institutes of approved duration, or engaged in other appropriate continuing education programmes of comparable quality as may be specified or approved by the University Grants Commission, and (v) consistently good performance appraisal reports
- 10.4.2 Promotion to the post of Assistant Professor will be through a process of selection by a selection committee set up under Rule 12 of Bye-laws of the University

#### 11.5 PROFESSOR (PROMOTION)

In addition to the sanctioned posts of professors which will be filled in through direct recruitment through all India advertisement, promotion may also be made from Assistant Professors to the post of professor after 8 years of service as Assistant Professor.

11.6 The Selection Committee for promotion to the post of professor shall be the same as that for direct recruitment. For promotion from Assistant Professor to the post of professor, the following method of promotion shall be followed :-

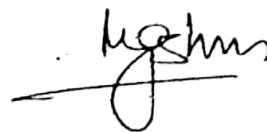
The candidate shall present himself / herself before the selection committee with the following :

- (a) Self-appraisal reports.
  - (b) Research contribution/books/articles published
  - (c) Any other academic contributions.
- (Three sets of the best three written contributions of the teacher (as defined by him/her) shall be submitted by the candidate in advance along with the application.)
- (d) Records of seminars/conferences attended.
  - (e) Contribution to teaching or academic environment, institutional or corporate life.
  - (f) Extension and field outreach activities.

11.7 The requirement of participation in orientation/refresher courses / summer institutes as prescribed, each of at least 3 to 4 weeks duration and consistently satisfactory performance appraisal reports, shall be a mandatory requirement for career advancement from lecturer to lecturer (senior scale) and from lecturer (senior scale) to lecturer(selection grade).

#### 12/ COUNTING OF PAST SERVICE

12.1 Previous service, if any, without any break as a lecturer or equivalent in a university, college, national laboratory, or other scientific organizations, e.g. CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, as a UGC research scientist and also the services of any person from profession may also be considered on the recommendation of Equivalence



Committee shall be counted for placement of lecturer in senior scale/selection grade provided that

12.1.1 the post had an equivalent grade/scale of pay as that of a lecturer in the University.

12.1.2 the qualifications for the post were not lower than the qualifications prescribed by the University for the post of lecturer.

12.1.3 the concerned lecturer possesses the minimum qualifications prescribed by the University for appointment as lecturer.

12.1.4 the post at which he is currently working in the University was filled in accordance with the prescribed selection procedure as laid down by the University.

12.1.5 the appointment was not ad-hoc, visiting or against a leave vacancy of less than one year's duration. Adhoc service of more than one year's duration can be counted provided that (a) the incumbent was appointed on the recommendation of a duly constituted selection committee; and

(b) the incumbent was selected to the permanent post in continuation to the ad-hoc service without any break.

12.2 Provisions of clause 11.1 above will also be applicable mutatis mutandis while considering eligibility for promotion to the posts of Assistant Professor (promotion) and professor (promotion).

### 13. PERIOD OF PROBATION AND CONFIRMATION

13.1 Every teacher appointed against a substantive post shall be on probation on such post for a period of twelve months.

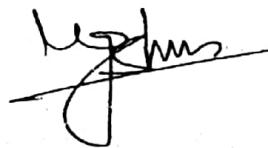
13.2 In case of a teacher appointed on probation, the appointment may be terminated by one month's notice or by payment of a sum equivalent to one month's salary by either party choosing to terminate the appointment, without assigning any reason.

13.3 During the period of probation, if a teacher is found unsuitable for holding that post or has not completed his period of probation satisfactorily, the appointing authority may, in case of a teacher appointed by direct recruitment, terminate his services in the University by giving one month's notice or paying him one month's salary in lieu of one month notice or unexpired portion thereof, or

13.4 The service of a teacher may be terminated by the Board of Management on the recommendation of the Vice Chancellor, without giving any notice period, after giving ample opportunity to explain his case, if he is found guilty of moral turpitude/gross misconduct amounting to in- subordination/criminal breach of trust /causing disrepute to the University or any act or conduct detrimental to the interest of University.

13.5 On satisfactory completion of the period of probation, a teacher shall be eligible for confirmation on that post subject to the conditions laid down in the Bye-laws / Ordinances, to be notified.

### 14 SENIORITY



The seniority of a teacher in a particular discipline shall be determined in accordance with the following principles

(i) Where two or more teachers are selected at the same time for appointment, seniority shall be based on the ranking given by the selection committee provided that the date of joining in case of a teacher who has been ranked higher is not later than 3 months from the date of issue of the appointment letter to him.

(ii) Where no ranking has been indicated by the selection committee and two or more teachers join on one and the same date:

(a) in case where such teachers are appointed from a lower post according to their inter-se seniority in the lower post, and

(b) in any other case, according to the age of the persons joining, the older person being deemed senior.

(iii) Save in the cases covered by sub-clauses (i) and (ii), seniority shall be determined according to the date of joining of the teacher concerned.

#### 15. RESIGNATION

Subject to the acceptance of resignation by the competent authority, a teacher may, by giving notice of three months in writing to the appointing authority, resign from the service of the University through proper channel.

#### 16. SUPERANNUATION AND RE-EMPLOYMENT OF TEACHERS

16.1 Teachers in the permanent whole time service of the University shall retire on superannuation on completing the age of 62 years. While a teacher whose date of birth falls on any day other than the first day of the month, shall retire on superannuation on the last day of that month, one whose date of birth is the first day of a month, shall retire on superannuating on the last date of the previous month.

16.2 The Board of Management may, on the recommendation of the Vice-Chancellor, re-employ a distinguished superannuated teacher after he has attained the age of 62 years for a suitable period according to the guidelines framed by the UGC up to the age of 70 years, if the Board of Management is satisfied that the services of such teacher are required in the interest of the University.

16.3 Subject to the provisions of sub-clause(2), the terms and conditions of service of a re-employed teacher including his salary and other benefits admissible to him (except leave) will be in accordance with the guidelines prescribed by the Board of Management from time to time.

#### 17. LEAVE RULES

Leave rules, as laid down in the Ordinance shall be followed for University teachers

#### 18. PERFORMANCE APPRAISAL





18.1 Performance appraisal for teachers including self appraisal of performance as per UGC guidelines, as the case may be, shall be written in the proforma prescribed in the Bye-laws. Performance appraisal shall be a mandatory part of the career advancement scheme.

18.2 The performance appraisal reports shall be submitted to the reviewing and accepting authorities as prescribed in the Bye-laws.

#### 19. CODE OF PROFESSIONAL ETHICS:

The code of professional ethics as laid down in the ordinances shall be applicable to all the teaching staff of the University.

#### 20. VACATION

20.1 Vacation will be of such duration and dates as notified in the academic calendar of the University every year.

20.2 Teaching staff of the University and any other staff declared as such, shall be entitled to avail themselves of the vacation and termed "vacational staff". However the teaching staff on probation, shall not be entitled to vacations, till they are confirmed.

20.3 Vacational staff cannot automatically avail of the vacation. In case the exigencies so demand, any member of vacational staff can be called for duty during vacation. In such case leave at 1/3 of the period during which he/she is asked to work during the vacation, will be credited as Earned Leave, in addition to the Earned Leave admissible to him/her as per leave rules.

#### 21. COMPULSORY DEDUCTIONS

No deduction of any kind shall be made from the salary of a teacher except the deductions mutually agreed between the teacher and the Management.

#### 22. SPECIAL PROVISION FOR EXISTING EMPLOYEES

22.1 Every teacher holding a regular post in the University at the time of notification of this ordinance, shall, be deemed to have been appointed under the provisions of this ordinance and will be required to sign the agreement as prescribed, in case he intends to continue.

#### 23. RECORD OF SERVICE

There shall be a personal file for every teacher in which shall be placed all papers, records and other documents relating to his service in the University

#### 24. TRAVELLING AND DAILY ALLOWANCES Etc



Teachers shall be entitled to traveling and daily allowance etc. according to the provisions applicable to employees of the University as notified in the regulations.

**25 RESIDUARY CONDITIONS OF SERVICE & REMOVAL OF DOUBTS**

Any matter relating to the conditions of service of teachers for which no specific provision is made in this ordinance, shall be determined by the Board of Management. Where a doubt arises as to the interpretation or application of any of the provisions of this ordinance, the matter will be referred to the Board of Management for a decision, which shall be final.

26. In this Ordinance, wherever, the word 'he' and 'his' are mentioned, the same shall be read as 'he/she' and 'his/her' respectively.

A handwritten signature in black ink, appearing to read 'M. J. S. M.' with a long horizontal line extending to the right.

## Ordinance No: 11

### Conduct Rules

#### Section I

In pursuance of the provisions of section 26 of Byelaws of the Manav Rachna International University, a Deemed to be University under Section 3 of UGC Act, 1956, the Board of Management of the Manav Rachna International University, hereby makes the following Ordinance relating to. Conduct of Employees and its Rules.

#### 1. SHORT TITLE AND APPLICATION

This Ordinance may be called Manav Rachna International University Ordinance No15 --Conduct of Employees and its Rules.

This shall apply to all Employees of this University

#### (1) Interpretation

1.1 In this chapter unless the context otherwise requires: - (a) "Employee" means any person appointed by the University to any post in the University.

Explanation: An employee on Foreign Service or whose services are temporarily placed at the disposal of a University or any other authority by the University shall, for the purposes of these rules, be deemed to be an employee serving under the University; notwithstanding that his salary is drawn from sources other than the funds of the University.

(b) 'Members of family' in relation to an employee includes;

(i) The wife or husband, 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.

(c) 'Prescribed authority' means the Vice -chancellor or the authority prescribed by the Board of Management for the purpose of these rules as a whole or for any individual rule.

## **SECTION II**

### **(2) General:**

(2.1) Every employee shall at all times:-

- (a) Maintain absolute integrity;
- (b) Show devotion to duty; and
- (c) Do nothing which is unbecoming of an employee of the University.

(2.2) (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 judgment except 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.

(iii) Unless otherwise stated specifically in the terms of appointment, every whole-time employee may be called upon to perform such duties as may be assigned to him by the competent authority, beyond scheduled working hours and on closed holidays, Saturdays and Sundays.

(iv) An employee shall observe the scheduled hours of working during which he must be present at the place of his duty.

(v) Except for valid reason and/or unforeseen contingencies, no employee shall be absent from duty without prior permission. Where an employee absents himself from duty without prior permission for a continuous period of 90 days, he shall be treated as absconding from duty and his services are deemed as terminated.

Explanation: - Nothing in clause (ii) of sub-rule (2.2) 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 delegation of powers and responsibilities.

### **(3) 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 interests of the University or public order, decency or morality.

Nothing in this Rule shall be deemed to prohibit any employee to participate or to contest the elections for various bodies such as Parliament, State Legislative Assemblies and Municipal Corporation etc. on the same terms and conditions as are applicable to teachers and also subject to the condition that the employees will avail of their own leave for contesting the Elections. However, in the event of their getting elected or nominated to any body, they will be required to take leave



of absence during the term as member as in the case of teach

**(4) Demonstration and strikes:**

No employee shall engage himself or participate in any demonstration or strikes which is prejudicial to the interest of the University or public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence.

**(5) Connection with Press or Radio:**

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

(ii) No employee shall, except with the previous sanction of the University, 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 such contribution or writing is of a purely literary, artistic or scientific character.

**(5.A) Representation:**

Whenever an employee wishes to put forth any claim or seek redress of any grievance or any wrong done to him, he must forward his case through proper channel and shall not forward such advance copies of his application to any higher authority, unless the lower authority has rejected the claim, or refused relief, or that the disposal of the matter is delayed by more than three months.

No employee shall be signatory to any joint representation addressed to the



authorities for redressal of any grievance or for any other matter.

**(6) Evidence before a Committee or any other authority:**

(1) Save as provided in sub-rule (3) no employee shall, except with the previous sanction of the University, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction, has been accorded under sub-rule (1) no such employee giving such evidence shall criticise the policy or any action of the University or the Government.

(3) Nothing in this rule shall apply to:-

(a) The evidence given at an enquiry before an authority appointed by the Chancellor, Vice-Chancellor, Government and Parliament or any State Legislature; or

(b) The evidence given in any judicial enquiry; or

(c) The evidence given in any departmental enquiry ordered by authorities subordinate to the Vice-Chancellor.

**(7) Unauthorized communication of information:**

No employee shall except in accordance with any general or special order of the University 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.

**(8) Subscription**

No employee shall except with the previous sanction of the University or of the prescribed authority ask for or accept contributions 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 except for bonafide

purpose e.g. for Reception/farewell or for financial assistance to a member of the University staff or his family in distress.

**(9) Private Trade or Employment:**

(1) No employee shall, except with the previous sanction of the University, 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 for 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 University.

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

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

(3) No employee shall without the previous sanction of the University except in the discharge of the 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-operative society for commercial purposes:

Provided that an employee may take part in the registration, promotion or management of a co-operative 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, 1861 (2 of 1960) or any corresponding law in force.

(4) 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.

**(10) 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 or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the University.

Note:- The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise or 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.

**(11) Vindication of acts and character of employees**

(1) No employee shall except with the previous sanction of the University, 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.

(2) Nothing in this rule 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

(3) 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.



**(12) 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 University.

**(13) Bigamy:**

(1) No employee shall contract another marriage unless prescribed by his her law.

**(14) Interpretation:**

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

**(15) Delegation of Powers:**

The Board of Management may by general or special order, direct that any power exercisable by it under these rules except the powers (under Rule 14 of these Rules) shall, subject to such conditions, if any, as may be specified in the order be exercisable also by such officer or authority as may be specified in the order.

**Ordinance No: 12**  
**Penalties and Appeals**

**Section I**

In pursuance of the provisions of Section 26 of Byelaws of the Manav Rachna International University, a Deemed to be University under Section 3 of UGC Act, 1956, the Board of Management of the Manav Rachna International University, hereby makes the following Ordinance relating to **Penalties and Appeals**

**1. SHORT TITLE AND APPLICATION**

- 1.1 This Ordinance may be called Manav Rachna International University Ordinance No.16-titled **Penalties and Appeals**
- 1.2 All employees of Manav Rachna International University are subject to rules, provisions and procedures contained in this Ordinance.

**2. Interpretations:**

In this chapter unless the context otherwise requires:

- (a) 'Appointing Authority' means the authority empowered to make appointment in a cadre in which the employee is for the time being included.
- (b) 'Disciplinary Authority' – In relation to the imposition of penalty on an employee means the authority competent under these rules to impose on him any of the penalties specified in rule given under Penalties.
- (c) 'Employee' means any person in the service of the University who is a member of a cadre of one of the categories of posts created under the University. and includes any such person on foreign service or whose services are temporarily placed at the disposal of another University/College or any other authority by the University; and also any person in the service of a State Govt. or Central Government or a local or other authority, or any other autonomous body whose services are



temporarily placed at the disposal of the University.

**3. Protection of rights and privileges conferred by agreement:**

Nothing in these rules shall operate to deprive any employee of any right or privilege to which he/she is entitled by the term of any agreement subsisting between any such person and the University on the commencement of these rules.

**SECTION II**

**4. Suspension**

- (1) The appointing authority or any other authority empowered by the University in that behalf may place any employee under suspension.
  - (a) Where disciplinary proceedings against him/her are contemplated or are pending; or
  - (b) Where a case against him/her in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 24 hours shall be deemed to have been suspended with effect from the date of his detention, on order of the Vice-Chancellor and shall remain under suspension until further orders.
- (3) Where a case against an employee in respect of any criminal offence is under trial, it shall be the duty of the employee to inform the University about the said fact as soon as he comes to know about it. Similarly, where an employee is detained in custody for a period exceeding 24 hours, it shall be the duty of the employee to inform the University about the said detention at the earliest available opportunity. Failure to supply the information as aforesaid shall be regarded as misconduct on the part of the employee rendering him liable for disciplinary action on that ground alone.
- (4) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority, which made or is deemed to have made it or by any superior authority.

### SECTION III

#### Penalties and Disciplinary Authorities

5. **Penalties:**

The following penalties may, for good and sufficient reasons, be imposed on an employee:-

- (i) Censure
- (ii) With-holding of increments or promotion.
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of the rules of the University or orders or directions of superior authorities.
- (iv) Reduction to a lower grade or post or to a lower stage in a time-scale of pay.
- (v) Compulsory retirement; and
- (vi) Dismissal from or termination of service.

**Explanation:**

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

- (i) 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.
- (ii) 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 order governing such probation.
- (iii) 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.
- (iv) Re-placement of the services of an employee, whose services had been borrowed from outside authority, at the disposal of such authority.
- (v) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.



- (vi) Termination of the services:
  - (a) of an employee appointed on probation during or at the end of the period of hi/her probation, in accordance with terms of his/her appointment or the rules and order governing such of his/her probation; or
  - (b) of a temporary employee in accordance with the rules made in this behalf by the University; or
  - (c) of an employee engaged under an agreement, in accordance with the terms of such agreement.

**6. Disciplinary Authorities:**

- (i) The Board of Management may impose on an employee any of the penalties specified in rules in the preceding clauses.
- (ii) The Vice-Chancellor may impose on an employee any of the penalties specified in Clause (i), (ii) and (iii) of rules in the preceding clauses.

**7. Authority to institute proceedings:**

- 1. The Board of Management or any other authority empowered by it by general or special order may:-
  - (a) institute disciplinary proceedings against any employee;
  - (b) direct a disciplinary authority to institute disciplinary proceedings against, an employee on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rules given herein above.
- 2. disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iii) of rules given above may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (iv) to (vi) of rules notwithstanding that such disciplinary authority is not competent under those rules to impose any of the latter penalties.

(The Vice-Chancellor and in his absence the Pro-Vice-Chancellor, may institute disciplinary proceedings against any employee).

## SECTION – IV

### Procedure for imposing Penalties

#### 8. Procedure for imposing major Penalties:

- (1) No order imposing any of the penalties specified in clauses (iv) to (vi) of rule given under Penalties shall be made except after an enquiry held as maybe, in the manner provided in this rule and rules given under the title authority to institute enquiry.
- (2) Whenever the disciplinary authority is of the opinion that there are sufficient grounds for inquiry into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint under this rule an authority to inquire into the truth thereof.

**Explanation:** Where the disciplinary authority itself holds the inquiry any reference to the enquiring authority shall be construed as a reference to the disciplinary authority.

For the purpose of this Rule the Vice-Chancellor, and in his absence the Pro-Vice-chancellor, may exercise the powers on behalf of BOM.

- (3) Where it is proposed to hold an enquiry against an employee under this rule and rules, given under the title **Authority to institute proceedings** the disciplinary authority shall draw up or cause to be drawn up;
  - (i) The substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge:-
  - (iii) A statement of the imputations of misconduct or misbehaviour 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.

(For the purpose of this Rule and the sub-Rules referred to above, the Vice-Chancellor, and in his absence the Pro-Vice-Chancellor, may exercise the powers on behalf of BOM.)



- (4) 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 misbehaviour 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.

For the purpose of this Rule, the Registrar on behalf of the disciplinary authority is empowered to deliver or cause to be delivered to the employee a copy of the articles of charges, a statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses bwhich each article of charges is proposed to be sustained; and shall require the employee to submit within such time as may be specified by the Registrar, a written statement of his defence and to state whether he desired to be heard in person.

- (5)
- (a) On receipt of the written statement of defence the disciplinary authority may itself enquire into such of the article of charge 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 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 prescribed hereinabove.
  - (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge, or it may, if it considers it necessary to do so appoint, under sub-rule (2) an inquiring authority for the purpose.
  - (c) Where the disciplinary authority itself inquires into any articles 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.

(For the purpose of this Rule and the Sub-Rules referred to above, the Vice-Chancellor, and in his absence the Pro-Vice-Chancellor, may exercise the powers on behalf of the BOM).

- (6) 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;
- (iv) a copy of statements of witnesses, if any, referred to in sub-rule (3);
- (iv) evidence proving the delivery of the documents referred in Sub-rule (3) to them;
- (v) a copy of the order appointing the "Presenting Officer".

(For the purpose of this Rule, the Registrar is empowered to forward to the Inquiring Authority, the documents etc., listed under items (i) to (v) of this Rule on behalf of the disciplinary authority).

- (7) 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.
- (8) The employee may take the assistance of any other employee of the University to present the case on his behalf but may not engage a legal practitioner for the purpose; provided that no employee shall be permitted to assist at a time more than one disciplinary proceedings initiated by the University and/or any college.
- (9) 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 obtain the signature of the employee thereon.
- (10) The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty.



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

**Note:-**

- (11) The inquiring authority shall, if the employee fails to appear within the specified time or 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 sub-rule (3);

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 sub-rule (3) 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.

- (ii) 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 University but not mentioned in the list referred to in sub-rule (3).

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

- (12) 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 document 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, not relevant to the case.

- (13) On receipt of the requisition referred to in sub-rule (12) 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 the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of 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.

- (14) 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 witness as it thinks fit.
- (15) 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 demands it, a copy of the list of further evidence proposed to be produced and an adjournment of inquiry for at least three days before the production of such new evidence, exclusive of the day of adjournment and the days 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.
- (16) 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 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.
- (17) The evidence on behalf of the employee shall then be produced.



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.

- (18) 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.
- (19) 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.
- (20) If the employee to whom the copy of the articles of charge has been delivered, does not submit the written statement of defense on 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 rule, the inquiring authority may hold the inquiry ex-parte.
- (21)
  - (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iii) of rule given under Penalties but not competent to impose any of the penalties specified in clauses (iv) to (vi) of the rule has its elf enquired into or caused to be inquired into the articles of any charge and that 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 clauses (iv ) to (vi) of rule given under Penalties should be imposed on the employee, that authority shall forward the records of the enquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
  - (b) The disciplinary authority to which the records are so forwarded may act on the evidence on record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests 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.



- (22) 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 interests of justice, it may recall, examine, cross-examine or re-examine any such witnesses as herein before provided.

- (23) After the conclusion of the inquiry, a report shall be prepared and it shall contain:
- (a) The articles of charge and statement of the imputations of misconduct or misbehaviour:
  - (b) The defense 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 thereof,

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 facts on which such article of the charge is based, or has had a reasonable opportunity of defending himself against such article of charge.

- (i) 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 clause (i);
  - (b) the written statement of defense, 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 orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

#### **9. Action on the inquiry report**

1. 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 further inquiry according to the provisions of these rules as far as may be.
2. The disciplinary authority shall, if it disagrees with the findings on all or any of the articles of charge and is of the opinion that any of the penalties specified in clause (i) to (iii) of rule given under Penalties should be imposed on the employee, it shall notwithstanding anything contained in rule **10** make an order imposing such penalty.
3. 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 clauses (i) to (iii) of the rule given under Penalties should be imposed on the employee, it shall notwithstanding anything contained in rule **10** make an order imposing such penalty.
4. (i) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule given under Penalties should be imposed on the employee it shall:
  - (a) Furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge, or where the inquiry has been held by an 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 disagreement, if any, with the findings of the inquiring authority.
  - (b) Give 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 representations as he may wish to make on the proposed penalty on the basis of the evidence adduced during inquiry held under rule given under the title authority to institute enquiry.

The disciplinary authority shall consider the representations if any made by the employee in pursuance of the notice given to him under clause (1) and determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

**10 Procedure for imposing minor penalties:-**

1. Subject to the provision of sub-rule (3) of rule under Penalties no order imposing on an employee any of the penalties specified in clause (i) to (iii) of rule given under Penalties shall be made except after:-
  - (a) Informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving a reasonable opportunity of making such representation as he may wish to make against the proposal.
  - (b) Holding an enquiry in the manner laid down in sub-rule (3) to (23) of rule in every case in which the disciplinary authority is of the opinion that such inquiry is necessary.
  - (c) Taking that representation, if any, submitted by the employee under clause (a) and the record of enquiry, if any, held under clause (b) into consideration; and
  - (d) Recording a finding on each imputation of misconduct or misbehaviour.
2. 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 misbehavior 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 case together with the reason therefore.

**11 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.

**12 Common Proceedings:**

1. Where two or more employees are concerned in any case the Executive Council 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 employee are different, and order for taking disciplinary action in a common proceeding may be made by the higher of such authorities with the consent of the others.

2. Subject to the provision of sub-rule (2) of rule 6 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 rule given under Penalties such disciplinary authority shall be competent to impose:
  - (iii) Whether the procedure laid down in rule 8 and rule 9 or rule 10 shall be followed in the proceeding.

13 Special procedure in certain cases:  
Notwithstanding anything contained in Rule 8 to Rule 12:

- (i) Where any penalty is imposed on an employee on the ground of misconduct which has led to his conviction on a criminal charge, or
- (ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold any inquiry in the manner provided in these Rules. The disciplinary authority may consider the circumstances of the case and make such order thereon as it deems fit.

14 Provision regarding an Employee lent to outside authority:

- (1) Where the services of an employee are lent to an outside authority (hereinafter in this rule 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.
- (2) 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 clauses (i) to (iii) of rules given under Penalties should be imposed on the employee, it may after consultation with the University 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 University the services of the employee shall be replaced at the disposal of the University.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule given under Penalties should be imposed on the employee, it shall replace his service at the disposal of the University and transmit to it the proceedings of the inquiry and there-upon the University 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 sub-rule (3) and (4) of rule 9.

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 rule 8.

**1 Provisions regarding persons borrowed from outside authorities:**

- (1) Where an order of suspension is made or a disciplinary proceedings is conducted against an employee whose services have been borrowed from outside authority, the authority lending his services (hereinafter in this rule referred to as the lending authority) shall forthwith be informed of the circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceedings, as the case may be.
- (2) 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 clause (i) to (iii) of rule given under Penalties should be imposed on him, it may subject to the provisions of sub-rule (3) of rule 10 after consultation with the lending authority pass such orders on the case as it may deem necessary:
  - (i) Provided that in the event of a difference of opinion between the University and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.
  - (ii) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule given under Penalties 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

#### **15 Orders against which an appeal does not lie:**

Notwithstanding anything contained in this part, no appeal shall lie unless and otherwise provided under the rules against:

- (i) Any order made by the Board of Management.
- (ii) Any order of an interlocutory nature or of the nature of a Step-in-aid for the final disposal of disciplinary proceedings other than an order of suspension.
- (iii) Any order passed by an inquiring authority in the course of an inquiry under rule 8

#### **16 Order against which appeal lies:**

Subject to the provision of rule 16 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 rule 4
- (ii) an order imposing any of the penalties specified in rule given under Penalties whether made by the disciplinary authority or by any appellate or reviewing authority;
- (iii) an order enhancing a penalty, imposed under rule under Penalties.
- (iv) an order which
  - (a) 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 lower grade post time scale of pay or stage in a time scale of pay to the date of his reinstatement spent on duty for any purpose.

Explanation:

In this rule the expression employee includes a person who has ceased to be in the service of the University.

**17 Appellate Authorities:**

1. An employee including a person who has ceased to be in the service of the University, may prefer an appeal against all or any of the orders specified in rule 17 to the authority specified in this behalf by a general or special order of the University or where no such authority is specified:
  - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it: or
  - (b) to the Board of Management where such order is made by another authority.
  - (c) Notwithstanding anything contained in sub-rule (1)
    - (i) an appeal against an order in common proceeding held under rule 12 will lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;
    - (ii) 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 orders, an appeal against such order shall lie to the authority to whom such person is immediately subordinate.

- (iii) Provided that the Board of Management may appoint a Committee of Appeals to which all appeals against major penalties referred to in Rule given under Penalties (iv) to
- (vi) would lie against the orders of the Board of Management for final decision. The Committee of Appeals shall consist of 5 members as specified below:
  1. Vice-Chancellor's nominee;
  2. One member of the Board of Management;
  3. Three other members not connected with the University or its Institutes, one of whom shall be the person with judicial experience to be appointed by the Board of Management out of a panel approved by the Board of Management on the recommendation of the Vice-Chancellor.

The Chairman of the Committee of Appeals, shall be the person appointed under Clause 3 of the above constitution having the judicial experience.

The term of the 'Committee of Appeals' and also rules for the conduct of its business will be determined by the Board of Management.

The composition and term of the 'Committee of Appeals' and also rules for the conduct of its business will be determined by the Board of Management.

(iii) Where the person who made the order appealed against becomes by *virtue of his subsequent appointment of otherwise, the appellate authority in respect of such orders, an appeal against such order shall lie to the authority to whom such person is immediately subordinate.*

*Provided that the Board of Management may appoint a Committee of appeals to which all appeals against major penalties referred to in Rule given under Penalties (iv) to (vi) would lie against the orders of the Board of Management for final decision. The*

*Committee of appeals shall consist of 5 members as specified below:*

1. *The Vice-Chancellor's nominee*
2. *One member of the Board of Management.*
3. *Three other members not connected with the University or its Colleges, one of whom shall be the person with judicial experience to appointed by the Board of Management out of a panel approved by the Board of Management on the recommendation of the Vice-Chancellor.*

*The Chairman, of the Committee of Appeals, shall be the person appointed under Clause 3 of the above constitution having the judicial experience.*

*The terms of the 'Committee of Appeals' and also rules for the conduct of it's business will be determined by the Board of Management\*.*

**18 Period of limitation for appeals:**

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

Provided that the appellate authority may entertain the appeals after the expiry of the said period, if it is satisfied that appellant had sufficient case for not preferring the appeal in time.

**19 Form and contents of appeal:**

1. Every person preferring an appeal shall do so separately and in his own name.
2. 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 and shall not contain any disrespectful or improper language and shall be complete in itself.
3. 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.

## 20 Consideration of appeals

1. In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
2. In the case of an appeal against an order imposing any of the penalties specified in rule given under Penalties or enhancing any penalty imposed under the said rule the appellate authority shall consider:
  - (a) whether the procedure laid down in these rules has been complied with;
  - (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
  - (c) whether the penalty or the enhanced penalty imposed is inadequate, adequate, or severe; and pass orders;
    - (i) Confirming, enhancing, reducing, or setting aside the penalty; or
    - (ii) 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:

- (i) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (iv) to (vi) of rule given under Penalties and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 13 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8 and thereafter on a consideration of the proceedings of such inquiry and after giving appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-rule (4) of rule 9 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.
- (ii) 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 rule 72 of making a representation against such enhanced penalty.
3. In appeal against any other order specified in rule 17, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.
4. **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

21. 1. Notwithstanding anything contained in these rules
- (i) The Board of Management; or
- (ii) The appellate authority, within six months of the orders proposed to be reviewed may at any time, either on its own motion or otherwise call for the records of any inquiry and review an order made under these rules 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 employee 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 clause (iv) to (vi) of rule given under Penalties, 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 rule 9 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

2. An application for review shall be dealt with in the same manner as if it were appeals under these rules