

## **THE WBNUJS SERVICE RULES 2016**

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1. Short title and commencement – these rules are framed under the WBNUJS Act, 1999 (W. Bengal Act of 1999) and may be called as the “WBNUJS Kolkata the Executive and Service Rules, 2016.”
2. The rules deem to have come into force with effect from.....
3. To whom the rules apply
  - (a) These rules shall apply to every whole time teaching and non teaching employee of the University including the persons appointed on contract, daily wage and ad hoc basis and such other employees (like Research Assistant) other than those as may be especially exempted by the Executive Council.
  - (b) Notwithstanding anything contained in the above rules/clauses the Vice Chancellor may, by agreement with any employee, make such special provisions regarding his/her condition of services as considered necessary, subject to approval of the Executive Council and thereupon these rules not apply to such employees.

#### **4. Definition and Interpretation –**

The definitions of terms mentioned in this rules are as enumerated in the WBNUJS Act, 1999. Chapter I of the Rules, Clause II, Page 1,10 of the Act and Pg 30,31 (part II) page-34 to 36 (part III) of the Regulations.

The power of interpretation of these rules vests on the Executive Council of the University.

#### **The authorities of the University:**

The following shall be the authority of the University:

- (a) The General Council: As defined in clause 2(6) in the Act.
  - (b) The Executive Council: As defined in clause 2(5) in the Act.
  - (c) The Academic Council: As defined in clause 2(1) in the Act.
  - (d) The Finance Committee: As defined in clause 2(13) of the Act.
  - (e) Such other authority as may be prescribed in the Act.
- (I) The draft of the regulation declaring anybody to be authority of the University shall not be introduced in the Executing Council Meeting without the recommendation of the Academic Council.
- (II) A vacancy in the General Council or Executive Council may arise in terms of Act and Regulation of the University.
- (III) All other appointments including the appointment of the Vice Chancellor, Registrar etc will be guided in terms of the provisions of the Acts of the University.
- (IV) **Committee:**

Any authority of the University may appoint as many standing or special committee as it may deem fit and may appoint to such committees persons who are not members of such authority. Any such committee may deal with any subject delegated to it subject to subsequent confirmation of the authority appointing it.

## **5. Appointment:**

Appointment, powers and functions of the Registrar shall be guided in accordance with the provisions of the Section 20 of the NUJS Act 1999.

## **6. Head of the department/school:**

There shall be a Head of the Department for each of the department of the University. Appointment, qualification, number, salary and other service conditions, mode of appointment, powers and functions of the Head of the Department/school shall be guided in accordance with the provisions of the Section 19 of the NUJS Act and Section 8(iii) of the NUJS Act 1999.

The Vice Chancellor of the University may select for the smooth functioning of the University, the senior faculty members as the Head of the School or Centre in charge, whatever the term may be, subject to the approval of the Academic Council.

All other service conditions, including proof of date of birth of the employees shall be guided in accordance with the NUJS Act 1999.

Provident fund, gratuity, pension and other benefits of teaching and nonteaching staff of the University shall be guided by the rules and regulations of the NUJS Act 1999.

Matters related to promotion/increment/resignation/retirement/career advancement scheme of the Social Science teachers and law teachers shall be guided by the NUJS Act 1999. All promotions shall be considered on the basis of merit cum seniority basis. Every faculty member shall submit a self assessment of the work done by him /her in relation to the workload indicating the targets set and target achieved during the year. The VC will record his remarks on the academic output and the other aspects in each case which will be considered at the time of recommendation for promotion by the VC. All promotions of faculty members shall be decided finally by the Executive Council with the recommendation of the Vice Chancellor. The EC shall consider promotion of teaching staff to the next higher position on the basis of the guidelines given in the

UGC norms, subject to the condition that there are vacancies and has not been any disciplinary action taken against such employee for any misconduct he/she has committed during the service. Those who are promoted shall be fitted in the scale of pay applicable to the category.

Mode of appointment, determination of the number of posts, qualification for the post, grade pay, tenure of appointment and the mode of appointment of officers, teaching and nonteaching employees shall be guided in accordance with Chapter II of the NUJS Act 1999

The mode of appointment of Vice Chancellor, Head of Departments/schools/Centres, Registrar and other officials and employees shall be guided in accordance with the Sector 18-21 of the NUJS Act 1999 (read with provisions under Chapter II of the NUJS Act 1999).

### **6.1 Mode of Appointment:**

#### **6.1.1 Appointing authority of officers, Registrar, Head of the Department Librarian teachers and other ministerial post:**

As stated in clause no C of 8(I) B of the Chapter II of the NUJS regulations 1999.

All other matters relating to no. of posts, grad of pay, qualification, tenure of appointment, age of appointment, proof of date of birth, agreement of service, commencement of service, protocol, increment, service counting for increment, career advancement for Social science and Law teachers, rule for resignation, age of retirement shall be guided by the NUJS Act 1999.

Scale of payment to the non teaching regular employees of the University shall be determined by the Executive Council from time to time on the recommendation of the VC. While doing so, pay scales recommendation by the Central Government shall be adapted along with corresponding allowances.

The contractual, ad-hoc, daily wages and casual employees of the University shall not be entitled to get any pay scales as the regular employees.

**6.1.2. Regular Employees:** The salary & increment of those employees shall be determined by the Executive Council on the recommendation of the VC, provided that nothing in these rules shall affect the inherent rights of the EC at any time to revise the sanctioned grade of pay of any part.

All staffs other than the regular and permanent employee of the university shall be entitled to get consolidated on recommendation as determined by the VC subject to approval of the EC.

Such revision shall however, not adversely affect the interest of any employees of the university already holding such apart.

7. **Relaxation** - Nothing in these rules shall be construed to limit or abridge the powers of the Executive Council to dispense with or relax the requirement of any of these rules in accordance with the clause 13(4) of the NUJS Acts and Regulations 1999 to such an extent & subject to such conditions as the members of the Executive Council may consider necessary for dealing with a case in a just and equitable manner.
8. **Repeal and savings** - All rules, orders, notification and circulars corresponding to these rules in force immediately before the commencement of these rules and applicable to the teaching/non-teaching and other regular employees of the University to whom these rules apply are hereby repealed.  
Provided, that in respect of anything done, any act committed or any omission before the commencement of these rules, orders or notification which were in force when they were done, the act was committed or the omission was made shall be deemed to continue and to have always continued to apply.  
Provided, no office order or notification, circulars will come into the pervue of the above without being approved by the competent authority in terms of clause 13(4) of NUJS Acts and Regulation 1999.  
There are two categories of employees, i.e. vacation enjoying and non-vacation enjoying employees. Faculty members are considered as vacation enjoying employees.

**Guest Lecturers** - The VC of the university shall have the power to engage guest lecturers for the purpose of smooth functioning of the academics of the University. The recruitment of the guest lecturer shall be guided in terms of or as per rules prescribed by UGC.

The tenure of the guest lecturer shall be decided by the VC with the liberty to discontinue the engagement of guest lecturer at any point of time. Guest lecturer shall not be entitled to get any other allowance or pay as the regular employees or faculty members are entitled to. The qualification of the guest lecturer shall be determined by the VC.

**Research Assistant** - the University shall have the right to engage Research Assistant/Associate on an ad hoc basis under different schemes with a

consolidated sum per month for a specific period in terms of agreement signed between the University and funding agency. Such engagement shall be subject to terms of agreement signed between the University and funding agency. Such Research Assistants shall abide by the University Rules and regulations on matters relating to discipline. Such Research Assistants will have no claim for regularisation of services on the account of this ad hoc engagement with no right for any job under this University on the basis of this engagement.

9. All words and expressions used but not defined in these rules and defined in the Act of the University shall have the meaning respectively assigned to them in the said Act.

#### **10. The authorities of the University and their composition:**

The powers and functioning of the authority relating to the finances, power, teachers, management of the affairs of the University shall be guided by the provisions of the Act, as specified in the schedule or in the Regulations. So no suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the University, the Vice Chancellor, the authorities or other officers of the University, or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of the Act or Regulations, 1999 of the University.

- (I) The General Council may with the prior approval of the Chancellor and the State government, by notification published in the official gazette, amend either prospectively or retrospectively these rules.
- (II) A copy of every notification made under subsection (1) shall be laid before the State Legislature, as soon as it may be, after it is made. The provisions of the NUJS Act 1999 of the University and the Regulation will have effect notwithstanding anything inconsistent therewith contained in any other Law for the time being in force or in any instrument having effect by virtue of any law other than the NUJS Act 1999.

#### **11. Powers and functions of the Executive Council –**

Constitution, the terms of office, powers and capacity to convene meetings by the different Councils and Committees as stated hereinabove shall be guided in accordance with the schedule of the Act and Regulation 1999, of the university. Appointments, powers and functions of the Vice Chancellor, head of the department/schools, Registrar and other officials and employees shall be guided as per the provisions of the NUJS Act, 1999.

In accordance with the provisions of the NUJS Act 1999 of the University the Chief Justice of India shall be the Chancellor of the University.

Powers and functioning of the Chancellor of the University shall be guided in accordance with the Sec. 7 and 14 of the NUJS Act 1999.

The General Council will be the supreme authority of University.

The following shall be the officers of the University in terms of sec 12 of the Act. :

- (a) The Vice Chancellor
- (b) The Head of the Department
- (c) Registrar
- (d) Such other officers as may be prescribed in the Regulations.

The Executive Council shall have in addition to all other powers vested in it, the power to make rules and regulations, to provide for the administration and management of the affairs of the University., provided further, that except with the prior concurrence of the Academic Council the Executive Council shall not make, amend or repeal any regulation or rule effecting all or any of the matters as stated in Sec 13(1) of the Act. The Executive Council shall not make any regulation or rules affecting the status, powers or constitution of any authority of the University, until such authority has been given an opportunity of expressing its opinion in writing about the proposed changes and any opinion so expressed shall be considered by the Executive Council.

The other powers and functions of the university shall be guided in terms of the provisions of the NUJS Act 1999 (Sec. 13(2), (3) and (4)).

All other powers and functioning of the different bodies of the University shall be guided in terms of the provisions of the NUJS Act 1999

## **12. Financial directives:**

The financial year of the University shall be from 1<sup>st</sup> April to 31<sup>st</sup> March of the following year.

The objectives and utilizations of the fund shall be guided by the provisions as stipulated in the Act of the University and in accordance with the provisions made in the budget by the Executive Council from time to time. For the purpose of management of the funds and expenditure there shall be a Finance Committee constituted by the Executive Council. Annual accounts and audit and financial estimates, annual report, execution of contracts relating to management and administration of the University shall be guided by NUJS Act 1999. Constitution,

powers and functioning of the Finance Committee shall be guided in accordance with Section 16 of the existing Regulations of the NUJS Act 1999.

Matters relating to management of funds and expenditure, investments of the funds, TA/DA of the officials, budget shall be guided in accordance with the Regulations regarding financial matters (Part II) of the existing Regulation of the University.

All other matters relating to funds of the University, annual accounts and audit, financial estimates shall be guided in accordance with the existing Regulations. Accounting responsibilities and procedures, creation of funds, stock register, provident fund, supplementary demands, maintenance of registers and accounts shall be guided in accordance with the provisions laid down in the Regulations of the NUJS, 1999.

Unless the context otherwise requires:

- i) Appointing authority: it means the authority empowered to make appointment in a cadre in which the employee is given employment under the University act 1999
- ii) Disciplinary Authority: subject to the provisions made hereinafter, the VC of the University shall be the disciplinary authority in respect of all employees, teaching and non teaching.
- iii) 'Appellate Authority' as in rule 28

**Appellate Authorities:**

1. An employee, including a person who has ceased to be in service of the University, may prefer an appeal against all or any of the orders specified in this rule 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 Executive Council where such order is made by any other authority.

c) Notwithstanding anything contained in sub-rule (1)

(i) an appeal against an order in a common proceeding held under this rule shall 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 order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

### **13. Suspension**

(1) The Appointing Authority or any other authority empowered by the University in that behalf may place an employee under suspension.

(a) When a disciplinary proceeding against him is contemplated or is pending; or

(b) When a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) An employee shall be deemed to have been placed under suspension by an order of Appointing Authority in the following circumstances:-

(a) 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;

(b) 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 to such conviction.

**EXPLANATION:-** The period of forty-eight hours referred to in Clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(2) 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 48 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.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry 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.

(4) 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 a further inquiry 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 dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) Subject to the provisions contained in sub-rule (8), any order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) 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 that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the effective date of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

The composition of review committee for review of suspension of teaching and non teaching staff of the University up to the rank of Associate Prof. is as under:

(1) VC –

(2) one Officer of the Univ as nominated by the Executive Council

(3) registrar

For the registrar and the professors: (1) VC (2) two members of the EC as nominated by the EC in each case.).

In case of VC : (1) two members of the Executive Council as nominated in each case.

(7) An order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the employee continues to be under suspension at the time of completion of ninety days of suspension and the ninety days' period in such case will count from the date the employee detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later. **(6 & 7 policy decision to be taken)**

(8) Whenever an employee continues to remain absent from duty or overstays leave without permission and his movements are not known, he should not be placed under suspension, as this would entail payment of subsistence allowance, as against treating the period of absence as dies non. But when an employee who is under suspension disappears and cannot be contacted at his last known address, the suspension order should be lifted and proceedings initiated for his removal in absentia.

#### **(9) Revoking of Suspension**

1. Under sub-rule (7) of Rule 13, an order of suspension made or deemed to have been made may, at any time, be modified or revoked by the authority, which made or is deemed to have made the order or by any superior authority in the following circumstances:-

#### **(a) Disciplinary proceedings:-**

(i) If it is decided that no formal proceedings need be drawn up with a view to impose a penalty of dismissal, removal or compulsory retirement, or reduction in rank.

(ii) Where the final order passed is other than dismissal, removal or compulsory retirement.

(iii) Where the employee is exonerated of the charges against him.

(iv) In appeal, or revision, the order is modified into one other than dismissal, removal or compulsory retirement and no further enquiry is ordered to be held.

**(b) Criminal Offence:**

- (i) In arrest and detention cases, it is decided not to proceed further against the employee by filing a charge sheet in the Court.
- (ii) If appeal/ revision against acquittal in Higher Court fails.
- (iii) If acquitted in trial Court or if an appeal / revision in higher Court against the conviction succeeds and he is ultimately acquitted and when it is not proposed to continue him under suspension, even though departmental proceedings may be initiated against him.

2. An order of revocation of suspension will take effect from the date of issue. However, where it is not practicable to reinstate with immediate effect the order of revocation should be expressed as taking effect from a date to be specified.

3. When an employee who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order the reinstatement shall consider and make a specific order-

(a) regarding the pay and allowances to be paid to the employee for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement) as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

It is not necessary that the decision on (a) above should depend upon the decision on (b) above.

The competent authority has the discretion to pay the proportionate pay and allowances and treat the period as duty for any specified purpose(s) or only to pay the proportionate pay and allowances. It has no discretion to pay full pay and allowances when the period is treated as "non-duty".

If no order is passed directing that the period of absence be treated as duty for any specified purpose, the period of absence should be treated as "non-duty".

In such event, the past service i.e. service rendered before dismissal, removal, compulsory retirement or suspension will not be forfeited.

Where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of a minor penalty, the suspension can be said to be wholly unjustified and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order in this regard.

4. Notwithstanding anything contained in the above rules, where an employee under suspension dies before the disciplinary or the Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

5. Leave may not be granted to an employee under suspension.

## **14. Penalties and Disciplinary Authorities**

### **14.1 Penalties**

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

#### **14.1.1 Minor Penalties-**

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the University by negligence or breach of orders;
- (iv) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (v) withholding of increments of pay;

#### **14.1.2 Major Penalties-**

(vi) save as provided for in Clause (iv), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vii) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the employee during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period-

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

(b) the employee shall regain his original seniority, in the higher time scale of pay, grade, post or service.

(viii) compulsory retirement;

(ix) removal from service which shall not be a disqualification for future employment in the University;

(x) dismissal from service which shall ordinarily be a disqualification for future employment under the University.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in Clause (ix) or Clause (x) shall be imposed;

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

**EXPLANATION.-** The following shall not amount to a 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, to a Service, grade or post for promotion to which he is eligible;

(ii) Reversion of an employee appointed on probation to any other Service, grade or post, to his permanent Service, 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;

(iii) Reversion of an employee officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

(iv) Replacement 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 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 this behalf by the University, or

(c) of an employee engaged under an agreement, in accordance with the terms of such agreement.

## **15. Authority to institute proceedings:**

1. Vice chancellor of the University with the approval of the Executive Council may institute:

(a) disciplinary proceedings against any employee;

(b) A Disciplinary Authority competent under these rules to impose any penalties specified in this rule may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified above notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

(c) The Vice-Chancellor may direct or institute disciplinary proceedings against any University employee.

**16. Power and appointing authority:**

The Executive Council may place an employee under suspension:

- (i) Where a disciplinary proceedings against him is pending
- (ii) Where case against him in respect of any criminal offence is under investigation or trial
- (iii) An employee who is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours shall be deemed to have detention by an order of the executive council and shall remain under suspension till further order
- (iv) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have made it or by Executive Council or any superior authority thereto

**17. Procedure for imposing major penalties:**

(1) No order imposing any of the major penalties specified under Major Penalty shall be made except after an enquiry held, as may be, in the manner provided in this rule and rule 18 hereinafter.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint under this rule an authority to inquire into the truth thereof:

Provided that where there is a complaint of sexual harassment, the Complaints Committee established for inquiring into such complaints, shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

**EXPLANATION.-** Where the Disciplinary Authority itself holds the inquiry, in reference to any of the rules as mentioned herein the inquiring authority shall be construed as a reference to the Disciplinary Authority.

For the purpose of this Rule and the Sub-Rules referred to above, the Vice-Chancellor, may exercise the powers on behalf of the Council.

(3) Where it is proposed to hold an inquiry against an employee under this rule, 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;
  - (ii) 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 the Executive Council.)
- (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 or charges 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 by which 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 inquire into such of the article of charge as are not admitted, or, if it considers it necessary to do so, appoint under sub-rule (2), 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 Rule 18.
- (b) If no written statement of defence is submitted by the employee, the Disciplinary Authority may itself inquire into the articles of charge, or 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 any 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, may exercise the powers on behalf of the Executive Council).

(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;

(iii) a copy of statements of witnesses, if any, referred to in sub-rule (3);

(iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the employee; and

(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 ten working days from the date of receipt by the Inquiring Authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow.

(8) 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;

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 guilt in respect of those articles of charge to which the employee pleads guilty.

(11) The Inquiring Authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, 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 defence -

(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);

(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 statements of witnesses mentioned in the list referred to in sub-rule (3), the Inquiring Authority shall furnish him 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 discovery or 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 discovered or produced by the University.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or 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 of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest, it shall inform the Inquiring 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 or discovery of 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 Presenting Officer and may be cross-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, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses 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 may 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 the inquiry for three clear 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.

(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. If the defence is made orally, it shall be recorded, and 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. 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, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.

(18) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him 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 a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person 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 (v) of Rule 14 [but not competent to impose any of the penalties specified in Clauses (vi) to (x) of Rule 14, has itself 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 (vi) to (x) of Rule 14 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 witnesses and

examine, cross-examine and re-examine the witnesses 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 and re-examine any such witnesses as herein before provided.

(23) (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 imputations 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 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 record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of the 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 Clause (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 inquiry;

(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.

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

(1) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it 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 Rule 66, as far as may be

(2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the employee who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(2-A) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the matter as specified in sub rules (3) and (4).

Note: In the case of University employee a sub-committee constituted by the Executive Council will examine the report of the Inquiry Authority together with the written submission of the employee and make suitable recommendation for the consideration of the Disciplinary Authority.

(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 (v) of Rule 14 should be imposed on the employee, it shall, notwithstanding anything contained in Rule 19, make an order imposing such penalty.

(4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clauses (vi) to (x) of Rule 14 should be imposed on the employee, it shall make an order imposing such penalty

and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

### **19. Procedure for imposing minor penalties -**

1. Subject to the provision of sub-rule (3) of rule 18, no order imposing on an employee any of the penalties specified in Clause (i) to (v) of Rule 14 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 him 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 17, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the employee under clause

(a) and the record of enquiry, if any, held under clause (b) of this rule into consideration; and

(d) recording a finding on each imputation of misconduct or misbehaviour.

1-A Notwithstanding anything contained in Clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the employee under Clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (23) of Rule 17, before making any order imposing on the employee any such penalty.

1-B An University employee on whom the penalty of withholding of increment or reduction to a lower service, grade or post, or to a lower timescale or to a lower stage in a time-scale has been imposed for a specified period should not be transferred or posted to another service, grade or post, on or after the date of orders imposing the penalty but before the date from which the order finally ceases to be operative, if such a transfer, or posting results in payments of basic pay higher than that admissible to him in the existing service, grade or post consequent on the punishment orders.

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 misbehaviour 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 thereof.

## **20. Communication of Orders**

Orders made by the Disciplinary Authority shall be communicated to the employee who shall also be supplied with a copy of its finding on each article of charge, or where the Disciplinary Authority is not the Inquiring Authority, 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.

## **21. 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, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of others.

2. Subject to the provision of sub-rule 1 (c) of Rule 15 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 14 which such Disciplinary Authority shall be competent to impose;



(iii) whether the procedure laid down in Rule 17 and Rule 18 or Rule 19 shall be followed in the proceeding.

## **22. Special procedure in certain cases**

Notwithstanding anything contained in Rule 17 to Rule 21-

(i) Where any penalty is imposed on an employee on the ground of conduct 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:

Provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i).

## **23. 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 powers of the Appointing Authority for the purpose of placing such employee under suspension and of the Disciplinary Authority for the purpose of conducting disciplinary proceedings against him:

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the employee (hereinafter in this rule referred to as “the lending authority”) of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, 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 (v) of Rule 14 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 Clauses (vi) to (x) of Rule 14 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry and thereupon 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 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 18.

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 17.

#### **24. Provisions regarding persons borrowed from outside authorities:**

1) 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 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 proceeding conducted against the employee, if the Disciplinary Authority is of the opinion that any of the penalties specified in Clauses (i) to (v) of Rule 14 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 18 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 borrowing authority 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 Clause (vi) to (x) of Rule 14 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.

## **25. APPEALS**

### **PROVISION REGARDING EMPLOYEES ON DEPUTATION**

**1.** Where an order of suspension is made or a disciplinary proceeding is commenced against a borrowed employee, the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or commencement of the disciplinary proceeding, as the case may be.

**2.** In the light of the findings in the disciplinary proceeding taken against such employee:

**(i)** If the authority imposing the penalty is of the opinion that any of the penalties specified in rule 14 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary; and **(ii)** If the authority imposing the penalty is of the opinion that any other penalty should be imposed on him it may, after consultation with the lending authority, pass such orders on the case as it deems necessary; **(iii)** Provided that in the event of a difference of opinion between the lending authority and the authority imposing the penalty, the services of the employee shall be placed at the disposal of the lending authority.

### **EXPLANATION**

In these regulations, the expression 'lending authority' means the authority which has placed the services of the borrowed employee at the disposal of the University.

For all regular employees including faculty members the principle of appointment shall be guided in terms of the NUJS Acts and Regulations 1999 (Chapter III, Clause 8)

Subject to the provisions of the rules above, the competent authority may institute:

- a) Departmental Proceedings against any employee
  - b) A Departmental Proceeding under the rules about to any penalties may institute Departmental Proceedings against any employees for the imposition of any of the penalties in terms of the rules above
  - c) The VC may direct or institute departmental proceedings against any university employees including teaching staff
- In this chapter under the context otherwise requires:

### **Application:**

1. These rules shall apply to all the employees including teaching staff of the University
2. In case of any doubt relating to whether these rules or any of them applied to any person or whether any person to whom the rules apply the matter shall be referred to the Executive Council for decision.

## **26. Orders against which no appeal lies:**

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

- (i) Any order made by the Executive Council.
- (ii) Any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension.
- (iii) Any order passed by an inquiring authority in the course of an inquiry under the above rules.

## **27. Order against which appeal lies:**

Subject to the provision of Rule 25 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 13.
- (ii) an order imposing any of the penalties specified in rule 14 whether made by the Disciplinary Authority or by any Appellate or Revising Authority;
- (iii) an order enhancing a penalty, imposed under rule 14.
- (iv) an order which -
  - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
  - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) an order -
  - (a) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
  - (b) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;

(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 service, grade, post, time-scale or stage in a time-scale of pay, to the

date of his reinstatement or restoration to his service, 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 service, grade, post, time scale or 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 rule -

(i) the expression 'employee' includes a person who has ceased to be in University service.

(ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

## **28. Appellate Authorities:**

1. An employee, including a person who has ceased to be in service of the University, may prefer an appeal against all or any of the orders specified in rule 27 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 Executive Council where such order is made by any other authority.

c) Notwithstanding anything contained in sub-rule (1)

(i) an appeal against an order in a common proceeding held under Rule 21 shall 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 order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

### **29. Period of limitation of 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 appellant had sufficient cause for not preferring the appeal in time.

### **30. 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 material statements and arguments on which the appellant relies, 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.

### **31. 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 13 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 14 or enhancing any penalty imposed under the said rules 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 adequate, inadequate 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 these cases;

provided that-

- (i) if such enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clause (vi) to (x) of Rule 14 and an inquiry under Rule 17 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 22, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 17 and thereafter on a consideration of the proceedings of such inquiry and make such orders as it may deem fit.

- ii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clauses (vi) to (x) of Rule 14 and an enquiry under Rule 17 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and

- (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of Rule 68 of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in Rule 27, 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.

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## **32. Review**

(1) Notwithstanding anything contained in these rules

(i) the Executive Council or the Appellate Authority, within three months of the date of the order proposed to be revised; may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules 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 orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any revising 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 Clauses (v) to (ix) of Rule 14, or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under Rule 17 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 17 subject to the provisions of Rule 22, 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) No proceeding for review shall be commenced until after –

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

(ii) the disposal of the appeal, where any such appeal has been preferred.



(3) An application for review shall be dealt with in the same manner as if it were an appeal under these rules.

## **Miscellaneous**

### **33. Service of orders, Notices etc.**

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post/speed post/by hand under acknowledgement.

### **34. Power to relax time-limit and to condone delay**

Save as otherwise expressly provided in these rules the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

### **35. Repeal and Savings**

(1) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.

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

(3) As from the commencement of these rules, any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:

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

### **36. Applicability of Government of India Rules/Instructions**

If no specific provision is made in these rules for any specific situation /matter the Government of India rules/instructions or UGC regulations on the subject shall apply.

### **37. Removal of doubts**

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Executive Council which shall decide the same.

### **38. 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 is entitled by the terms of any agreement subsistent between any such persons and the university before the commencement of these rules.

### **39. General Rules**

(1) Every employee shall at all times - (i) maintain absolute integrity; (ii) maintain devotion to duty; and (iii) do nothing which is unbecoming of an employee of the University.

(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;

- i) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
- ii) An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.
- 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 disciplinary proceeding shall be initiated in accordance with the procedure laid down under rule 17 read with rule 14 to terminate his services.

#### **EXPLANATION -**

(1) An employee who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub rule 1. II.- Nothing in clause (ii) of sub-rule (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) Promptness and Courtesy:**

No employee shall -

- (a) in the performance of his official duties, act in a discourteous manner;
- (b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

#### **(4) Prohibition of sexual harassment of working women**

- (a) No employee shall indulge in any act of sexual harassment of any woman at her work place;
- (b) Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place
- (c) Authority shall constitute ICC for inquiry against any complaint of sexual harassment in terms of direction of Supreme Court in Vishakha Vrs. State of Rajasthan case.

#### **(5) Misconduct:**

Without prejudice to the generality of the term 'misconduct', the following acts of omission shall be treated as misconduct:--

- (i) Taking or giving bribes or any illegal gratification;
- (ii) Furnishing false information regarding name, age, father's name, mother's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment;
- (iii) Acting in a manner prejudicial or likely to be prejudicial to the interest or the reputation of the University;
- (iv) Wilful insubordination or disobedience whether or not in combination with others, of any lawful and reasonable order of superior;
- (v) Damage to any property of the University;
- (vi) Interference or tampering with any safety devices installed in or about the premises of the University;

- (vii) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the University or outside such premises where such behaviour is related to or connected with the employment;
- (viii) Gambling within the premises of the establishment;
- (ix) Smoking within the premises of the establishment where it is prohibited;
- (x) Commission of any act which amounts to a criminal offence involving moral turpitude;
- (xi) Commission of any act subversive of discipline or good behaviour;
- (xii) Employment of children as domestic workers or servants below the age of 14 years; Note: The above instances of misconduct are illustrative in nature and are not exhaustive.

#### **40. Joining of Associations by Employees**

(1) 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.

(2) No employee shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(3) It shall be the duty of every employee to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government or the University as by law established and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the University.

(4) If any question arises whether a party is political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of this rule, the decision of the University thereon shall be final.

(5) No employee shall canvass or otherwise interfere with or use his influence in connection with or take part in an election to any legislature or Local Authority.

Provided that-

- (i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted:

- (ii) An employee shall not be deemed to have contravened the provision of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

**EXPLANATION-** The display of an employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

#### **41. Demonstration and strikes**

No employee shall-

- (i) 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 or;
- (ii) resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee.

#### **42. Connection with Press or other Media**

(1) 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 or electronic media.

(2) 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/electronic media 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/telecast or such contribution or writing is of a purely literary, artistic or scientific character.

(3) An employee publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of the University.

(4) No employee shall, in any radio broadcast, telecast through any electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any current or recent policy or action of the University:

Provided that nothing contained in this clause shall apply to bonafide expression of views by an employee as an office bearer of a trade union or association of employees for the purpose of safeguarding the conditions of service of such category of employees or for securing an improvement thereof.

Provided further that nothing in this rule shall apply to statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

#### **43. 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 or redress of any grievance or for any other matter.

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

(1) Save as provided in sub-rule 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 no 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) evidence given at an enquiry before an authority appointed by the Visitor, Vice-Chancellor, Government and Parliament or any State Legislature; or (b) evidence given in any judicial enquiry; or (c) evidence given in any departmental enquiry ordered by the authorities of the University.

#### **45. Communication of Official Information**

Every employee shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder through the Central Public Information Officer (CPIO)/ Public Information Officer (PIO) of the University.

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

#### **46. 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.

#### **47. Private Trade or Employment**

(1) Subject to the provisions of sub-rule no employee shall, except with the previous sanction of the University:

- (a) engage directly or indirectly in any trade or business, or
- (b) negotiate for, or undertake, any other employment, or
- (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
- (d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
- (e) take part in the registration, promotion or management of any Bank or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes.
- (f) participate in or associate himself in any manner in the making of—
  - (i) a sponsored media (radio or television) programme; or
  - (ii) a media programme commissioned by Government media but produced by a private agency; or
  - (iii) a privately produced media programme including video magazine; Provided that no previous permission shall be necessary in case where an employee

participates in a programme produced or commissioned by Government media in his official capacity.

(2) An employee may, without the previous sanction of the University—

- (a) undertake honorary work of a social or charitable nature, or
- (b) undertake occasional work of a literary, artistic or scientific character, or
- (c) participate in sports activities as an amateur, or
- (d) take part in the registration, promotion or management (not involving the holding of an elective office) or a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being force, or
- (e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of employee, registered under the Cooperative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that—

- (i) he shall discontinue taking part in such activities, if so directed by the University; and
- (ii) in a case falling under Clause (d) or Clause (e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the University giving details of the nature of his participation.

(3) 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.

(4) Unless otherwise provided by general or special orders of the University, no employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority

#### **48. Subletting and vacation of University accommodation**

(1) Save as otherwise provided in any other law for the time being in force, no employee shall sublet, lease or otherwise allow occupation by any other person of University accommodation which has been allotted to him.



(2) An employee shall, after the cancellation of his allotment of University accommodation vacate the same within the time-limit prescribed by the University.

#### **49. Immovable property**

1 (i) Every employee shall on his first appointment to any University service or post submit a return of his assets and liabilities in such form as may be prescribed by the University, giving the full particulars regarding- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

Where an employee already belonging to a service or holding a post is appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause. (ii) Every employee belonging to any service or holding any post shall submit an annual return in such form as may be prescribed by the University in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

2. No employee shall, except with the previous knowledge of the University, acquire or dispose of any immovable/movable property valued above Rs. 50,000.00/- or basic salary whichever is less by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family: Provided that the previous sanction of the University shall be obtained by the employee if any such transaction is with a person having official dealings with him. Every teaching and non teaching employee of the University shall submit in prescribed form within 31 Jan of each year.

3. The University may, at any time, by general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the University, include the details of the means by which, or the source from which, property was acquired.

4. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners etc. Notwithstanding anything contained in

sub-rule (2), no employee shall, except with the previous sanction of the University:

(a) acquire by purchase, mortgage, lease, gift or otherwise either in his name or in the name of any member of his family, any immovable property situated outside India;

(b) Dispose or by sale, mortgage, gift, or otherwise, or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of the family;

(c) Enter into any transaction with any foreigner, foreign Government, foreign organisation or concern:-

(i) for the acquisition by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property.

(ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of, any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

## **50. 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 proceeding 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.

## **51. Consumption of intoxicating drinks and drugs**

An employee shall—

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug:

(c) refrain from consuming any intoxicating drink or drug in a public place:

(d) not appear in a public place in a state of intoxication;

**EXPLANATION**—For the purpose of this rule '*public place*' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

## **52. 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. Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the University, he shall be free to assume that the permission as sought for has been granted to him.

(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 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.

## **53. Canvassing of non-official or other outside influence**

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

## **54. Restriction regarding marriage**

(1) No employee shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No employee having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Vice-Chancellor may permit an employee to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if he is satisfied that

(a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) An employee who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the University.

## **55. Dowry**

No employee shall-

(i) give or take or abet the giving or taking of dowry; or

(ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

EXPLANATION- For the purpose of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

### **Interpretation**

If any question arises relating to the interpretation of these rules, it shall be referred to the Executive Council whose decision thereon shall be final.

'Family' in relation to employee shall be in accordance with the definition made in the NUJS Act and Regulation, 1999.

Seniority - the seniority of an employee in a particular grade will be determined in accordance with the general principles enumerated by the Govt. of India.

Temporary/permanent and ad hoc service - Posts, recruitments and appointments shall be guided in terms of NUJS Act and Regulation, 1999

Every person appointed to a permanent post in the University either by promotion or by direct recruitment shall be confined in any post unless:-

- a) such post is permanent and no one else holds a lien on the post
- b) a verification report about the character and antecedents of the employee is received from the district authority

Termination of service :-

- a) the service of an employee on probation may be terminated by the appointing authority under the NUJS Act 1999, without assigning any reason
- b) the services of a permanent employee may be terminated by a notice of 3 months or on payment of pay & allowance drawn by him immediately before the termination of service for such period as the notice

## **56. OTHER PROVISIONS**

### **SPECIAL PROVISION FOR EXISTING EMPLOYEES**

Every person holding a post in the University at the commencement of these rules shall, on such commencement, be deemed to have been appointed under the provisions of these rules to the corresponding post in the First Schedule to be

specified wherever necessary by the VC and shall draw the pay drawn by him immediately before such commencement.

## **AUTHENTICATION**

All orders and decision of the Executive Council shall be authenticated by the signature of the Vice Chancellor or by such other authority as may be specified by the Executive Council in this behalf.

## **HOLIDAY, WORKING DAYS AND WORKING HOURS**

The University shall observe such holidays, working days and working hours as may be declared by the NUJS calendar and such other holidays and working hours as may be determined by the EC.

### **57. Service Books and Character Rolls-**

- (i) The University shall maintain a Service Book, a Character Roll and Annual Performance Appraisal Reports (APAR) for each employee in such form as may be prescribed by the Executive Council.
- (ii) The entries in the Service Book of an employee shall be authenticated by an Officer authorised in this behalf by the VC as the case may be.

### **58. Annual Performance Appraisal Reports (APAR)-**

- (a) The Reporting Officer shall report for each financial year in the prescribed format on the performance of the employees who had served under them for periods not less than three months in the financial year immediately preceding and forward their reports to the Reviewing Officer as per the schedule prescribed in this regard.
- (b) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority. Where the employee has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.
- (c) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.

(d) The Concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

(e) The competent authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.

(f) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.

(g) Writing of APAR of employees working on the posts carrying grade pay of Rs. 1800 and above is mandatory.

(h) **APARs** are to be written by the Reporting officer immediately superior to the employee concerned and reviewed by the next higher authority. In both the cases, they should have supervised the work of the employee for not less than three months. For computing the period of three months, any leave for a period of more than 15 days should be deducted. If the Reporting/Reviewing Officer are under suspension, they should write/review the reports within two months of the date of suspension or one month of due date of completion of APARs, whichever is later. Writing/reviewing not permissible after this time limit. If however, they are under suspension during major part of writing/reviewing period, they should NOT write the APARs. If the employee concerned happens to be a relative, reporting or reviewing, as the case may be, is to be done by the next higher authority.

(i) **Entry of Punishments in APARs**

A record of punishment imposed on an employee as a result of disciplinary proceedings should be recorded in his/her APAR.

**(j) Self-Appraisal**

APARs will be performance oriented. Group A, B and C employees will be required to submit a brief resume not exceeding 300 words as self appraisal, relating to the period of report.

**(k) APAR Forms**

APAR forms for different levels of posts shall be prescribed by the University and issued from time to time and adopted by the Executive Council.

**(l) Periodicity**

APARs are to be written annually according to the financial year i.e. 1<sup>st</sup> April to 31<sup>st</sup> March.

**(m) Part Reports-**

Part Reports shall be written in the following cases-

(i) if the employee is transferred to the control of another reporting officer, during the period under review, the reports are to be written by the respective officers for the relevant periods.

(ii) if the reporting officer is transferred from one branch to another branch during the year, he should write APARs for all the staff under his control upto the date of his transfer, within three to five weeks of his transfer.

(iii) if the reviewing officer is transferred and if new reviewing officer is not likely to have at least three months to supervise the work of the employee concerned, the outgoing reviewing officer shall review the APAR for the period he had supervised the work of the employee.

(iv) when Part Reports are written and any periods in a year are not covered by the reports for the reasons above, a certificate or a note about non initiation to be placed on file, duly signed by the reporting/reviewing officer.

**59. Residuary conditions of Service-**

Any matter relating to the conditions of service of an employee for which no provision is made in these rules shall be determined by the Executive Council.

## **60. Power to relax-**

Notwithstanding anything contained in these rules, the Executive Council may, in the case of any employee, relax any of the provisions of these rules to relieve him of any undue hardship arising from the operation of such provisions, or in the interests of the University/ College.

## **61. Removal of doubts-**

Where a doubt arises as to the interpretation or application of any of the provisions of these rules, the matter will be referred to the Executive Council for decision, which shall be final.

## **62. RESIDUARY CONDITIONS OF SERVICE**

Any matter relating to the conditions of service of an employee including service tenure, age of appointment, proof of date of birth, agreement of service, date of service, protocol, increment, service counting for increment, Career Advancement Scheme for Social Science and Law Faculties, rule of resignation and retirement shall be guided in accordance with the Act and Regulations of the University 1999. In case of absence of any specific rules in the Act and Regulation of the University the same may be determined by the Executive Council.

## **63. LEAVE RULES**

### **63.1. LEAVE RULES APPLICABLE TO THE WHOLE TIME PERMANENT TEACHERS OF WBNUJS**

All permanent teachers of the University shall be governed by these leave rules:

### **63.2. LEAVE RULES FOR THE UNIVERSITY TEACHERS**

(i) Leave includes Earned Leave, Half-Pay-Leave, "Commuted Leave", Extra-Ordinary-Leave", "Maternity Leave" and "Paternity Leave".

(ii) "Earned Leave" means leave earned on the basis of actual service rendered including the vacations.

(iii) "Half-Pay-Leave" means leaves earned in respect of completed years of service calculated according to the rules hereinafter contained.

(iv) "Commuted Leave" means leave as provided herein after.



(v) "Completed year of Service" means continuous service of the specified duration under the University and includes periods spent on duty as well as on deputation with Government/ other institutions and leave including Extra-Ordinary-Leave unless otherwise provided.

#### **63.2.1. RIGHT OF LEAVE**

Leave cannot be claimed as a matter of right and when the exigencies of service so demand, leave of any description may be refused or revoked by the leave sanctioning authority/Vice-Chancellor. In case a teacher is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases.

#### **63.2.2. EARNING OF LEAVE**

Except as otherwise provided in these rules, leave shall be earned by period spent on duty only.

#### **63.2.3. 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 preceding on which duty is resumed.

(ii) Sunday or other public holidays (except vacations) may be prefixed as well as suffixed to leave.

Note: Teachers are normally expected to be present on the last day of the term and on the opening day of the term after vacation. However, in exceptional or special circumstances, combination of vacations might be allowed to any kind of leave except casual leave.

#### **63.2.4 RETURN TO DUTY ON EXPIRY OF LEAVE**

Except with the permission of the authority which granted the leave, no person on leave may return to duty before the expiry of the period of leave granted to him.

#### **63.2.5. COMBINATION OF LEAVE**

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

#### **63.2.6. GRANT OF LEAVE BEYOND THE DATE OF RETIREMENT AND ON RESIGNATION:**

No leave shall be granted beyond the date on which a teacher must retire, provided that a teacher may be paid cash equivalent of leave salary in respect of the period of earned leave at his credit at the time of retirement on superannuation subject to the following conditions: -

(i) The payment of cash equivalent of leave salary for earned leave shall be limited to 300 days.

(ii) In respect of a teacher who retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall suo-motu issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the teacher on the date of his retirement subject to a maximum of 300 days.

(iii) The cash payment will be equal to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No city compensatory allowance and/or house rent allowance shall be payable.

(iv) A teacher who is re-employed after retirement may, on termination of his re-employment, be granted suo-motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment, subject to a maximum of 300 days, including the period for which encashment was allowed at the time of retirement.

(v) A teacher can also avail of, as leave preparatory to retirement, a part of earned leave at his credit. In that case, he will be allowed benefits of this rule for the earned leave that remains at credit on the date of retirement in accordance with the terms and conditions stipulated in this rule.

(vi) The benefit of this rule shall also be admissible to the teachers who attain the age of retirement and are granted extension of service after that date. In such cases, the benefit shall be granted on the date of final retirement on expiry of extension to the extent of earned leave at credit on the date of superannuation plus the earned leave earned during the period of extension reduced by earned leave availed of during such period, subject to a maximum of 300 days.

(vii) A teacher already on leave preparatory to retirement who has been allowed to return to duty shall also be entitled to benefit under this rule on the date of retirement.

(viii) Those employees who attained the age of retirement and were on extension of service on or beyond that date will also be entitled to the benefit of cash payment on the date of final retirement on expiry of extension to the extent of earned leave that had been refused to them at the time of retirement and was allowed to be carried forward into period of extension plus leave earned during the period of extension reduced by earned leave availed of during such period subject to a maximum of 300 days. The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a teacher who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him/her on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of University's dues, if any.

A teacher who retires from service by giving notice or he is retired by the University by giving notice, or pay and allowances in lieu of such notice, in accordance with the terms and conditions of service may be granted suo-motu by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to maximum of 300 days and also in respect of all the half pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus D.A. admissible on that leave salary for the first 300 days, at the rates in force on the date the University teacher so retires or is retired from service. The pension and pension equivalent of other retirement benefits and adhoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as a one-time settlement. No HRA or CCA shall be payable.

The Leave salary payable for the half pay leave components granted under the rule, shall henceforth be calculated in the manner as indicated:-

????????????????

**Half Pay Leave salary plus D.A. if  
of Half Pay Leave due on**

**Admissible (minus) Pension, Pension  
retirement/quitting the service**

**equivalent of gratuity and relief on  
prescribed under**

**pension if dearness allowance is**

**Admissible on half pay leave.**

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**No. of days**

**the date of**

**X subject to the limits**

**the rules.**

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**30**

Provided further that a teacher who is retired by the University by giving him pay and allowances in lieu of notice, cash equivalent of leave salary shall be allowed only for the period of leave excluding

that period for which pay and allowances in lieu of notice have been allowed.

(a)(i) Where the services of a teacher are terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment he may be granted suo-motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he/she ceases to be in service subject to a maximum of 300 days..

(ii) If a teacher resigns or quits service, he/she may be granted suo-motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his/her credit on the date of cessation of service to the extent of half of such leave at his credit, subject to a maximum of 120 days.

#### **63.2.7. CONVERSION OF ONE KIND OF LEAVE INTO ANOTHER KIND**

(i) At the request of a teacher the sanctioning authority may convert any kind of leave retrospectively into leave of a different kind which was due and admissible to him at the time of the leave was granted, but the teacher cannot claim such conversion as a matter of right.

(ii) The conversion of one kind of leave into another, shall be subject to adjustment of leave salary on the basis of leave finally granted to the teacher, that is to say,

any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

*Note:* Extra -Ordinary-Leave granted on medical certificate or otherwise may be converted retrospectively into leave not due subject to the provisions of Rule-relating to 'Leave not Due'.

#### **63.2.8. REJOINING OF DUTY ON RETURN FROM LEAVE ON MEDICAL GROUNDS**

A Teacher who has been granted leave on medical certificate will be required to produce a medical certificate of fitness before resuming duties in such manner and from such persons as may be prescribed.

The authority competent to grant leave may in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding 3 days at a time on medical ground. Such leave shall not, however, be treated as a leave on medical certificate and shall be debited against leave other than leave on medical grounds.

#### **63.2.9. SPECIAL DISABILITY LEAVE**

(a) A teacher who is disabled by injury accidentally incurred in consequence of the due performance of his official duties or by illness incurred on the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post may be allowed special disability leave on full pay and allowances for a maximum period of twenty four months during the whole course of service.

(b) special disability leave may be combined with any other kind of leave except casual leave

(c) the concerned teacher is entitled to normal annual increment in time scale pay during such leave of absence.

(d) 'Special Disability Leave' shall not be granted unless the disability manifests itself within three months of the occurrence to which it is attributed and the teacher is disabled acted with due promptitude bringing it to the notice of the appropriate authority.

(e) such leave shall be granted only on the recommendation of a Medical Board. The period of such leave shall be such, as is certified by the medical board and such leave cannot in any case exceed 24 months

(f) such a leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than 24 months

(g) since 'Special Disability Leave' is granted owing to an injury caused in during due discharge of official duty and in consequence of the poor performance of the office duty of a teacher concerned the appropriate leave sanctioning authority should be satisfied first as to the cause of accident which sustained him injury for the entitlement of such leave.

#### **63.2.9. APPLICATION FOR LEAVE**

Leave should always be applied for and sanctioned before it is taken except in case of emergency and for satisfactory reasons

#### **63.2.10. LEAVE ACCOUNT**

The leave account shall be maintained for each teacher in the Department /Faculty concerned.

The order sanctioning earned leave/half pay leave to a teacher shall thereafter indicate the balance of such leave at his credit.

#### **63.2.11. LEAVE YEAR**

For the purpose of these rules unless otherwise specified the term 'leave year' 1 Jan To 31<sup>st</sup> Dec every year.

#### **63.2.12. COMPUTATION OF LEAVE**

Continuous temporary service followed by a permanent service without any break shall be included in permanent service for the purpose of computation of leave.

#### **63.2.13. LEAVE ADMISSIBLE TO PERMANENT TEACHERS:**

The following kinds of leave would be admissible to permanent teachers: -

- (i) Leave treated as duty viz., Casual Leave, Special Casual leave and Duty Leave
- (ii) Leave earned by duty, viz., Earned Leave; Half Pay Leave; and Commuted Leave

- (iii) Leave not earned by duty, viz., Extraordinary Leave; and Leave not due
- (iv) Leave not debited to leave account
- (a) Leave for academic pursuits, viz., Study Leave; and Sabbatical Leave/Academic Leave
- (b) Leave on grounds of health, viz., Maternity leave
- (c) Child care leave for women

#### **63.2.14. QUARANTINE LEAVE**

The Executive Council may, in exceptional cases, grant for the reasons to be recorded, other kinds of leave, subject to such terms and conditions as it may deem fit to impose.

##### **Quarantine Leave**

- (i) Quarantine leave is leave of absence from duty necessitated in consequence of the occurrence of an infectious diseases affecting the person or any other member of his family.
- (ii) Quarantine leave may be granted or recommended on medical grounds for a period not exceeding 21 days. In exceptional cases, this limit may be raised by the Executive Council/ Granting authority to 30 days. Any further extension of leave for quarantine purposes must be applied for and shall be debited from other leave to which the teacher is entitled.
- (iii) A teacher on quarantine leave is not treated as absent from duty and his pay will not be affected if the excess period of absence on quarantine purposes is regularized by other regular leave admissible.
- (iv) Quarantine leave may be combined with earned leave, half-pay leave or extraordinary leave, duty leave but not with casual/ special casual leave.

#### **63.2.15. CASUAL LEAVE**

- (i) Total casual leave granted to a teacher shall not exceed eight days in an academic year.
- (ii) Casual Leave cannot be carried over to the next leave year.
- (iii) Casual leave cannot be combined with any other kind of leave except special casual leave. It may be combined with holidays including Sundays. Holidays or

Sundays falling within the period of Casual Leave shall not be counted as Casual Leave.

(iv) A teacher on Casual Leave is not treated as absent from duty and his pay is not intermitted.

(v) Casual leave shall be granted only when it can be given without causing inconvenience to University services. Casual leave to temporary staff will be granted in the same manner as to those holding permanent appointments

### **63.2.16. SPECIAL CASUAL LEAVE**

(i) Special Casual Leave not exceeding ten days in an academic year may be granted to a teacher:

(a) To conduct examination of a University;

(b) To inspect academic institutions attached to a statutory board etc.

(c) To participate in a literary, scientific or educational conferences, symposium, or seminar or cultural or athletic activities conducted by bodies recognised by the University authorities; or

(d) To do such other work as may be approved by the Vice-Chancellor as academic work.

*NOTE:* i) In computing the ten days leave admissible, the days of actual journey, if any, to and fro the places where **such conference/activities specified** above, takes place, will be excluded.

(ii) In addition, special casual leave to the extent mentioned below may also be granted:

(a) To undergo sterilization operation (vasectomy or salpingectomy) under family welfare programme. Leave in this case will be restricted to six working days; and

(b) To a female teacher who undergoes non-puerperal sterilization. Leave in this case will be restricted to fourteen days.

(iii) Special Casual Leave cannot be accumulated nor can it be combined with any other kind of leave except casual leave. It may be granted in combination with holidays or vacation to carry out such other work that may not be covered by the above but approved by the VC as academic Work.



### **63.2.17. DUTY LEAVE**

(i) Duty Leave may be granted for:

(a) Attending Conferences, congresses, symposia and seminars on behalf of the University **and only** with the permission of the University;

(b) Delivering lectures in institutions and Universities at the invitation of such institutions or Universities received by the University, and accepted by the Vice-Chancellor;

(c) Working in another Indian or foreign University, any other agency, institution or organization, when so deputed by the university.

(d) Participating in a delegation or working on a committee appointed by the Government of India, State Government, the University Grants Commission, a sister University or any other academic body, and

(e) For performing any other duty for the University.

(ii) The duration of leave should be such as may be considered necessary by the sanctioning authority on each occasion;

(iii) The leave may be granted on full pay, provided that if the teacher receives a fellowship or honorarium or any other financial assistance beyond the amount needed for normal expenses, he/she may be sanctioned duty leave on reduced pay and allowances;

(iv) Duty leave may be combined with earned leave, half pay leave or extraordinary leave.

(v) Duty Leave should be given also for sharing expertise in the meetings of UGC and other Government and Public Sector undertakings only.

(vi) Visiting foreign countries under Bilateral Exchange Programme under the auspices of the U.G.C. or Govt. only.

### **63.2.18. EARNED LEAVE**

(i) Earned leave admissible to a teacher shall be:

(a) 1/30th of actual service including vacation; plus

(b) 1/3rd of the period, if any, during which he/she is required to perform duty during vacation.

## NOTE

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(i) For purposes of computation of period of actual service, all periods of leave except casual, special casual and duty leave shall be excluded.

(ii) Earned leave at the credit of a teacher shall not accumulate beyond 300 days. The maximum earned leave that may be sanctioned at a time shall not exceed 60 days. Earned leave exceeding 60 days may, however, be sanctioned in the case of higher study, or training, or leave with medical certificate, or when the entire leave, or a portion thereof, is spent outside India.

Provided Earned Leave taken as leave preparatory to retirement can be availed upto a maximum of 300 days. However, no permission for private employment except with Public Sector Undertaking or Government of India shall be granted.

(iii) Prefixing and suffixing holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for suffixing/prefixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which a teacher is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holidays to his medical leave and such day(s) shall not be counted as leave.

*NOTE - 1* When a teacher combines vacation with earned leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

*NOTE - 2* In case where only a portion of the leave is spent outside India, the grant of leave in excess of 120 days shall be subject to the condition that the portion of the leave spent in India shall not in the aggregate exceed 120 days.

*NOTE - 3* Encashment of earned leave shall be allowed to the **teaching staff** as applicable to the employees of Central/State Governments.

### 63.2.19. HALF PAY LEAVE

Half pay leave admissible to a permanent teacher shall be 20 days for each completed year of service. Such leave may be granted on the basis of medical certificate from a registered medical practitioner, for private affairs or for academic purposes.

**NOTE:** A “completed year of service” means continuous service of specified duration under the university and includes periods of absence from duty as well as leave including extra-ordinary leave.

### **63.2.20. COMMUTED LEAVE**

Commutated leave, not exceeding half the amount of half pay leave due, may be granted on the basis of medical certificate from a registered medical practitioner to a permanent teacher subject to the following conditions:

- (i) Commuted leave during the entire service shall be limited to a maximum of 240 days;
- (ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
- (iii) No commuted leave may be granted under the provision unless the authority competent to sanction leave has reasons to believe that the teacher will return to duty on its expiry.
- (iv) Where a teacher who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.
- (v) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time. Provided that no commuted leave shall be granted under these rules unless the authority competent to sanction leave has reason to believe that the teacher will return to duty on its expiry.

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

**NOTE:** - Commuted Leave may be granted at the request of the teacher even when earned leave is due to him.

### **63.2.21. EXTRA-ORDINARY-LEAVE**

- (i) A permanent teacher may be granted extra-ordinary-leave when:

- (a) No other leave is admissible; or

(b) When other leave is admissible, the teacher applies in writing for the grant of extra-ordinary-leave.

(ii) Extra-ordinary leave shall always be without pay and allowances. Extra-Ordinary-Leave shall not count for increment except in the following cases:

(a) Leave taken on the basis of medical certificates:

(b) Cases where the Vice-Chancellor is satisfied that the leave was taken due to causes beyond the control of the teacher, such as inability to join or rejoin duty due to civil commotion or a natural calamity, provided the teacher has no other kind of leave to his credit.

(c) Leave taken for pursuing higher studies; and

(d) Leave granted to accept an invitation to a teaching post or fellowship or research-cum teaching post or on assignment for technical or academic work of importance.

Provided that for any absence on account of Extra-Ordinary-Leave/Deputation a teacher will have to render service in the University for a period equal to the duration of Extra-Ordinary-Leave/ Deputation availed by him/her for grant of any further spell of such leave.

(iii) Extra-Ordinary-Leave may be combined with any other leave except casual leave and special casual leave, provided that the total period of continuous absence from duty on leave (including periods of vacation when such vacation is taken in conjunction with leave) shall not exceed three years except in cases where leave is taken on medical certificate. The total period of absence from duty shall not exceed two years with further extension of one year subject to approval by the VC in all, during the entire period of service.

(iv) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extra-ordinary-leave

### **63.2.22. GUIDELINES FOR GRANT OF EXTRA-ORDINARY-LEAVE**

Notwithstanding anything contained in the Act and Rules of the University a permanent employee (Teaching or Non Teaching) may be granted extra ordinary leave under these special circumstances:

(1) Extra-ordinary leave may be granted to an employee in special circumstances-

(a) when no other kind of leave is admissible:

(b) when other leave is admissible, but the employee applied in writing for the grant of extra-ordinary leave.

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

(2) Unless the Executive Council in view of the exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employ, shall be granted extra ordinary leave on any one occasion in excess of the following limits.:-

(a) Three months;

(b) Six months, where the employee has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three month's extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;

(c) Eighteen months, where the employee who has completed one year's continuous service is undergoing treatment for-

(i) Pulmonary Tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

Note.- The concession of extraordinary leave upto eighteen months shall be admissible also to an employee suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognised as such and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil surgeon or Staff Surgeon; or

(iii) Leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a Specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned;

(iv) Cancer or for mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon or a specialist in such disease.

(d) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the employee concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a).

(3) Where an employee is granted extraordinary leave in relaxation of the provisions contained in Clause (d) of sub-rule (2), shall be required to execute an undertaking in the form of affidavit duly notarised to refund to the University the actual amount of expenditure incurred by the University during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

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

Guidelines for grant of Extra-Ordinary-Leave (without pay) to permanent wholetime teacher of the University for accepting salaried assignments etc. outside the University with permission to keep lien on their respective substantive post in the University

1) A teacher who has availed of Study Leave, shall not be permitted to go on Extra-Ordinary-Leave, for accepting an assignment elsewhere before the expiry of the Period of bond executed by him with the University in respect of the Study Leave granted to and availed of by him.

2) Extra-Ordinary-Leave to take up salaried appointment or assignment of academic nature elsewhere will not ordinarily be granted for a period of more than one year.

However, where a teacher has gone on leave and is on probation, he may be granted Extra-Ordinary-Leave till the time he is confirmed in that appointment/assignment, but in no case beyond a period of two years.

3) Extra-Ordinary-Leave shall always be without pay and allowances. Extra ordinary leave shall not count for increment except in the following cases :

1. Leave taken on the basis of medical certificate.
2. cases where the Vice Chancellor is satisfied that the leave was taken for reasons beyond the control of the teaching or non-teaching staff such as inability to join or rejoin duty due to civil commotion or natural calamity provided the employees concerned has no other kinds of leave to his credit.
3. leave taken for pursuing higher study in India or abroad
4. leave granted to accept an invitation to a teaching post or fellowship or research cum teaching post or an assignment for a technical or academic work of importance

The aforesaid limit of 3 years may be relaxed upto 5 years by the Executive Council in individual cases provided the teacher concerned has rendered service in the University for 10 years or more.)

Provided that grant of Extra-Ordinary-Leave for undertaking Post-Doctoral Research Projects will be limited only to the categories of teachers who are not eligible for grant of Study Leave under the rules.

4) A teacher shall not be sanctioned Extra-Ordinary-Leave for taking up salaried assignment elsewhere, unless he has served the University continuously for a period of three years prior to the date of commencement of the Extra-Ordinary-Leave. For this purpose, absence from duty for 6 months or less shall not be treated as disqualification provided that he has served the University for a total period of three years prior to the date of commencement of the Extra-Ordinary-Leave.

5) Notwithstanding anything contained in the above guidelines, the Executive Council may, in any exceptional cases, in order to mitigate hardship, grant Extra-Ordinary-Leave to a teacher although his case is not covered under the foregoing guidelines.

In this connection, the Committee also recommended that the following guidelines are kept in view while deciding the termination of the services of the teacher who fails to return to duty on expiry of Extra-Ordinary-Leave granted to him under the foregoing guidelines:-

(i) If a teacher who, having been granted Extra-Ordinary-Leave to take up salaried assignment elsewhere, fails to rejoin duty on expiry of his leave his services would be deemed to have been terminated with effect from the date he originally proceeded on leave. In all other cases, it will be deemed to have been terminated with effect from the date of expiry of his leave or the date from which he resigns in his post.

(ii) In all cases of Extra-Ordinary-Leave, a teacher has to intimate at least 3 months before the expiry of leave, his intention to return to his post in the University or otherwise, failing which, the University, in its own discretion, may terminate the lien from the date of his proceeding on leave and lien, without any reference to the teacher concerned.

(iii) Guidelines for grant of Extra-Ordinary Leave or deputation to teachers invited to accept assignment of importance such as Vice-Chancellorship/Pro-Vice-Chancellorship etc. in another University or in academic institution .

“The normal government rules of deputation for a period of two years with provision for a possible extension upto four years be followed in such cases, where the assignment is for a specific term, such as Vice-Chancellorship, Membership of any Public Service Commission or Chairmanship of any autonomous organization etc., the deputation may extend till the completion of the full term of the assignment.”

When no other leave is admissible Extra Ordinary Leave may be granted to an employee when such employee is undergoing treatment for ;

1. Cancer or
2. Mental illness or any other serious disease for a period not exceeding 12 months.

In all the cases to an employee must produce a certificate signed by the superintendent of the hospital or the specialist as the case may be to the effect of seriousness of disease and reasonable prospect of recovery. In all the above case for the purpose of granting such leave the discretion of the Vice Chancellor is final and absolute.

### **63.2.23. LEAVE NOT DUE**

(i) Leave not due may, at the discretion of the Vice-Chancellor, be granted to a permanent teacher for a period not exceeding 360 days during the entire period of



service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave shall be debited against the half pay leave earned by him/her subsequently.

(ii) Leave not due shall not be granted unless the Vice-Chancellor/Principal is satisfied that as far as can reasonably be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.

(iii) A teacher to whom 'leave not due' is granted shall not be permitted to tender his/her resignation from service so long as the debit balance in his/her leave account is not wiped off by active service, or he/she refunds the amount paid to him/her as pay and allowances for the period not so earned. In a case where retirement is unavoidable on account of reason of ill health,

incapacitating the teacher for further service, refund of leave salary for the period of leave still to be earned may be waived by the E.C.

Provided further that the Executive Council may, in any other exceptional cases waive, for reasons to be recorded, the refund of leave salary for the period of leave still to be earned.

#### **63.2.24. MATERNITY LEAVE**

(i) Maternity Leave on full pay may be granted to a woman teacher for a period not exceeding 180 days, to be availed of twice in the entire career.

Maternity leave may also be granted in cases of miscarriage including abortion, subject to the condition that the total leave granted in respect of this to a woman teacher in her career is not more than 45 days, and the application for leave is supported by a medical certificate.

(ii) Maternity leave may be combined with earned leave, half pay leave or extraordinary leave but any leave applied for in continuation of maternity leave may be granted if the request is supported by a medical certificate.

(iii)(a) Maternity leave may be combined with leave of any other kind except casual leave.

(b) Notwithstanding the provisions contained in this rule leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of one year, if applied for, in continuation of maternity leave may be granted without production of medical certificate.

(c) Maternity Leave shall not be debited against the leave account.

#### **63.2.25. ADOPTION LEAVE**

In the case of adoptive mothers who are University teachers the facility of leave of the kind due and admissible not exceeding 180 days without production of medical certificate as available to natural mothers as per subrule (b) above will be admissible subject to the following conditions:

- (i) The facility will be available to an adoptive mother already having two living children at the time of adoption;
- (ii) The maximum admissible period of one year's leave of the kind due and admissible without production of medical certificate will be reduced by the age of the child as in the following illustrations.
- (iii) If the age of the adoptive child is less than one month, leave up to one year may be allowed.
- (iv) If the age of the child is above one month but below six months leave up to 6 months may be allowed.
- (v) If the age of the child is 9 months or more, leave up to 3 months may be allowed.

Thus the child would have the Mother's individual attention for at least three months.

#### **63.2.26. PATERNITY LEAVE**

Paternity leave of 15 days may be granted to male teachers during the confinement of their wives, provided, the limit is up to two children.

#### **63.2.27. Child Care Leave (CCL):**

(1) Women employee having minor children below the age of eighteen years may be granted Child Care Leave by an authority competent to grant leave, for a maximum period of two years (i.e. 730 days) during their entire service for taking care of her two eldest surviving children, whether for rearing or to look after any of their needs like education, sickness and the like. Child Care Leave shall not be admissible if the child is eighteen years of age or older. During the period of such leave, the women employee shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. It may be availed of in more than one

spell. Child Care leave shall not be debited against the leave account. Child care leave may also be allowed for the third year as leave not due (without production of medical certificate). It may be combined with leave of the kind due and admissible.

(2) Child care leave shall be admissible for two eldest surviving children only.

For the purposes of sub-rule (1), "child" means-

(a) a child below the age of eighteen years: or

(b) a child below the age of twenty two years with a minimum disability of forty percent as specified in the Government of India in Ministry of Social Justice and Empowerment notification No. 16-18/97-N 1.1 dated the 1<sup>st</sup> June. 2001.

(3) Child Care Leave cannot be demanded as a matter of right. Under no circumstances can any employee proceed on Child Care Leave without prior proper approval of the leave by the leave sanctioning authority.

(4) The leave is to be treated like Earned Leave and sanctioned as such.

(5) Consequently, Saturdays, Sundays, Gazetted holidays, etc. falling during the period of leave would also count for Child Care Leave, as in the case of earned leave.

(6) Child care leave is also admissible to women employees with disabled children upto the age of 22 years.

(7) Child Care Leave may not be granted for a period less than 15 days at a time.

(8) Child Care Leave may not be granted in more than three spells in a calendar year.

(9) Child Care Leave may not be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied about the need of Child Care Leave to the probationer.

It may also be ensured that the period for which this leave is sanctioned during probation is minimal.

(10) LTC cannot be availed during Child Care Leave

CCL shall be granted to the employee (teaching or non teaching) by the concerned leave granting authority subject to its satisfaction regarding the grounds for application for such leave.

### **63.2.28. A) LEAVE SALARY**

Except otherwise provided in these rules

(1) A teacher on earned leave is entitled to leave salary equivalent to the pay drawn immediately before proceeding on Earned Leave.

(2) A teacher on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub rule (1)

(3) A teacher on Commuted Leave is entitled to leave salary equal to the amount admissible under sub-rule (1)

(4) A teacher on extra-ordinary leave is not entitled to any leave salary.

(5) A teacher, including a teacher on Foreign Service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary upto a month's pay and allowances admissible on that leave salary subject to deductions on account of Income-tax, Provident Fund, House Rent, Recovery of Advances etc.

(6) In the case of a teacher who is granted cash equivalent as per Rule 63.2.28, the leave salary shall be based on the pay drawn by him exclusive of the pension equivalent of other retirement benefits.

**28-B.** In case an employee dies while in service, the cash equivalent of the leave salary for both earned leave and half pay leave, if any, at the credit of the deceased employee on the date of his death, not exceeding 300 days shall be paid to his family in the manner specified in Rule 28-D and the cash equivalent payable shall be the same as in Rule 63.2.28.

**28-C.** An employee who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted, suo-motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of both earned leave and half pay leave, if any, at the credit of the employee on the date of invalidation from service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as Rule 63.2.28.

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**28-D. Payment of cash equivalent of leave salary in case of death, etc. of employee.-**

In the event of the death of an employee while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 63.28.2, 28-B and 28-C, such amount shall be payable-

- (i) to the widow, **and if there are more widows than one**, to the eldest surviving widow if the deceased was a male employee, or to the husband, if the deceased was a female employee;
- (ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;
- (vii) failing (i) to (vi) above, to the eldest surviving married daughter
- (viii) failing (i) to (vii) above, to the eldest surviving brother below the age of eighteen years;
- (ix) failing (i) to (viii) above, to the eldest surviving unmarried sister;
- (x) failing (i) to (ix) above, to the eldest surviving widowed sister;
- (xi) failing (i) to (x) above, to the eldest child of the eldest pre-deceased son.

EXPLANATION.- The expression “eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages.

**28-E. Cash equivalent of leave salary in case of permanent absorption in other organisation (UPSC/Government of India Departments /Autonomous Bodies/ Central Universities/Colleges of Delhi University)-**

An employee who has been permitted to be absorbed in other organisation (UPSC/Government of India Departments /Autonomous Bodies/ Central Universities/Colleges of Delhi University) shall be granted suo motu by the

authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days (in addition to the number of days, for which encashment was availed alongwith Leave Travel Concession (LTC) while in service.) This will be calculated in the same manner as indicated in Clause (b) of sub-rule (2) of Rule 63.2.28F

## **28-F. General**

(a) The benefit of encashment of unutilised earned leave is 300 days in respect of the following categories:-

- (i) retirement on attaining the age of superannuation.
- (ii) cases where the service of an employee has been extended in the interest of public service, beyond the date of retirement on superannuation.
- (iii) voluntary/pre-mature retirement.
- (iv) where the services of an employee are terminated by notice or by payment of pay & allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment.
- (v) in the case of termination of re-employment after retirement.
- (vi) in the case of death of an employee while in service to the family of the deceased.
- (vii) in the case of leave preparatory to retirement.
- (viii) in the case of transfer of an employee to an industrial establishment and
- (ix) on absorption of an employee in the Central Public Sector Undertaking/autonomous body wholly or substantially owned or controlled by the Central/State Government.

(b) An employee who resigns or quits service shall be entitled to cash equivalent in respect of earned leave at credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

Leave entitlement for the incumbents granted Temporary status will be as under:-

1. One day Leave after every 10 working days which will be earned over at their credit on their regularisation.

2. No casual or any other leave will be granted in addition to as referred to at (1) above.

3. The temporary status employee will not be entitled to Leave encashment on termination of service or their quitting service unless they are regularised as group 'D' post against substantive post.

### **28-G. Interpretation**

If any question arises relating to the interpretation of these rules, it shall be referred to the Executive Council whose decision thereon shall be final.

### **28-H Power to relax**

Where Executive Council is satisfied that the operation of any of these rules causes undue hardship in any particular case, may by order, for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

### **28-I Repeal and saving**

On the commencement of these rules, every rule, regulation or order, in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

Notwithstanding such cessation of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of an employee, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

## **64. Study Leave**

**No salary or allowances will be payable for the period of study leave (follow this with the circular dated 2011 except that study leave will always be without pay)**

## **65 TEACHER APPOINTED ON PROBATION:**

A teacher, appointed as a probationer against a substantive vacancy and with definite terms of probation shall during the period of probation, be granted leave which would be admissible to him if he hold his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a

probationer, any leave granted to him should not extend beyond the date on which the probationary period expires or any earlier date on which his services are terminated by the orders of the Executive Council. On the other hand, a teacher appointed 'on probation' to a post, not substantively vacant, to assess his suitability to the post shall until he is substantively confirmed, be treated as a temporary teacher for purposes of grant of leave. If a person in the permanent service of the University is appointed 'on probation' to a higher post he shall not, during probation, be deprived of the benefit of leave rules applicable to his permanent post.

**66.1 PART TIME TEACHER ON CONTRACT**- whenever felt necessary the VC may appoint a part time lecturer or staff on contract and for making such appointment the VC will formulate a guideline in consultation with the EC regarding the procedure to be observed for such appointment. All such part-time teaching and non teaching staff will be paid a consolidated salary per month and will not be entitled to any other benefit. Service of part time teachers/temporary teachers on contract shall be governed by the provision of these rules subject to the following conditions and exceptions.

## **66. Leave admissible to teachers while under RE-EMPLOYMENT (temporary teacher)**

Temporary teachers shall be governed by the provisions of part (A) of these rules subject to the following conditions and exceptions:

### **66.1. EARNED LEAVE**

(a) A teacher shall be entitled to earned leave as a permanent teacher except that in respect of the first year of his service he shall be entitled to earned leave as follows:

- i) 1/60th of the period of actual service plus
- ii) 1/3rd of the period, if any, during which he is required to perform duty during vacation.

(b) A temporary teacher appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been in permanent employment, diminished by any earned leave already taken. Leave is not interruption of duty for the purpose of this rule.



## **66.2 HALF PAY LEAVE**

No half pay leave may be granted to a temporary teacher unless authority competent to sanction leave has reason to believe that teacher will return to duty on the expiry of such leave.

## **66.3 COMMUTED LEAVE**

Temporary teacher shall be entitled to commute any portion of the half pay leave.

## **66.4 EXTRA ORDINARY LEAVE**

In the case of a temporary teacher the duration of extra-ordinary-leave on any occasion shall not exceed the following limits:-

- (a) Three months at a time;
- (b) Six months in cases where the teacher has completed three years continuous service and the leave application is supported by medical certificate.
- (c) Eighteen months where the teacher is undergoing treatment in a recognised hospital for tuberculosis, cancer or leprosy;
- (d)(i) 24 months in cases where the leave is required for prosecuting studies certified to be in the University's interest provided that the teacher has completed three years' continuous service on the date of commencement of extra-ordinary-leave. In cases, where this condition is not satisfied, extra-ordinary-leave to this extent may be sanctioned in continuation of any other kind of leave due and applied for (including three month's extra-ordinary-leave) under (a) above if the teacher completes three years' continuous service on the date of expiry of such leave.
- (ii) When a temporary teacher fails to resume duty on the expiry of the maximum period of extra-ordinary-leave granted to him or where a teacher who is granted a lesser amount of leave remains absent from duty for any period which together with the limit up to which he could have been granted such leave under (i) above, he shall unless the Executive Council, in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned his appointment and shall accordingly cease to be in the University employment.
- (e) In the case of a re-employed teacher 3 months at a time. Where, however, leave is taken to accept invitation to a teaching post or fellowship or a research-cum teaching post or an assignment for technical or academic work of importance,

Extra-Ordinary-Leave may be granted to a maximum extent of 12 months in the entire period of re-employment.

#### **66.5 Leave not due, Study Leave and Sabbatical Leave:**

Temporary teacher shall not be entitled for the grant of leave not due, study leave or sabbatical leave.

#### **67. TEACHERS APPOINTED ON CONTRACT:**

Teachers appointed on contract will be granted leave in accordance with the terms of the contract.

#### **68. HONORARY AND PART-TIME TEACHERS:**

Honorary and part-time teachers of the University shall be entitled to leave on the same terms as are applicable to whole-time temporary teachers of the University.

#### **69. Sabbatical Leave**

(i) Permanent, whole time teachers of the University who have completed seven years of service as Lecturer Selection Grade/ Reader or Professor, may be granted sabbatical leave twice in his / her entire career to undertake study or research or other academic pursuits of the highest order solely for the object of contributing to the University and the realm of knowledge. This leave shall not be granted to a teacher who has less than three years of service in the University to retire.

(ii) The duration of leave shall not exceed one year at a time and two years in the entire period of his/ her service. The interval between two sabbatical leaves shall not be less than five years. Provided further that sabbatical leave shall not be granted until the expiry of five years from the date of the teacher's return from previous study leave or extra- ordinary leave under clause 8(ii) and (iii).

(iii) The teacher shall execute a bond, with proper sureties as in the case of study leave, that after the expiry of sabbatical leave he will return to the service of the University and serve thereafter at least for three years, failing which he will refund to the University the leave salary and allowances and other expenses, if any, spent on him, or on his behalf plus such amount as may be decided by the Executive Council from time to time if the teacher is allowed to go abroad for sabbatical leave together with interest at the rate of **6%** per annum to be calculated from the date of such payment.

Provided that the EC may, in any exceptional case, waive or reduce, for reasons to be recorded, the amount refundable by a teacher under this Ordinance.

(iv) A teacher shall, during the period of sabbatical leave be paid full pay and allowances (subject to the prescribed conditions being fulfilled) at the rates applicable to him immediately prior to his proceeding on sabbatical leave. The University shall not, however, fill up the post or make other alternative arrangements involving additional expenditure.

(v) A teacher on sabbatical leave shall not take up, during the period of that leave, any regular appointment under another organisation in India or abroad. He/she may, however, be allowed to accept a fellowship or a research scholarship or ad-hoc teaching and research assignment with honorarium or any other form of assistance, other than a regular employment in an institution of advanced studies, provided that in such cases the Executive Council may, if it so desires, sanction sabbatical leave on reduced pay and allowances as deemed fit.

(vi) During the period of sabbatical leave, the teacher shall be allowed to draw the increment on the due date. The period of leave shall also count as service for purposes of pension/contributory provident fund provided the teacher rejoins the University on the expiry of his leave.

**Note:** 1. The programme to be followed during sabbatical leave shall be submitted to the University through Head of department/ centre on recommendation of DAC and for approval along with the application for grant of leave.

2. On return from leave, the teacher shall report to the University the nature of studies, research or other work undertaken during the period of leave. He shall also present a resume of his work in a seminar specially organized for the purpose by the University.

## **70. PROCEDURE FOR GRANT OF LEAVE**

1. An employee before proceeding on leave shall take prior sanction (except in emergencies), and shall apply on prescribed form, stating in writing his contact address while on leave. The employee shall also keep the University informed of any subsequent changes in such address.

2. The Registrar is empowered to sanction Casual Leave / Earned Leave / Commuted Leave in respect of Group 'B' 'C' and 'D' employees.

3. An application for leave other than study leave shall be considered and disposed of by the Registrar in case of non-teaching and by the Director in case of teaching faculty.

4. An application for study leave shall be considered and disposed of by the Director with the approval of the Executive Council.

5. The University shall maintain a leave account in respect of every employee.

## **71. INTIMATION OF LEAVE AT CREDIT**

The order sanctioning earned leave/half pay leave to employee shall indicate the balance of such leave at his credit.

## **72. CONTRIBUTORY PROVIDENT FUND AND GRATUITY SCHEME**

1. The principle of payment of Contributory Provident Fund and Gratuity Scheme of all teaching and non-teaching staff of the University, including the Vice Chancellor and the Registrar, shall be in accordance with Chapter IV of the Regulations of NUJS Act 1999.
2. Schedule of post, pay band and grade pay of employees (placed at the end of this Rules) for non teaching and teaching staff of the University

Initial Pay -

An employee shall, on his appointment to a post on a time-scale of pay, draw pay at the lowest stage of the time-scale unless the Sanctioning Authority decides that he shall draw pay at any higher stage;

Provided that, when such appointment is made by promotion:

**(i)** If the employee has been drawing a higher pay in any other substantive appointment in the University immediately before his appointment to such post, he shall draw pay at the stage next higher to such pay; and

**(ii)** If he has previously served in the same post or in any other post in the University on the same or identical time-scale of 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 be counted for purpose of increment.

3. The principle of payment of Contributory Provident Fund and Gratuity Scheme shall be in accordance with Chapter IV of the Regulations of NUJS Act 1999.
4. Service Regulation – Service Regulation in the University will be as per Chapter II of the Regulations as given in NUJS Act 1999

5. Increment – Increment for any employee in the University will be as per NUJS Act 1999.

### **73. Special pay, personal pay, honorarium and fee-**

The University 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.

### **74. Drawal of Pay-**

#### **SCALES OF PAY**

The scales of pay for the posts in the University have been specified in the First Schedule and shall be such as notified by the UGC from time to time.

#### **INITIAL PAY**

An employee shall, on his appointment to a post on a time-scale of pay, draw pay at the lowest stage of the time-scale unless the Sanctioning Authority decides that he shall draw pay at any higher stage;

Provided that, when such appointment is made by promotion:

**(i)** If the employee has been drawing a higher pay in any other substantive appointment in the University immediately before his appointment to such post, he shall draw pay at the stage next higher to such pay; and

**(ii)** If he has previously served in the same post or in any other post in the University on the same or identical time-scale of 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 be counted for purpose of increment.

#### **INCREMENTS**

**(i)** Each annual increment shall be equivalent to 3% of the sum total of pay in the relevant Pay Band and the AGP as applicable for the respective stage in the Pay Band.

**(ii)** An increment shall not be drawn unless it is sanctioned in writing by the Sanctioning Authority.

**(iii)** An increment shall not be sanctioned unless the conduct of the employee has been good and his work has been satisfactory.

**(iv)** An increment shall be due from the first of the month in which it falls due.

**(v)** The Executive Council may in recognition of the exceptional merit of an employee sanction such additional increment to the employee as it may deem fit.

#### **SERVICE FOR INCREMENTS**

The following service shall count for increment in the time-scale:

**(i)** duty in that post or in any other post of the same or higher grade, whether continuous or not;

**(ii)** leave other than extra ordinary leave; and

**(iii)** if he has previously served in the same post or in any other post in the University on the same or identical time scale or pay, and was drawing a 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 in such pay shall also be counted for purpose of increment.

### **PAY DURING LEAVE**

- 1.** An employee on casual leave or compensatory leave or quarantine leave shall draw pay as on duty.
- 2.** An employee on earned leave or commuted leave shall draw pay as drawn by him before proceeding on leave.
- 3.** An employee on leave on half pay shall draw pay at half the rate of pay drawn by him before proceeding on leave.
- 4.** An employee on study leave shall draw pay at such rate as may be specified by the Executive Council.
- 5.** No pay shall be admissible to an employee on extraordinary leave.
- 6.** An employee shall draw leave salary equal to the pay drawn by him immediately before proceeding on earned leave.

### **PAY DURING SUSPENSION**

An employee under suspension shall, during the period of suspension, be paid subsistence allowance as admissible *mutatis mutandis* in Government of India.

### **SPECIAL PAY, PERSONAL PAY, HONORARIUM AND FEE**

The Executive Council 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.

### **DRAWAL OF PAY**

- 1.** An employee shall be entitled to the pay of the post to which he is appointed from the date on which he assumes charge of the post.
- 2.** The Pay and Allowances to the employees of the University shall be payable on the last working day of the month to which they relate, except for the month of March, which shall, however, continue to be payable on the first working day of April.
- 3.** An employee resigning from the service of the University without the notice required under regulation shall not, unless the Sanctioning Authority directs otherwise, be allowed to draw pay due but not drawn:

Provided that the pay so not allowed to be drawn shall not exceed the pay for one month.

(i) An employee shall be entitled to draw the pay of the post based on pay band and grade pay applicable to which he is appointed from the date on which he assumes charge of the post.

(ii) Pay in respect of any month shall become payable on or after the first working day of the following month.

(iii) An employee resigning from the service of the University without the notice prescribed shall not, unless the Vice-Chancellor/Principal directs otherwise, be allowed to draw pay due but not drawn.

### **SCHEDULE OF POSTS, PAY BAND AND GRADE PAY OF THE EMPLOYEES (TEACHING AND NON TEACHING STAFF) OF THE WBNUJS:**

| SL NO | NAME OF THE POST CURRENTLY IN UNIVERSITY  | SCALE OF PAY  |
|-------|---|---|
| 1     | Vice Chancellor                           | Rs. 75000 (fixed) + Special Pay Rs. 5000                                    |
| 2     | Professor                                 | Rs. 37400 - 67000, AGP 10000  |
| 3     | Associate Professor                       | Rs. 37400 - 67000, AGP 9000   |
| 4     | Assistant Professor                       | Rs. 15600 - 39100, AGP 6000/7000/8000<br>(based on no. of years of service) |
| 5     | Registrar                                 | Rs. 37400 - 67000, GP 10000   |
| 6     | Librarian                                 | Rs. 37400 - 67000, AGP 10000  |
| 7     | Accounts Officer                          | Rs. 15600 - 39100, AGP 7600   |
| 8     | Assistant Librarian                       | Rs. 15600 - 39100, AGP 6000   |
| 9     | Assistant Registrar                       | Rs. 15600 - 39100, GP 5400  |
| 10    | Campus Supervisor                         | Rs. 9300 - 39100, GP 4600   |
| 11    | PA to VC                                  | Rs. 9300 - 39100, GP 4200   |
| 12    | DEO                                       | Rs. 9300 - 39100, GP 4200/4600 (based<br>on no. of years of service)        |
| 13    | PA to Registrar                           | Rs. 9300 - 39100, GP 4200   |
| 14    | Library Assistant                         | Rs. 9300 - 39100, GP 4200/4600 (based<br>on no. of years of service)        |
| 15    | Accountant                                | Rs. 9300 - 39100, GP 4200   |
| 16    | Receptionist -cum -<br>Telephone Operator | Rs. 5200-20200, GP 2000   |
| 17    | Assistant Computer<br>Centre              | Rs. 5200-20200, GP 2000   |
| 18    | Driver -cum-Attendant                     | Rs. 5200-20200, GP 2400   |
| 19    | Office Attendant                          | Rs. 5200-20200, GP 1900/2400 (based on<br>no. of years of service)          |
| 20    | Library Attendant                         | Rs. 5200-20200, GP 1800   |

**78. Pay and allowances for holding additional charge of post-**

- (i) 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 pay of the pay band and grade pay, applicable to the higher post i.e. entry level pay for direct recruits to the post.
- (ii) No allowance will be admissible when an employee who is placed to hold current charge of the routine duties of another post or posts irrespective of duration of additional charge.
- (iii) 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 pay of the pay band and grade pay, applicable to the post i.e. entry level pay for direct recruits to the post.
- (iv) 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.

Allowances – Allowances to employees of the University shall be according to the provisions of the NUJS Act 1999.