

SIKKIM MANIPAL UNIVERSITY
OF HEALTH, MEDICAL AND TECHNOLOGICAL SCIENCES
5th Mile, Tadong, Gangtok 737 102

SERVICE RULES

CHAPTER - I

GENERAL

1. SHORT TITLE AND COMMENCEMENT:

- i. These rules shall be called "SERVICE RULES" of the SIKKIM MANIPAL UNIVERSITY OF HEALTH, MEDICAL AND TECHNOLOGICAL SCIENCES.
- ii. They shall come into force from the date to be notified.

2. APPLICATION:

- i. These rules shall apply to all employees of the University, its constituent Institutions and Associated Hospitals; and
- ii. All other Institutions/Institutions, which may be established from time to time as Constituent Institutions/Institutions of the University.

3. DEFINITIONS:

- i. **ABSENTEE:** Means an employee who is absent from an appointment on which they have a lien, without proper authorisation from the Competent Authority.
- ii. **AGE:** Means the age given in the Birth Certificate of the employee or the school-leaving certificate of the employee.
- iii. **APPELLATE AUTHORITY:** The Vice Chancellor/the Governing Council of the Sikkim Manipal University of Health, Medical and Technological Sciences shall be the appellate authority in respect of disciplinary matters.
- iv. **APPOINTING AUTHORITY:** Means the person authorised to make appointment and issues the appointment orders of the employees.
- v. **INSTITUTION:** Means the Sikkim Manipal Institute of Technology and all other Institutions to be constituted under the University.
- vi. **COMPETENT AUTHORITY:** Means the Vice Chancellor/Registrar/Dean or such other persons designated by them from time to time for specific assignment.
- vii. **CONTINUOUS SERVICE:** Means the service of any employee from the beginning of his service without any break. Only leave duly sanctioned shall count as continuous service. Further, period spent on probation and training authorised by the Competent Authority shall count as service provided the employee is confirmed on successful completion of the period of probation.

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- viii. **DEAN:** Means the Dean of the Faculty of the University and all other Institutions constituted/to be constituted from time to time under the University.
 - ix. **EMPLOYEES:** The term includes all classes of whole-time permanent employees of the university/institution but does not include part time employees.
 - x. **INTER-CADRE PROMOTION:** Means promotions from lower cadre to higher cadre with a view to encouraging employees in lower cadres to acquire requisite qualification and providing them with opportunity to rise to a higher cadre.
 - xi. **INTRA-CADRE PROMOTION:** Means promotions within the cadre to enable employees to assume additional responsibility with both supervisory skill and ability to execute assignments of a higher level.
 - xii. **LIEN:** Means the title of an employee to hold substantively either immediately or on the termination of period or periods of absence, a permanent post including a tenure post to which he has been appointed substantively.
 - xiii. **MONTH:** Means a calendar month. In calculating period expressed in terms of month and days, complete calendar months irrespective of the number of days in each month should first be calculated and odd number of days calculated subsequently.
 - xiv. **PRINCIPAL:** Means the Dean of Sikkim Manipal Institute of Technology and all other Institutions/Institutions to be constituted from time to time under the University.
 - xv. **PROBATIONER:** Means a person appointed on probation for a prescribed period and not confirmed in the service of the university/institution.
 - xvi. **PRO CHANCELLOR:** Means the Pro Chancellor of the Sikkim Manipal University of Health, Medical and Technological Sciences.
 - xvii. **PUBLIC CONVEYANCE:** Means any conveyance, which plies regularly for the conveyance of passengers, and includes trains, airlines and regular bus service.
 - xviii. **QUALIFYING SERVICE:** Means service rendered and counted as duty and does not include period spent under suspension.
 - xix. **SUBSISTENCE GRANT:** Means monthly grant made to an employee who is not in receipt of pay or leave salary, because of suspension or any other reason.
 - xx. **TENURE POST:** Any post that has been created for a prescribed duration as distinct from a permanent post.
 - xxi. **TRAVELLING ALLOWANCE:** Means an allowance granted to employees to cover the expenses, which they incur during travelling in the interest of university/institution work.
 - xxii. **UNIVERSITY:** Means the Sikkim Manipal University of Health, Medical and Technological Sciences.
 - xxiii. **VICE CHANCELLOR:** Means the Vice Chancellor of Sikkim Manipal University of Health, Medical and Technological Sciences.

CHAPTER - II

APPOINTMENT, CONFIRMATION AND PROMOTION

4. All employees of the university/institution except in cases otherwise provided for in the order of appointment shall be full time employees.

The University shall determine from time to time the staff structure of all categories in all the departments in the institution.

5. FILLING OF VACANCIES: Whenever vacancies arise, the vacancies shall ordinarily be advertised before filling up. When advertisements are made, those already serving in the institution may also apply if they possess the qualification required for the post so that they may be considered along with the other applicants.
6. The applications received shall be processed, short-listed if necessary. A committee nominated by the Vice Chancellor shall interview the applicants. The candidate so selected shall be appointed against the vacancies.

7. PROBATION:

- i. All employees of the institution those taken on contract shall be required to be on probation for 2 years from the date of joining. In case of unsatisfactory performance, the period of probation may be extended upto a further period of six months at the discretion of the Vice Chancellor/Dean. If the work is reported to be unsatisfactory even at the end of the extended period, the services of the probationers are liable to be terminated.
- ii. In computing the period of probation extra-ordinary leave without pay granted to probationers should be excluded, and the period of probation correspondingly extended.
- iii. On successful completion of the period of probation, they may be appointed on the same scale of pay as is admissible to the category of the post for which they are appointed or on consolidated pay.
- iv. Such members of the staff who have once been confirmed in a lower post and promoted to higher post in which they have to put in a period of probation, will be eligible for the benefit of leave and other benefits as applicable to confirmed employees. If an employee fails to get confirmation in the higher post, may be reverted to the post in which he has already been confirmed.
- v. Assessment of performance has to reviewed every six months and probation may be extended for a period not more than six months. During the extended period if services are not found satisfactory his services may be terminated without assigning any reasons
- vi. On completion of the probation period normally employees are to be confirmed in their service and an order to this effect communicated to them. It is the responsibility of the Head of the Department to initiate action in this regard. If however no order either confirming the services or extending the period of probation is received within three months of completion of the normal period of probation, it should be construed that the employees concerned are confirmed.

8. OFFICIATING ARRANGEMENTS:

- i. Officiating appointments can be made purely as temporary measure against a vacant post or when the holder of which is absent. In such cases, the employees will be relieved of their current appointment and posted to be in independent charge of the higher post.
- ii. Employees can also be appointed to be in charge of current duties of a vacant post in addition to their own duties.

Note: When employees are appointed to officiate in a higher appointment, they are vested with the powers of the higher post. But, when they are placed in charge of the current duties of vacant post in a higher appointment whether in addition to their own or independently, they cannot exercise any of the statutory powers of the office. They can merely perform the day to day duties only.

CHAPTER - III

PAY, ALLOWANCE & INCREMENTS

9.

- i. **FIXATION OF PAY:** The pay scales of all employees of the institution shall be as laid down by the Governing Council of the University.
- ii. **CONSOLIDATED PAY:** Allowance may be combined with pay and given as consolidated salary to the temporary employees/employees on contract.

10. PAY:

- i. Subject to any exceptions that may be made, employees shall draw the pay and allowance of the post with effect from the date they assumes the duty of that post and shall cease to draw them as soon as they ceases to discharge those duties. Normally employees should assume charge of the post to which they are appointed in the forenoon so that they are eligible for the full day's pay.
- ii. The re-employment of employees after resignation or after discharge on reduction of establishment amounts to a fresh appointment and the pay of such employees will be at the minimum of the pay scale. However the appointing authority is vested with the discretion to grant higher pay for valid reasons to be recorded.

11. **ALLOWANCES:** In addition to the pay, employees are allowed for a particular post any specified allowance granted from time to time.

12. **RECOVERIES:** It shall be open to the Vice Chancellor to order recovery of a portion not exceeding 50% of pay towards any amount due to the Management by the employees on account of any loan or advance taken by them.

13. INCREMENTS:

- i. **Periods counting for increments:** All duty in a post on a time scale shall count for grant of increments in that time scale. Next date of increment shall be postponed by the number of days leave permitted with loss of pay.

- ii. If employees in a lower post are appointed to officiate or hold temporarily a higher post, their officiating temporary service in the higher post will count for increment in the lower post on their reversion to lower post held by them or other similar post with the same grade of pay
- iii. Periods spent under suspension will not count for increments if the authority competent to impose punishments direct that the period of suspension shall not count as duty.
- iv. Where under the conditions of service, passing of an examination/test is necessary before earning an increment, the employee shall not earn the increment till they pass the examination/test. On passing such examination/test their pay shall be fixed at the stage at which they would have drawn it if the increment had not been deferred. The employees will not however be entitled to arrears of pay consequent on such fixation for the periods during which the increment was deferred.
- v. Increments during the period of probation are allowed as in other cases. Where the period of probation is extended, increment due during the extended period is not allowed. The pay will be refixed from the date of satisfactory completion of probation at what the employees would have drawn had they completed the probation at the end of the normal prescribed period of probation. Future increments shall be allowed on the normal dates.
- vi. An increment accrues from the day following that on which it is earned. Increment is granted if the work and conduct of the employee are reported to be satisfactory by the controlling authority.
- vii. An increment, which accrues on a day other than the first day of the month, shall be advanced to the first day of that month and subsequent increments will be regulated accordingly.

The increment due to employees will be paid to them even if they are on leave on the due date, excepting when they are on leave on loss of pay.

- a) STAGNATION INCREMENTS: Stagnation increment equivalent to 50% of the last increment drawn are granted to all employees who have reached the maximum of their scales of pay scale for a period of six years

CHAPTER - IV

TERMINATION, RESIGNATION & RETIREMENT

14. TERMINATION:

- i. DURING TRAINING/TEMPORARY SERVICE: The services of trainees or persons employed temporarily can be terminated without notice. No prior notice is also insisted upon when they leave service.
- ii. DURING PROBATION/PERIODS OF CONTRACTS: Should the Vice Chancellor/Dean decide to dispense with the services of any employee during the period of probation or during the period of contract such employees shall be given one month's notice or one month's salary in lieu thereof at the time of termination.

15. RESIGNATION:

i. PROBATIONERS/CONTRACT EMPLOYEES: Employees on probation or on contract shall give one calendar month's notice (subject to a minimum of 30 days) to the Vice Chancellor/Dean when they want to be relieved of their duties in the University/Institution. If the notice given by the employees falls short of this period, their pay and allowance for the number of days falling short shall be forfeited or paid by the employees.

ii. PERMANENT EMPLOYEES: Permanent employees shall give at least three calendar month's notice of their intention to resign and unless their resignation is accepted and a relieving certificate is issued to them, they shall continue to be in service. If the notice given by the employees falls short of the prescribed period they shall forfeit or pay a sum equal to their pay and allowances for the number of days found to be deficient. The appointing authority is entitled also to deduct such a sum, from any payment that may be due to the permanent employee.

16. RESIGNATION DURING LEAVE: If employees gives notice of their intention to resign while they are on leave it is open to Vice Chancellor/Dean to accept their resignation from the date of receipt of notice canceling the unexpired portion of the leave as on that day or insist that the employees should be on duty for the full period of notice required under the rules after their return from leave

17. RELIEF ON RECEIPT OF NOTICE: Once the employees gives notice of resignation it is open to the appointing authority to relieve them at any time on receipt of notice and it not necessary that the employees be relieved only at the expiry of the notice period.

18. LEAVE DURING NOTICE PERIOD: No leave other than casual leave will be granted to employees once they give the notice of resignation. In such cases the employees should be on duty for the full period of notice required under the rules and any absence during this period will result in the corresponding extension of the notice period. When a notice of termination of services is given, the employees will be permitted to avail of whatever leave they had at their credit during the period of notice, subject, however to their reporting for duty on the last day of the notice of termination for getting themselves properly relieved.

19. Earned leave at credit may be set off to the extent of 45 (forty- five) days towards the notice period of resignation. Payment of salary will be only for the number of days actually worked during the notice period. No payment will be made for the period of earned leave so set off.

20. RETIREMENT, EXTENSION OF SERVICE & RE-APPOINTMENT:

i. SUPERANNUATION: All employees shall compulsorily retire from the service on the afternoon of the last day of the month in which they attain the age of 62 years in the case of teaching staff and 58 years in the case of non-teaching staff.

Provided that the date of compulsory retirement of the employees whose date of birth is the first day of a month shall be the afternoon of the last day of the month preceding the month in which he attains the superannuating age.

Note: In case where the date of retirement and the day/days preceding thereto are holidays, the employees may be permitted to hand over charge on the afternoon of the last working day before the date of such retirement and may be allowed duty pay for the holidays.

- ii. VOLUNTARY RETIREMENT: Employee can seek voluntary retirement after putting in 20 years of qualifying service in the university/institution or after attaining 45 years of age. The employees are required to give three months notice of their intention to retire or pay three months salary in lieu of such notice.
 - iii. PREMATURE RETIREMENT: The university/institution is at liberty to order the retirement of an employee without assigning any reasons if they had put in 20 (twenty) years of service in the institution or had attained the age of 50 (fifty) years. They shall however be given three months notice of such retirement by the appointing authority or be paid three months salary in lieu of such notice.
21. STAFF QUARTERS: When employees who has been allotted staff quarters resigns or their services are terminated, they should vacate the quarters within 15 days from the date of their relief. During these 15 days they will be charged the usual rent.

CHAPTER - V

ATTENDANCE

22. PUNCTUALITY: Employees have to attend the university/institution punctually. They are expected to attend the institution within the time fixed for the commencement of the work. Except in unavoidable circumstances employees should apply before hand for permission to attend late.
23. MARKING OF ATTENDANCE: All employees when they are on duty shall mark their attendance in the manner prescribed by the authority from time to time. The Head of the Department shall review the attendance every day and see that the rules regarding attendance are enforced strictly.
24. PENALTY FOR LATE ATTENDANCE: Employees who attend late without previous permission will be marked late. Those who attend late beyond half an hour will be marked absent and will forfeit half a day's casual leave. Forfeiture of day's casual leave will be the penalty for every three days of late attendance without permission.
25. PRESENCE IN THE INSTITUTION: All employees shall be present in the university/institution during working hours whether they have teaching work/department work or not. If they have to go out of the premises during working hours they have to inform the Head of Department concerned before they go.

If employees are found absent during the course of the day after marking their attendance, they shall be treated as absent for one full day and forfeit one day's casual leave for such absence. They shall also be liable for disciplinary action.

CHAPTER - VI

RECORD OF SERVICE & RETIREMENT BENEFITS

26. SERVICE REGISTER: A service register should be opened for each employee soon after they are appointed on probation. It shall be maintained so long as they remain in service and shall be a continuous record of all particulars of the service rendered by them, leave earned, availed of increments, promotions etc. The service register must be kept in the custody of the Head of the office so declared, nominated for the purpose and entries affecting their official career made therein from time to time.

27. MAINTENANCE OF SERVICE REGISTER:

- i. The Date of Birth should be verified with reference to the documentary evidence and a certificate recorded to the effect stating the nature of record relied upon.
- ii. The date of completion of probation, promotions, increments details of leave availed of, special test or examinations passed and also punishments and penalty imposed together with brief indication of reasons thereof, have to be regularly and concurrently recorded and attested by the Head of Department.
- iii. In case of reinstatement after suspension or re-employment after retirement, removal or dismissal from service, specific declaration as to whether the previous service rendered by the employees will count for seniority, promotion and other benefits and whether the period of suspension counts as service/leave etc., have to be recorded in the service book.
- iv. Service not counting for retirement benefits such as periods of breaks in service, particulars of unauthorised absence not regularized, period spent on suspension not regularized as duty/leave etc., have to be entered under proper attestation.
- v. If the employees so desire, the service book may be made available to them for scrutiny and a certificate got recorded indicating the facts of such scrutiny.
- vi. In case of employees who come to the university/institution on deputation, their service record shall be forwarded by the lending institution and periodically updated and the record shall be returned to the lending institution on completion of the period of deputation.

28. CONFIDENTIAL REPORTS:

- i. The work, efficiency, behaviour etc., of every employee is assessed by the Head of the Department every academic year and submitted to the Dean for further action. This report should bring out the strong and weak points worth noticing about each employee and a perusal of the report should convey an overall idea of the employees. This report has to be made out without any bias, ill will or favour and with regard only to their official performance. A judicial and balanced view is necessary as the further careers of the employees are based on these reports. This performance appraisal record shall be in the format prescribed and shall be recorded in duplicate one to be kept in safe custody of the Dean and other by the university/institution.

Note: Before making adverse remarks, it is incumbent on the Head of the Department to bring to the notice of the employees the deficiency/defect noticed by him so that every opportunity to improve is given to the employee.
- ii. Soon after the confidential reports are received, they should be scrutinized and any deficiencies or adverse remarks therein communicated to the employees. Further action thereon has to be taken if necessary depending upon the nature of the adverse remarks made. —
- iii. Confidential reports have to be obtained once in a year in the case of all permanent employees. Reports in respect of temporary/probationary employees have to be called for at more frequent interval, atleast once in six months to watch over their progress and any unsatisfactory progress if noticed communicated to them.

29. RETIREMENT BENEFITS:

- i. EMPLOYEES' PROVIDENT FUND: As per SMUEPF Scheme/as per the provision of the *Employees' Provident Fund and Miscellaneous Provisions Act, 1952 as applicable to the university*
- ii. GRATUITY: Death cum Retirement Gratuity is payable to the employees as per the provisions of the Payment of Gratuity Act, 1972/SMU Employees' Gratuity Scheme.

CHAPTER - VII

DISCIPLINE AND APPEAL RULES

- ✓ 30. CODE OF CONDUCT: Every employee shall be governed by the code of conduct specified in these rules and every such employee shall be liable to the disciplinary action specified in these rules.
 - i. It shall be the duty of every employee to so conduct themselves in their personal life, and in their relations with students, colleagues and others with absolute integrity and devotion to duty.
 - ii. The whole time of the employee is at the disposal of the university/institution. They may be employed in such a manner as may be found expedient judging from their qualification and terms of appointment. They are bound to work during the whole or part of the vacation if their services are so required. Being a whole time employee they shall not engage themselves in any trade or seek employment or accept any assignment whether remunerative or otherwise elsewhere without the specific previous permission of the Dean.
 - iii. They shall faithfully and diligently perform the duties entrusted to them from time to time with absolute devotion and integrity. They shall devote the whole of their time and attention to the work and use their best endeavors to promote the interest and welfare of the university/institution.
 - ✓ iv. They shall abide by the rules and regulations of the university/institution and show due respect to the constituted authority. They shall be punctual in attendance and prompt in discharging duties entrusted to them by the Head of the Department and the Dean.
 - v. No Employee shall :
 - a) take service or accept any employment including setting of a Private Professional Practice or consultancy etc., while on leave, which involves the receipt of a fee or honorarium without the specific sanction of the Dean;
 - b) bring to bear any undue influence on the authorities with respect to any matter, which is of direct or indirect interest to the employees;
 - c) apply for or obtain or cause or permit any other person to apply or obtain a patent for an invention made while on duty involving technical or scientific research, without the permission of the Management with such conditions as the university/institution may impose;
 - d) during the term of their employment in the university/institution or after its termination disclose or divulge to any person any information relating to the institution which has come to their knowledge while in the service of the university/institution, except when compelled to do so by a competent Court of Law;

- e) absent themselves from the university/institution without leave or previous permission of the Dean or while on duty during working hours absent themselves without specific permission of the Head of the Department or the Dean;
 - f) leave their normal place of residence on Sundays/holidays and during leave without prior permission of the authority concerned. They should also furnish the contact address during such absence;
 - g) be a member or be associated with any Political Party or organisation which takes part in Politics or subscribe aid, take part or assist any political movement or activity or contest for membership of Panchayat, Boards, Municipality, Legislature or Parliament.
- vi. The teaching staffs are prohibited from giving private tuition at their residence. They may however be permitted to conduct coaching classes or give tuition at the institution premises after working hours under such conditions as may be prescribed by the Management without any extra remuneration.
- vii. The employees may be permitted to apply for employment elsewhere or in other institutions not more than thrice a year. The applications seeking appointments elsewhere should be sent through the Head of the Department and the Dean. Contravention of the above procedure will entail termination of service without notice or pay in lieu thereof besides any disciplinary action that may be taken for violating the above rule.
- viii. An employee shall not:
- a) propagate communal or sectarian outlook or incite or allow students to indulge in such activities of discriminate against any person on the grounds of caste, creed, language, place or origin sex and social or cultural background or any of them;
 - b) cause or incite any other person to cause any damage to university/institution property, behave or encourage or incite any student, teacher or other employee to behave in a rowdy or disorderly manner in the premises of the university/institution;
 - c) indulge in any violence or any conduct, which involves moral turpitude, or misbehave with any parent, guardian, student, teacher or other employees of the university/institution;
 - d) indulge in or encourage any form of malpractice connected with examination or any other university/institution activity;
 - e) accept any gift or enter into any monetary transaction with any student or parent or exploit their influence for personal ends;
- Note: Gift shall include free transport, boarding or lodging or other services or any other pecuniary advantage. It does not include items such as casual meal, lift or other social hospitality of a casual nature.
- f) indulge in any activity individually or collectively which can be construed as prejudicial to the interests of the university/institution, the students or any member of the faculty;
 - g) establish contact with the press or the media and publish or cause to be published any material which can lower the image of the university/institution in any manner;
 - h) conduct their personal affairs in such manner that they have to incur a debt beyond his means to repay.

31. SUSPENSION: Employees who had conducted themselves in any manner violative of the rules can be placed under suspension.

i. GENERAL:

- a) The employees under suspension shall not leave their place of usual residents without prior permission of the authority. They shall not also engage themselves in any employment, business, profession or vocation during the period of suspension. They shall also make themselves available for any enquiry when called upon to do so.
- b) Each claim for subsistence allowance should be supported by a declaration by the employees to the effect that they were not engaged in any employment, business, profession or vocation during the period to which the claim relates.

ii. CONDITIONS FOR SUSPENSIONS: The appointing authority or the authority authorised by him may place an employee under suspension for violation of any of the rules and in particular, in case

a) the disciplinary proceedings against the employee involves one or more of the following misdemeanor:

1. moral turpitude;
2. corruption, embezzlement or misappropriation of funds, misuse of official powers for personal gains;
3. serious negligence and dereliction of duty resulting in loss including pecuniary loss to the university/institution;
4. desertion of duty;
5. refusal or deliberate failure to carry out written orders of superior authority; and
6. when a disciplinary proceeding against the employees are either contemplated or has been initiated.

b) the continuance in office of the employees:

1. will prejudice the disciplinary proceeding, criminal investigation or trial;
2. is likely to seriously subvert discipline in the Department in which they are working; and
3. is likely to lead to Public scandal.

c) when a case against the employees in respect of any criminal offence is under police investigation or court trial or when a *prima facie* case against the employee is made out in a preliminary enquiry which would justify disciplinary proceeding or criminal prosecution and the proceedings are likely to end in their conviction and or dismissal or removal from service.

iii. DEEMED TO BE UNDER SUSPENSION: Employees shall be deemed to have been placed under suspension by any order of the competent authority;

- a) with effect from the date of their detention in custody whether of criminal charge or otherwise for more than 48 hours;
- b) with effect from the date of their conviction for an offence wherein they are sentenced to imprisonment for more than 48 hours;
- c) where the employees under suspension are dismissed, removed or compulsorily retired after enquiry and this is set aside on their appeal or on review under these rules or with any other directions, the original order of their suspension is deemed to

have continued to be in force from the date of imposition of penalty until further orders; and

d) where a penalty or dismissal, removal or compulsory retirement from service imposed upon the employees are set aside or declared void by a court of law, and the disciplinary authority on consideration of the circumstances of the case decides to hold further enquiry on the same allegations against which penalty was earlier imposed, the employees shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue until further orders.

iv. An order of suspension made or deemed to have been made under these rules shall continue to remain in force until it is modified or revoked by the competent authority.

An order of suspension made or deemed to have been made under these rules may at any time 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.

Where the employees are suspended or is deemed to have been suspended in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding are commenced against them, the authority competent to place the employees under suspension may for recorded reasons direct that the employees shall continue to be under suspension until the termination of all or any of such proceedings.

32. SUBSISTENCE ALLOWANCE DURING SUSPENSION:

i. No subsistence allowance is payable to the employees under suspension unless the employees continues to reside in the place where the office is situated or in the place of usual residents.

ii. Subsistence allowance at an amount equal to 50% of the pay drawn immediately prior to the date of suspension and corresponding dearness allowance thereon may be paid during suspension. This allowance may be suitably modified if the period of suspension exceeds twelve months as indicated below:

a) where the delay is attributable to the employees, the subsistence allowance may be reduced by a suitable amount not exceeding 50% of the allowance admissible for the first 12 months,

b) where the delay is not attributable to the employees, the allowance may be increased upto an amount equal to 75% of the pay drawn immediately prior to the date of suspension and the appropriate dearness allowance thereon.

33. PERIOD OF SUSPENSION:

i. Where a competent authority makes an order fully exonerating or acquitting the employees, the period of suspension, pending enquiry shall be deemed to be period of duty and the employees shall be entitled to full pay and allowance as if they had not been placed under suspension.

ii. Where an order imposes any penalty other than the penalty of compulsory retirement, removal from service or dismissal from service, the employees shall be paid for the period of suspension such proportion of their pay and allowances as the said authority may at its discretion specify and where no such proportion is specified, the employees shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed.

iii. Where the order imposes the penalty of compulsory retirement, removal or dismissal from service, the employees shall be paid such proportion of their pay and allowances as the said authority may in its discretion specify and where no such proportion is specified, they may be paid the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

34. PENALTIES FOR BREACH OF CODE OF CONDUCT: One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed by the Competent Authority for any breach or violation of the code of conduct for employees.

i. Minor Penalties:

- a) Fine
- b) Censure
- c) Withholding of increments with non-cumulative effect
- d) Recovery from pay of the employee in whole or part of any pecuniary loss to the university/institution, caused through negligence or breach of orders by the employee.
- e) Reduction to lower stage in a time scale of pay for a specified period with further direction as to whether or not the employees 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 their pay

ii. Major Penalties:

- f) Withholding of increment with cumulative effect
- g) Demotion to lower time scale of pay, grade, post or service which shall unless otherwise directed, be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which they were reduced.
- h) Compulsory retirement.
- i) Removal/Dismissal from service.

35. THE FOLLOWING SHALL NOT AMOUNT TO A PENALTY WITHIN THE MEANING OF THESE RULES:

- i. Withholding of increments of employees for failure to pass an examination in accordance with the rules and conditions governing the service or post or terms of appointment.
- ii. Non-promotion whether in a substantive or officiating capacity of the employees after consideration of their case to a grade or post for promotion to which they are eligible.
- iii. Reversion to lower service, grade or post of an employee officiating in higher service, grade or post on administrative grounds such as return of the permanent incumbent from leave or deputation, availability of more suitable officer etc., or on the ground that they are considered after trial to be unsuitable for such higher service, grade or post or on matters connected with their conduct.
- iv. Reversion to their permanent service, grade or post of an employee appointed on probation to other service, grade or post during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing probation.
- v. Compulsory retirement of the employees in accordance with the provision relating to their superannuation or retirement.

vi. Termination of service:

- a) Of employees appointed for three months or less;
- b) Of part time employees appointed for a period less than a year;
- c) Of persons employed under an agreement in accordance with the terms of such agreement;
- d) Of employees appointed on probation at the end of the period of probation in accordance with the terms of their appointment or the rules and orders governing such probation.

vii. Retrenchment of the employees in accordance with law.

36. IMPOSING OF PENALTIES:

- i. The Governing Council or the Vice Chancellor/Dean may institute disciplinary proceedings against any employee.
- ii. Procedure of imposing minor penalties:
 - a) No order imposing minor penalties shall be made except after informing the employees in writing of the proposal to take action against them and of the imputations of misconduct or misbehavior on which it is proposed to be taken and giving them a reasonable opportunity to make such representation against the proposal and the same considered by the Vice Chancellor/Dean
 - b) The record of proceedings in such cases shall include:
 1. a copy of the intimation to the employees of the proposal to take action against them;
 2. a copy of the statement of imputations of misconduct or misbehavior communicated to them;
 3. their representation, if any;
 4. the evidence produced during enquiry, if any;
 5. the findings on each imputation of misconduct or misbehavior; and
 6. the orders on the case together with the reasons thereof.
- iii. Procedure for imposing major penalties:
 - a) No order imposing major penalties shall be made except after an enquiry is held in the manner indicated below.
 - b) Whenever the management is of the opinion that there are grounds for enquiry into the truth of any imputation of misconduct or misbehavior or breach of any provision of the code of conduct specified in the rule against the employees, it may appoint an enquiry officer not having any dealing of whatsoever nature with the employees or the department where they are working.
 - c) Where an order of suspension has been made, the enquiry committee shall before proceeding with the enquiry record in writing whether the suspension is a *prima facie* case against the employee.
 - d) The Disciplinary Authority shall frame definite charges on the basis of allegations on which the enquiry is proposed to be held. Such charges together with the statement of allegations on which they are based shall be communicated in writing to the employees and they shall be required to submit a written statement in their defence within the time specified by the Enquiry Officer. They shall also state whether they desire to be heard in person.

- e) To facilitate preparation of their defence, the employees may be given extracts from such records relevant to the charges. For reasons to be recorded in writing that in the opinion of the Enquiry Committee such records, which are not relevant to the charges, will not be made available to the charge sheeted employee.
- f) On receipt of the written statement of defence of the employees or if no statement is received within the stipulated time, the enquiry officer shall proceed with the enquiry.
- g) The disciplinary authority may nominate any person to present its case before the enquiry officer. The employees may present their case with the assistance of a co-employee approved by the enquiry officer. No outsider that is, a non-employee or legal practitioner is entitled to assist the employees and the employees cannot claim such assistance as a matter of right.
- h) The enquiry officer shall consider the documentary evidence and take any evidence or material relevant to the charges made. The employees shall be entitled to cross-examine the witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall also be entitled to cross-examine the employee and the witnesses examined in his defence. If the enquiry officer declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.
- i) At the conclusion of the enquiry, the enquiry officer shall prepare a report of the enquiry, record its findings on each of the charges together with the reason therefor. If in the opinion of the enquiry officer the proceedings of the enquiry establish charges different from those originally framed, it may record its findings on such charges.

Provided that findings on such charges shall not be recorded unless the employee had an opportunity of defending themselves against such charges.

- j) The record of enquiry shall include:
 1. The charges framed against the employees and the statement of allegations furnished,
 2. Written statement of defence, if any,
 3. Oral evidence taken in the course of enquiry,
 4. Orders, if any made by the disciplinary authority and the enquiry committee, in regard to the enquiry,
 5. Documentary evidence considered in the course of the enquiry,
 6. A report setting out the findings on such charge and reasons therefor, and
 7. Any other suggestions of the enquiry committee, if it considers necessary for the imposition of any penalty.

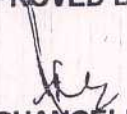
- k) The disciplinary authority shall consider the report of enquiry and record its findings on each charge. However regard to its findings on the charges, if in its opinion any of the major penalties is to be imposed, it shall issue/record an order to this effect and communicate the same to the employee.
- l) The aggrieved employees may prefer an appeal within 15 days of the receipt of the order of punishment to the appropriate Appellate Authority against the decision of the Management.

The decision of the Appellate Authority shall be final.

ISSUED BY


REGISTRAR

APPROVED BY


VICE CHANCELLOR

Copy to: 1. Executive Secretary, MPF
2. Finance Consultant, MPF
3. Dean, MIMS/MS, CRH/Dean, SMIT
4. Finance Office, SMU