

Maharaja Ganga Singh University Bikaner

CONDUCT AND DISCIPLINE RULES



Maharaja Ganga Singh University

A State University of Higher Education for Dignity and Self-Reliance

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CONDUCT AND DISCIPLINE RULES

MAHARAJA GANGA SINGH UNIVERSITY, BIKANER CONDUCT AND DISCIPLINE RULES OF EMPLOYEES

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MAHARAJA GANGA SINGH UNIVERSITY, BIKANER

A - CODE OF CONDUCT

1. General

Every employee shall at all times -

- (i) maintain absolute integrity
- (ii) maintain devotion to duty
- (iii) maintain dignity of office and
- (iv) do nothing which is un-behaving of an employee of the University.

(2) Every employee shall abide by and comply with the orders of the superiors/seniors.

(3) Every employee shall discharge duty to the best of his ability in the interest of the University and shall not act less than his best judgment except when superiors.

(4) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees of the University for the time being under his control and authority.

2. Improper and unbecoming conduct

An employee who -

- (i) is convicted of an offense ----- moral turpitude whether in the course of the discharge of his duties of ----- or
- (ii) behaves in public in a disorder, manner unbecoming of his position as a University employee; or
- (iii) is proved to have sent an ----- or pseudonymous petition to any person in authority; or
- (iv) leads an immoral life;

Shall be liable to disciplinary action.

3. Devotion to duty shall include the following :

(1) An employee shall attend regularly and punctually the office or the institution in which he is posted or assigned duty according to the timings fixed for his duties.

(2) During the hours fixed for his duties, he shall devote himself diligently to his work and give full cooperation in all University work.

(3) He shall carry on his work with accuracy and reasonable speed.

(4) He shall act with due courtesy with whom he has to come in contact in the course of his duties.

(5) He shall see that the University property, articles, apparatus, money etc. in his charge are used with reasonable care, and proper precautions are taken against any possible damage or loss to the University.

4. Private trade or employment

(1) No employee shall whether on duty or on leave or under suspension -

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- (i) apply for any other employment nor accept any other employment with or without remuneration;
 - (ii) engage himself directly or indirectly in any trade or business or undertake any other employment;
 - (iii) enroll himself of higher studies in any educational institution;
- Without the previous written permission of the competent authority.

5. Unauthorized communication of information

- (1) Unless generally or specially empowered in this behalf, no employee shall communicate directly or indirectly to outside person or association or to the Press any documents or information which has come to his possession in the course of his duties or has been prepared or collected by him in the course of his duties, whether from official sources or otherwise.
- (2) Every employee shall take care to see that the contents of University papers, correspondence, file etc. of a confidential nature are not divulged to an unauthorized person directly or indirectly.

6. Business dealing with University

An employee shall not bid either in person or by agent in any auction of the University articles or property or to offer any tenders for any supply to the University for carrying out any work of the University.

7. Evidence before committee or any other authority

Nothing in this rule shall apply to evidence given in any judicial enquiry, or at an inquiry before any authority appointed by the Government or the State Legislature, or at any departmental inquiry ordered by a competent authority of the University.

8. Gifts

- (1) No employee or his/her family member or any person acting on his behalf shall accept any gift or any pecuniary advance, except from a near relative or personal friend having no office dealings.
- (2) Where it is customary to have gifts on occasions such as weddings, anniversaries, funeral or religious functions, an employee may accept gifts but he shall make a report to the Appointing Authority if the value of any such gift exceeds :
 - (1) Rs. 1,000 from relatives or personal friends and Rs. 200 from others in the case of an officer of the University; and

9. Bigamous Marriages

- (1) No employee who has a wife living shall contract another marriage without first obtaining the permission of the Vice-Chancellor, notwithstanding that

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much subsequent marriage in ----- under personal law the time being applicable to him.

- (2) No female employee shall marry any person who has a wife living without first obtaining the permission of the Vice-Chancellor.

10. Dowry

No employee shall

- (i) give or take or abet the giving or taking of dowry; and/or
- (ii) demand, directly or indirectly, from the parents or guardian or a bride or bridegroom, as the case may be, any dowry.

11. Prohibition to absence without leave

- (1) No employee shall except for unavoidable reasons, abstain himself from duty or from the station of his posting, without prior sanction of leave or overstay the period of sanctioned leave.
- (2) Habitual absence without leave, overstaying the sanctioned leave without sufficient grounds or proper and satisfactory explanation or habitual late attendance shall constitute misconduct.

12. Joining of Association by employees

No employee shall join or continue to be member of an association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality or to the interests of the University or which tends to subvert the government established by law in the country or the State.

13. Submission of representations through proper channel

All applications, representations shall be submitted by employees through proper channel. Combined representations would be entertained only in exceptional circumstances.

14. Certain acts constituting mis conduct

Every employee of the University shall maintain a high standard of moral behaviour and conduct and among other acts, deed or deeds done by him/her in contravention of moral code of conduct, the following acts or omissions shall also be deemed to constitute misconduct on the part of the employee, namely;

- (i) Willful insubordination or disobedience, whether in alliance with a co employee or not, of any order of the superior;
- (ii) willfully avoiding work or abetment or instigation thereof;
- (iii) theft, fraud, misappropriation or dishonesty in connection with University's work or property;
- (iv) commission of any act subversive of discipline or good behaviour in the premises or establishment such as drunkenness, riotous, disorderly or indecent behaviour, gambling or taking or giving bribes or any illegal gratification of any kind whatsoever;

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habitual neglect of work or gross or habitual negligence;

(v) impertinent, rude and disrespectful language which is subversive to discipline;

(vi) falsification, defacement or destruction of any records or accounts.

15. Adverse entries in assessment of work

Adverse entries in the confidential dossier maintained for the employees as provided in rule of Service Rules and communicated to him, shall lead to the with-holding of increments if these are made in two successive years and not expunged.

16. Professional Responsibility of Teachers

Aims of Education

Education is the most potent instrument of social welfare and personal liberty. This is the medium of all round development of humanity and the foundation of its golden future. These universal aims of education can be identified as follows:

1. To prepare the younger generation for grappling with future problems through acquisition of universal knowledge, age-old learning and cultural traditions of its country :
2. To build strong enlightened, useful and patriotic citizens and provide them a prosperous life with a view to enhancing growth, prosperity and peace of society:
3. To promote democratic values for safeguarding the common interests of the people : and
4. To contribute to the efforts for international peace and national welfare.

Teacher and His Rights

A rational attitude of society and administration is essential for protecting the interest of teachers to enable them to play a purposeful role in the field of education. In this context, the teacher should be assured of sufficient pay, social recognition, proper working conditions, reasonable free time, freedom of thought and expression, social security for old age and adequate opportunities of promotion and professional growth. Effective steps should be taken by the state and society to achieve these objectives and ensure a proper place for the teacher in the society.

Duties of the Teacher

The Teacher plays a pivotal role in attaining the general aims of education. That highlights the special role of education vis-a-vis other professions. With the State and the society have a substantial role in enhancing the dignity of teaching; the teachers own role in the direction is quite important.

(a) Teacher and Student

1. To accord just and unprejudiced treatment to all students, irrespective of religion, caste or economic status:
2. To make regular contribution in the personal development of students while looking after their interest and welfare.

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3. To set a personal example for inculcating the virtues of self-reliance, national feelings and democratic values among students:
4. To extend confidential information about students only to an authorized agency or in the interest of law:
5. To assess students only on the basis of merit:
6. To have an affectionate attitude towards all students and to try to improve their behaviour even after the occurrence of some untoward event rather than have a feeling of revenge, and
7. To abstain from accepting fees or honoraria, other than those permissible under rules, for providing guidance or coaching to students.

(b) Teacher and Guardians

A closer liaison is essential between teachers and guardians for attaining the broad objectives of education. Hence the teacher should:

1. Respect the prerogative of guardians to look after the interest of students ;
2. Develop friendly and cooperative relations with guardians, and
3. Impart to and receive from guardian's necessary information about students in the interest of their proper development.

(c) Teacher and Colleagues

1. Behave with all those busy in educational activities in a manner he expects them to behave with him.
2. be co-operative towards his colleagues in evaluating the students and in activities relating to the educational world and the development of his profession
3. Desist from resorting to the news media and such other sources to express displeasure with his colleagues,
4. Avoid writing anonymously to the authorities about his colleagues.
5. Resist the temptation of harming the teaching community for selfish interests, and
6. Refrain from passing information about colleagues to any individual or agency.

(d) Teacher and Employers or other Authorities

There is immense need for amicable relations between the employer and the teacher. A lot of mutual respect and fraternal feelings are needed for the purpose. The following means are suggested for achieving this objective:

- (a) To perform all professional activities through proper channels.
- (b) To avoid talking to unauthorized individuals about professional and secret information.
- (c) To try for promotion only on grounds of competence.
- (d) To refuse appointment of promotion offered out of turn, based on favoritism or against professional interests.
- (e) To continue to work as per bilateral agreement (between the employer and teacher) till the expiry of the period of agreement or change in the terms of agreement through mutual constant.

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- (f) To desist from undertaking any responsibility/work involving financial benefit in contravention of professional etiquette and the general interest of the community ;
- (g) To co-operate with the authorities in the fulfillment of educational policies in conformity with professional responsibly, and
- (h) To avoid the condemnation of authorities, behaviors through anonymous communication in newspapers and also conversational conflicts which harm students interests.

(e) Teacher and Society

The teacher's activities are not only related to educational institutions but they have a serious impact on common social interest.

The following points most consideration in this regard:

1. To adhere to desirable standards expected of professionals by the society.
2. To participate in diverse activities of the community as a good citizen.
3. To strive for public co-operation in the promotion of educational programmes, and
4. To make necessary efforts for the enrichment of educational spiritual, cultural and intellectual life of the community.

(F) Teacher and his professional Career

An unceasing effort for professional development alone can ensure the dignity of a teacher. The following steps would be helpful in this direction:

1. To carry on studies and have greater involvement in research, tours, conferences, seminars etc. for professional development.
2. To attract active youth to the teaching profession through adoption of teaching norms and behaviour to social needs.
3. To make teaching more purposeful through active participation in educational planning, and
4. To have active participation through membership of the associations meant for safeguarding professional growth and welfare of teachers.

17. Further rules of conduct in addition to the above

1. A teacher should occupy University accommodation only when it is allotted to him/her and vacate the same when he/she ceases to be entitled to retain the same. Otherwise, he/she shall be liable to disciplinary action in addition to penal rent chargeable according to the rules.
2. A teacher shall not participate in the activities of a faction of political party at the cost of University work.
3. If a teacher wishes to stand for election to any local body, State Legislative Assembly or Parliament, he/she shall seek the Vice-Chancellor's permission and take leave for the period of his election campaign. He shall also take such leave as is due to him/her or leave without pay so long as he remains a member of the State Legislative Assembly or Parliament.
4. A teacher shall not indulge in adverse criticism of the University and its Officers by means of any article, broadcast or any other document or statement.

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5. A teacher shall be entitled to protection by the university if he/she is subjected to any libel in the discharge of his duties.
6. A teacher shall not demand dowry for his marriage nor shall he/she commit bigamy.
7. A teacher shall not engage, without prior permission in any trade or business or negotiate for or undertake any other remunerative employment in addition to his duties including part time Lectureship or private tuition on payment.
8. A teacher shall so manage his private affairs as to avoid habitual indebtedness and insolvency.
9. A teacher shall not be under the influence of any intoxicating drug or liquor during the hours of his duty.

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B – DISCIPLINE

I. CLASSIFICATION

1. The employee including the teachers of the University shall be classified as under :

- (a) Teachers Service
- (b) Officers Service
- (c) Subordinate / Technical Service
- (d) Ministerial Service
- (e) Class IV Service

The categories of employees covered in each of the above Services shall be as included in the Schedule I & II, respectively attached to Recruitment & Promotion Rules.

2. All the employees of the University who are in the service of the University at present or who are recruited in future shall be classified only in the above heads and their classification shall be treated as final and binding on them.

II. SUSPENSION

3. The appointing authority or any authority to which it is subordinate or any other authority empowered by the Vice-Chancellor in that behalf may place any employee under suspension –

- (a) Where a disciplinary proceeding against him is contemplated or is pending; or
- (b) Where a case against him in respect of a criminal offense is under investigation/enquiry or trial;

Provided that where an order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made; or

- (c) A University employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders; or
- (d) Where the Vice Chancellor is satisfied that there are sufficient reasons for an employee to be placed under suspension.

41. Period of Probation

- 1) All persons appointed to the service by direct recruitment against a substantive vacancy shall be placed on probation for a period of two years and those appointed to the service by promotion/special selection against a substantive vacancy shall be placed on probation for period of one year.
- 2) During the period of probation specified in sub rule (1) each probationer may be required to pass such departmental examination and to undergo such training as the Board of Management / Vice-Chancellor may from time to time specify.

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- 3) In case of persons who die or due to retire on attaining the superannuation, the period of probation shall be reduced so as to end one day earlier immediately preceding the date of his death or retirement from the service. The condition of passing the Department Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement.

42. Unsatisfactory progress during probation:

- 1) If it appears to the appointing authority, at any time, during or at the end of the period of probation, that a person appointed on probation has not made sufficient use of opportunities or that he has failed to give satisfactory services, he may be reverted to the post held substantively by him immediately preceding his appointment provided he holds a lien there on or in other cases may be discharged or terminated him from Service.

Provided that the appointing authority may, if it so thinks fit in any case or class of cases, extend the period of probation of any employee by a specified period not exceeding two years in case of person appointed to post in the University Service by direct recruitment and one year in the case of person appointed by promotion/special selection to such post.

Provided further that the Appointing Authority may, if it so think fit in any case of persons belonging to Scheduled Castes or Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.

- 2) Notwithstanding anything contained in the above proviso, during the period of probation, if a probationer is placed under suspension, or disciplinary proceedings and contemplated or started against him, the period of his probation may be extended till such period the appointing authority thinks fit in the circumstances.
- 3) A probationer reverted or discharged from Service during or at the end of the period of probation under sub rule shall not be entitled to any compensation.

43. **Confirmation:**

A probationer shall be confirmed in his appointment at the end of his period of probation if he has passed the prescribed departmental examination. If any completely and the appointing authority is satisfied that his integrity is unquestionable and he is otherwise fit for confirmation.

4. The appointing authorities shall take into consideration the following guidelines for placing a University employee under suspension :

- i) The allegations made against the employee are of a serious nature and on the basis of the evidence available there is a prime facie case for his dismissal or one of the major penalties; or
- ii) There is reason to believe that his continuance in active service is likely to cause embarrassment or to hamper the investigation of the case.

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5. No employee who has been suspended is entitled to absent himself from his station during the period of his suspension.
6. An order of suspension shall continue to remain in force until it is modified or revoked by the authority who suspended him or an authority superior to him.
7. An employee under suspension on a charge of misconduct shall retire on the date of compulsory retirement but the payment of retirement benefits shall be subject to the final outcome of the enquiry which shall continue to be conducted. Retirement benefits in such cases shall be regulated according to Pension and G.P.F. Rules and other relevant rules.
8. The resignation of employee under suspension and during the pendency of the departmental enquiry shall not be accepted.
9. An order of suspension made or deemed to have been made under these rules may at any time be revoked by the authority which made or is deemed to have made it or by any superior authority.

10. Grant of leave during suspension

- 1) Leave may not be granted to an employee under suspension.
- 2) A suspended employee is required to remain at his headquarters. He can be asked by the suspending authority to mark his attendance daily in the attendance register of the concerned office situated at the station fixed as headquarters during the period of suspension.
- 3) In exceptional circumstances looking to the stage of enquiry he can be permitted to leave headquarters for a limited period. Leaving of headquarters without permission will amount to additional misconduct calling for disciplinary action him.

III. PENALTIES

11. The following penalties may for good and sufficient reasons, which shall be recorded, and as hereinafter provided, be imposed on a University employee, namely :
 - (a) Minor penalties :
 - (i) Censure
 - (ii) Withholding of increments without cumulative effect, not exceeding three, or promotion for a period to be specified in the order.
 - (iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the University by his negligence, breach of any law, rule or order.
 - (b) Major penalties :
 - (i) Withholding of more than three increments without cumulative effect of an increment or increments with cumulative effect.
 - (ii) Reduction to a lower service, grade or post or to a lower time scale or to a lower stage in the time scale.

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- (iii) Compulsory retirement on proportionate pension or other retirement benefits.
- (iv) Removal from service
- (v) Dismissal from service

12. The following shall not amount to penalty within the meaning of these Rules :

- (1) Withholding of increments or promotion of an employee for failure to pass departmental examinations in accordance with the rules or orders governing the service or post or the terms of his appointment.
- (2) Non promotion on account of unsuitability or failure to pass the prescribed departmental examination.
- (3) Reversion to lower grade or post of an employee officiating in a higher grade or post for want of vacancy or an administrative ground unconnected with his conduct.
- (4) Reversion to lower service, grade or post on account of juniority, unsuitability or unfitness or failure to pass the prescribed departmental examinations.
- (5) Reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or at the end of period probation.
- (6) Termination of service of an employee appointed on probation/probationer during or at the end of period of probation, on grounds arising out of specific conditions laid down by the appointing authority, e.g. want of vacancy, failure to acquire prescribed special qualification or to pass the prescribed test, or on account of unsuitability or unfitness.
- (7) Termination of services of a person appointed to hold a temporary appointment on the expiration of the period of that appointment.
- (8) Termination of service of any employee employed temporarily or under the terms of such agreement or at one month's notice, for abolition of the post or otherwise.
- (9) Termination of service of a person engaged under contract in accordance with the terms of the contract.
- (10) Compulsory retirement of a University employee in accordance with the provision relating to his superannuation or retirement.

13. Authority competent to impose a penalty

- (1) The appointing authority or any other authority which may be superior to the appointing authority may impose upon an employee any of the penalties specified in rule 11.
- (2) The Vice Chancellor may delegate powers of imposing minor penalties to any officer other than the appointing authority, for employees working under him.

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- (3) In the case of borrowed employees, proposals for taking disciplinary action shall be forwarded to the lending authority for necessary action.

IV. PROCEDURE FOR IMPOSING PENALTIES

(a) Minor penalty :

14. (1) No order imposing any of penalties specified in sub clauses (i) to (iii) of clause (a) of rule 11 – Minor penalties shall be passed except after :
- (a) The employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make.
 - (b) Such representation, if any, is taken into consideration by the disciplinary authority.
- (2) The record of proceedings in such cases shall include :
- (a) a copy of the intimation to the employee of the proposal to take action against him.
 - (b) a copy of the statement of allegations communicated to him.
 - (c) his representation, if any.
 - (d) the orders on the case together with the reasons therefore.

(b) Major penalty:

- (1) No order imposing on an employee of the University any of the penalties specified in sub clauses (i) to (v) of Clause (b) of Rule 11 of these rules, shall be passed except after a departmental enquiry held, as far as may be, in the manner hereinafter provided.
- (2) The appointing authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held, such charges, together with statement of allegations on which they are based, shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the appointing authority-
 - (a) to such authority, or
 - (b) Where a board of inquiry or inquiry officer has been appointed under these rules, to the inquiry officer, a written statement of his defense and also to state whether he desired to be heard in person.
- (3) The appointing authority inquire in to the charges itself, or if it considers it necessary to do so it may either at the time of count functioning the charges to the employee under sub rule (2) or at any time thereafter appoint a board of inquiry or inquiry officer for the purpose.
- (4) The employee shall for te purpose of preparing his defense be permitted to inspect and that extracts from such official records as he may specify provided that such permission may be refused if, or reasons to be recorded in writing in the opinion of the Appointing Authority such records are not relevant for the purpose or it is against the public interest or the University's legitimate interest to allow access thereto.

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- (5) On receipt of the written statement of defense or if no such statement is received within the time specified, the appointing authority or as the case may be the Board of Inquiry or the Inquiry Officer may enquire into such of the charges as are not admitted.
- (6) The appointing/disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter) referred to as the Inquiring Authority, The employee may present his case with the assistance of any other employee approved by the appointing/ disciplinary authority, but should not engage any outsider or legal practitioner for the purpose, except for special reasons to be recorded in writing and in consideration of the circumstances of the case.
- (7) The enquiry officer of the Inquiring Authority shall, in the course of the enquiry summon such documentary evidence including the records of the University and take such oral evidence in the presence of the employee as may be relevant or material to the charges.
- (8) The employee shall be entitled to cross examine the witnesses examined in support of the charges and to give evidence in person and the person presenting the case in support of the charges shall be entitled to cross examine the employee and the witnesses examined in his defense.
- (9) Documents shall be admitted to evidence in original and secondary evidence in respect there of shall be admissible only when it is proved or attested in the presence of the employee concerned.
- (10) The Inquiring Authority may, if he considers that the evidence of any witness, is not material to the subject matter of the enquiry, refuse to examine such witnesses, recording the grounds for the refusal.
- (11) The enquiry officer shall record the statement of the employee concerned.
- (12) In conducting the enquiry, the Inquiring Authority shall act in a quasi judicial manner,.
- (13) The Inquiring Authority may after the charges originally made.
- (14) At the conclusion of the enquiry, the Inquiring Authority shall prepare and inquiry report recording his finding of 'guilty' or 'not guilty' as the case may be, on each of the charges together with reasons thereof.

If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges: provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.
- (15) The Inquiring Authority shall not under any circumstances make recommendations relating to the nature or quantum of penalties or punishments that may be imposed.
- (16) The records of the enquiry shall include-
 - (i) The charges framed against the employee and the statement of allegations furnished to him under sub rule (2) of rule 15.
 - (ii) His written statement of defense, if any.
 - (iii) The oral evidence taken in the course of the enquiry.

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- (iv) The documentary evidence considered in the course of the enquiry.
 - (v) The orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.
 - (vi) A report setting out his findings on each charge and the reasons thereof.
- (17) The inquiring Authority shall, at the conclusion of the enquiry, send his report with other records of the enquiry referred to sub rule (16) above to the appointing authority.

16. Action by Appointing Authority

- 1) The Appointing Authority shall, if it is not the Inquiring Authority, consider the record of the enquiry and record its findings on each charge.
- 2) The Appointing Authority may while considering the report of the Enquiring Authority for just and sufficient reasons to be recorded in writing remand the case for further/de-novo enquiry, in case it has reason to believe that the enquiry already conducted has been laconic in some or the other.
- 3) If the Appointing Authority having regard to its findings on the charges, is of the opinion that any of the penalties specified in sub clause (b) of rule 11 i.e. Major Penalty, should be imposed, it shall:-
 - (a) Furnish to the employee a copy of the report of the Enquiring Authority and where the Appointing Authority is not the inquiring authority a statement of its findings together with brief reasons for disagreement if any with the findings of the enquiring authority, and
 - (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit in a specified time such representation as he may wish to make against the proposed action.
- 4) The Appointing Authority shall consider the representation, if any, made by the employee in response to the notice under (3) (b) above and determine what penalty, if any, should be imposed on the employee and pass appropriate orders on the case.
- 5) If the Appointing Authority having regard to the findings of the enquiring authority and the circumstances of the case and after consideration of such representation as may be filed by the employee under sub rule (3) above, is finally of the opinion that the penalty to be imposed is minor penalty specified in rule 11 and not a major penalty specified therein, it shall pass appropriate in the case. Reasons shall however, be recorded in the final order as to why a minor penalty has been imposed instead of a major one.
- 6) If the Appointing Authority is of the view, on consideration of the findings of the enquiring authority and records of the departmental enquiry, that the case against the employee concerned on any of the charges has not been established, he shall give an order in writing after recording his reasons, absolve the employee from any disciplinary action and discharge him.
- (7) Orders passed by the Appealing Authority shall be communicated to the employee who shall be supplied with a copy of the report of the Inquiring Authority and where the Appointing Authority is the inquiring authority, a statement of its findings together with reasons of disagreement, if any,

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with the findings of the Inquiring Authority, unless they already been supplied to him.

It will, however, not be necessary to furnish a copy of the report of the Inquiring Authority in the case where any of the penalty, imposed on the employee.

17. Special provisions in respect of certain cases

The procedure laid in rule 15 and 16 may not be followed and all or any of its provisions may be waived in the following cases:-

(i) when order imposing punishment specified in clause 9 (b) of rule 11 is to be based in facts which have led to the conviction of the employee charged in a criminal court in such cases the order of _____ passed on the _____ closed in the criminal case.

(ii) When the employee charged has absconded or when it is for other reasons impracticable to communicate with him.

(iii) In exceptional cases when there is difficulty in observing the exact requirement of rule 15. The requirement of this rules should not, however be waived unless it can be done without justice to the person charged in such cases, the inquiring Authority should record his reasons in writing for waiving the requirement of rule 15.

18. The officer appointed to conduct the inquiry shall not entrust the enquiry to any other person.

V. APPEALS AND REVIEW

19. (1) An employee may appeal against an order of suspension to the authority to which the authority which made the order is immediately subordinate. Appeal against the order passed by the Vice Chancellor shall lie to BOM.

(2) An employee may appeal against an order imposing upon him any of the penalties specified in rule 11 to the Authority to which the authority which made the order is immediately subordinate. Appeal against the order passed by the Vice Chancellor shall lie to the Board.

(3) In the case of an order which is applicable, the authority passing the order shall, within a reasonable time, give a certified copy of the order free of cost to the person against when the order is passed.

(4) To appeal under rule shall be entertained unless it is submitted within a period of sixty days from the date on which the appellant receives a copy of the order appealed against:

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

(5) Every person submitting an appeal shall do so separately and in his own name. The appeal shall be addressed to the authority to whom the appeal lies, and shall contain all material statement and arguments on which the appellant relies and shall not contain any disrespectful or improper language, and shall be complete in itself.

(6) Every appeal shall be submitted through the proper channel to the authority which made the order appealed against:

Provide that a copy of the appeal may be submitted direct to the appellate authority.

(7) The authority which made the order appealed may withhold the appeal

- (a) It is an appeal against an order from which no appeal lies;
- (b) it does not comply with any of the provisions of these rules; or
- (c) it is a repetition of an appeal already decided and new facts or circumstances are addressed:

Provided that an appeal with held on the ground only that it does not comply with the provisions of sub rule (5) shall be returned to the appellant, if resubmitted within fifteen days thereof after compliance with the said provisions, shall not be withheld.

- (d) Where an appeal is withheld, the appellant shall be informed of the fact and reasons therefore.

(8) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under sub rule (7) above together with its comments thereon and the relevant records.

(9) On receipt of the appeal, the appellate authority shall consider:

- (a) Whether the procedure prescribed in these rules has been complied with and if not, whether such non compliance has resulted in failure of justice.
- (b) Whether the facts on which the order was based have been established.
- (c) Whether the findings are justified and the facts established afford sufficient ground for taking action, and
- (d) Whether the penalty imposed is adequate, excessive or inadequate.

(10) After considering the appeal in the light of the above points, the appellate authority shall pass orders:

- (i) Settling aside, reducing, confirming or enhancing the penalty; or
- (ii) Directing that further enquiry be held in the case, or

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- (iii) Making such other order in the case as it may deem fit.
Provided that where it is proposed to impose enhanced penalty, the employee concerned shall be given an opportunity of showing cause against the proposed enhancement.

- (11) Implementation of the orders in appeal:

The authority which made the order appealed against shall give effect to the order of the appellate authority.

20. The authority to which an appeal against an order imposing any of the penalties specified in these rules or any authority superior to him, lies, may, of its motion or otherwise, call for the records of the case in disciplinary proceedings, review any order passed in such cases and pass such orders as it deems fit, as if the employee had preferred an appeal against such order and provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.