

Ref. No. Estab.II(i)/016/2013/29

UNIVERSITY OF DELHI

Delhi, the 26th September, 2013

NOTIFICATION

In pursuance of the decision of the Executive Council vide its Resolution No. 14 dated the 17th August, 2013, the University Non-Teaching Employees (Terms & Conditions of Service) Rules 2013 are hereby notified. A copy of the same is enclosed herewith. These rules come into force with effect from 17-08-2013.

2. The University Non-Teaching Employees (Terms & conditions of Service) Rules 1971 is hereby repealed.


REGISTRAR

University Non-Teaching Employees
(Terms and Conditions of Service) Rules-2013
[Under Ordinance XXII-D]



University of Delhi
Delhi-110007

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CHAPTER I

APPLICATION AND DEFINITION

SECTION 1

Short title and commencement-

- 1.** These rules may be called the University Non-Teaching Employees (Terms and Conditions of Service) Rules 2013.
- 2.** These rules come into force with effect from 17-08-2013. The University Non-Teaching Employees (Terms and Conditions of Service) Rules-1971 is hereby repealed. All Executive Council Resolutions not in conformity with these rules are hereby superseded.

Extent of application-

- 3.** These rules shall apply to the employees of the University/Colleges other than teachers of the University/Colleges, persons appointed on contract, daily wage and ad-hoc basis and such other employees as may be specially exempted by the Executive Council.

SECTION II

Definitions and Interpretations-

- 4.** Unless the context otherwise requires the various terms are used in the rules in the sense explained below:
 - (i) "average pay" means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.
 - (ii) "cadre" means the strength of a service or a part of a service sanctioned as a separate unit.
 - (iii) "College" means an institution maintained or admitted to its privileges by the University and includes an Affiliated College and a Constituent College;

Explanation I: 'Affiliated College' means an institution recognized by the University in accordance with the provisions of the Act and the Statutes in which instruction is provided in accordance with the

provision of the Statutes and Ordinances upto the Bachelor's degree, but exclusive of Honours and Post-Graduate degrees.

Explanation II: **'Constituent College'** means an institution recognized as such by the Executive Council in accordance with the provisions of the Act and the Statutes.

Provided that the said condition shall not apply in the case of Colleges and Institutions maintained by the NCT of Delhi.

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

(v) **"duty"**- Duty includes service as a probationer provided that such service is followed by confirmation; and joining time.

(vi) **"employee"** means any person appointed by the University/College to any post in the University/College other than University/College teachers and such other employees defined under Rule 3 of these Rules.

Explanation:- An employee on foreign service or whose services are temporarily placed at the disposal of another University/College or any other authority by the University/College; and also any person in the service of a State Government or Central Government or a local or other authority, or any other autonomous body whose services are temporarily placed at the disposal of the University/College shall, for purposes of these rules, be deemed to be a employee serving under the University/College; notwithstanding that his salary is drawn from sources other than the funds of the University/College.

(vii) **"fee"** means a recurring or non-recurring payment to an employee from a source other than the funds of the University/College; whether made directly to an employee or indirectly through the intermediary of the University/College.

(viii) **"foreign service"** means service in which an employee receives his pay with the sanction of the University/College from any source other than the funds of the University/College.

(ix) **"honorarium"** means recurring or non-recurring payment granted to an employee from the funds of the University/College as remuneration for special work of an occasional or intermittent nature.

(x) **"joining time"** means the time allowed to join a new post or to travel to or from a station to another to join a post.

(xi) "leave salary" means the monthly amount paid by the University/College to an employee who is on leave.

(xii) "lien" means the title of an employee to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation:

Provided that the title to hold a regular post shall be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

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

(xiv) "officiate" an employee officiates in a post when he performs the duties of a post on which another person holds a lien. An employee may also officiate in a vacant post on which no other employee holds a lien.

(xv) "pay" means the amount drawn monthly by an employee as-

- (a) the pay on the basis of pay band and grade pay applicable and excludes special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by his position in a cadre; and
- (b) special pay and personal pay; and
- (c) any other emoluments which may be specially classed as pay by the Executive Council.

(xvi) "personal pay" means additional pay granted-

- (a) to save an employee from loss of substantive pay in respect of a permanent post, other than a tenure post, due to a revision of pay or to any reduction of such substantive pay, otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances on other personal considerations.

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

(xviii) **"selection committee"** means a composition of members of Selection Committee including Departmental Selection Committee defined in the Appendix 1 and Appendix 2 to the Schedule of the Recruitment Rules (Non-Teaching Employees) 2008.

(xix) **"special pay"** means an addition, of the nature of pay, to the emoluments of a post or of an employee granted in consideration of: -

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility.

(xx) **"permanent post"** means a post carrying a definite rate of pay sanctioned without limit of time.

(xxi) **"subsistence grant"** means a monthly allowance given to an employee who is not in receipt of pay or leave salary.

(xxii) **"substantive pay"** means the pay other than special pay or personal pay or any other emoluments classed as pay to which an employee is entitled to on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

(xxiii) **"temporary post"** means a post carrying a definite rate of pay sanctioned for a limited time.

(xxiv) **"tenure post"** means a permanent post which an individual employee may not hold for more than a limited period.

Note.- In case of doubt, the Executive Council may decide whether a particular post is or is not a tenure post.

(xxv) **"time scale pay"** means pay, which rises by periodical increments from a minimum to a maximum.

(xxvi) **"travelling allowance"** means an allowance granted to an employee to cover the expenses which he incurs in travelling in the interests of the University/College.

(xxvii) **"The University"** means the University of Delhi.

CHAPTER II

GENERAL

SECTION I

General Conditions of Service

5. Posts, Recruitment and Appointments-

(a) Classification of posts- Posts under the University/College shall be as specified in Annexure – I to these rules. The classification of posts shall be as per Annexure – II to these rules.

(b) Qualifications for appointment- The qualifications for appointment to the posts in various cadres in the University/College shall be such as may be determined by the Executive Council and notified from time to time.

(c) Fitness-

(i) appointment of persons by direct recruitment for a period of more than 12 months shall be subject to their being found medically fit by the Medical Officer of the University or any other Medical Officer authorised for the purpose.

(ii) the persons appointed on part-time basis will also be required to produce Medical Certificate of fitness in the same manner and under the same conditions as applicable to whole time employees.

(iii) no person shall be appointed to any post unless the appointing authority is satisfied that he possesses good character and antecedents. Every employee at the time of joining the University/ College service is required to submit attestation form in the prescribed format alongwith identity certificate. His appointment shall be subject to verification of his character and antecedents from the district authorities.

However, this shall not apply to an employee whose character and antecedents have already been verified in his previous service under a Government Department/Organisation. But a copy of the same shall be obtained from his previous employer and kept in his service records.

- (d) Methods of Recruitment- Recruitment to the posts may be made:
- (i) by direct recruitment;
 - (ii) by promotion; and
 - (iii) by appointment of employees borrowed from Government Departments and other Institutions.
- (e) Recruitment by Promotion-
- (i) appointment to a post in any grade by promotion shall be made, whether in a permanent or officiating capacity, from amongst employees serving in posts in the next lower grade.
 - (ii) every appointment by promotion shall be subject to such conditions as may be prescribed in the Recruitment Rules.
- (f) Appointments-The following general conditions shall apply to all appointments to the service of the University/ College.
- (i) no person shall be eligible for initial appointment unless he has attained the age of 18 years.
 - (ii) no person shall be eligible for appointment who has previously been dismissed, or compulsorily retired from the service of the University/ College, Central or State Government or a Government body.
 - (iii) no person shall be eligible for appointment who has been convicted in a court of law for any offence involving moral turpitude.
 - (iv) appointments to the posts shall be made by the Executive Council or an authority competent to make appointments as prescribed under Rule 64 (iii) (a) & (b) on the recommendations of Selection Committees appointed for the purpose from time to time.
 - (v) the age, educational and other qualifications for appointment to the post and the methods of recruitment shall be as prescribed in the Recruitment Rules.

Provided that the rules laid down by the Government of India for reservation of certain percentage of posts in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disability shall apply *mutatis mutandis* to such posts as are to be filled by direct recruitment and promotion.

(g) Commencement of Service- Service shall be deemed to commence from the working day on which an employee reports for duty in an appointment if he reports for such duty in the forenoon and from the following day if he reports for duty in the afternoon.

(h) Appointments in the place of employees dismissed, removed or reduced-

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

6. Re-employment in service beyond the date of retirement-

Nothing in these rules shall be construed to limit or abridge the power of the Executive Council to re-employ on contract basis persons in the service of the University who have reached the date of retirement prescribed by the Executive Council provided that:-

- (a) such re-employment is certified to be in the interest of the University.
- (b) for other special circumstances to be recorded in writing and sanctioned by the Vice-Chancellor.

7. Employees absent from duty-

The absence of an employee of the University/College from duty, whether on leave or on foreign service or on deputation or for any other reason and whether his lien in a post borne on the cadre of the service is suspended or not, shall not, if he is otherwise fit, render him ineligible on his return:

- (a) for re-appointment to a permanent or officiating vacancy in the cadre or post on which he may be on probation;
- (b) for promotion from a lower to a higher category in the service, as the case may be, in the same manner as if he had not been absent. He shall be entitled to all privileges in respect of appointment, seniority, probation and confirmation which he would have enjoyed but for his absence subject to his completing satisfactorily the period of probation on his return.

SECTION – II

Tenure

8. Probation and confirmation-

(1) Every person appointed permanently to a post under the University/ College after the commencement of these rules, whether by promotion or by direct recruitment shall be on probation in such post for a period of one year provided that the appointing authority may, in any individual case, extend the period of probation for a further period not exceeding one year, the reasons thereof to be recorded in writing.

(2) Where a person appointed to a post under the University/College on probation is, during his period of probation, found unsuitable for holding that post or has not completed his period of probation satisfactorily, the appointing authority may-

(i) in case of a person appointed by promotion revert him to the post held by him immediately before such appointment;

(ii) in case of a person appointed by direct recruitment terminate his services under the University/College without notice; and

(iii) extend his period of probation to the extent necessary as specified in sub-rule (1) above.

(3) Every person appointed to a permanent post under the University/ College by promotion or by direct recruitment shall, on satisfactorily completing his period of probation, be eligible for confirmation in that post.

(4) No employee shall be confirmed in any post unless-

(i) Such post is permanent and no one else holds a lien on the post.

(ii) The service of the employee under the University/College is approved by the appointing authority.

(iii) A verification report about the character and antecedents of the employee is received from the district authorities.

9. Seniority-

The seniority of an employee in a particular grade will be determined in accordance with the general principles enunciated by the Government of India.

10. Temporary and permanent service-

- (i) An employee shall be a temporary employee of the University/College, until he is confirmed in a permanent post on successful completion of probation under the University/College;
- (ii) An employee confirmed in permanent post under the University/College shall be a permanent employee of the University/College.

11. Termination of Service-

(1) The services of a temporary employee may be terminated by the appointing authority under rule 64 (iii) (a) to (b) or any higher authority of the University/College without assigning any reason -

- (i) during the period of probation following the first appointment, at any time without notice; and
- (ii) if the appointment is temporary at any time by a notice of one month in writing given by the appointing authority to the employee or forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his service, or as the case may be, for the period by which such notice falls short of one month.

(2) The service of a permanent employee may be terminated by a notice of three months or on payment of pay plus allowances drawn by him immediately before the termination of his service for such period as the notice falls short of three months, or without notice on payment of three months' pay plus allowances drawn by him immediately before the termination of his service, if the post in which he was confirmed, is abolished.

(3) An employee who is given notice of termination of service under clause (2) may be granted, during the period of notice, such earned leave, as may be admissible to him, and where the leave so admissible and granted is more than three months, his services shall be terminated on the expiry of such leave.

(4) Nothing contained in this rule shall affect the right of the appropriate authority to take action under Rule 64 leading to the dismissal, removal from service or compulsory retirement of an employee.

12. Retirement-

(1) The age of retirement of a member of the administrative and other staff of the University/College, except Controller of Examinations, Deputy Librarian and Assistant Librarian in its permanent whole time service shall be on the completion of the age of 60. The Controller of Examinations, Deputy Librarian and Assistant Librarian in its permanent whole time service shall retire at the age of 62 years.

(2) Notwithstanding the provisions of sub-clause (1) above, an employee shall be retired:-

(i) on his being declared medically unfit for service by a Medical Board to be appointed by the Executive Council in this behalf, or

(ii) on the imposition of the penalty of compulsory retirement.

(3) Retention of Lien

i) The lien of a permanent employee who applies through proper channel for a post in response to advertisements in other organisation (UPSC/Government of India Departments/State Governments /Autonomous Bodies/ Central /State Universities/Colleges of Delhi University) may be retained in the University/College for a maximum period of two years or date of confirmation in the new post, whichever is earlier. Such employees should either revert back to the University/College within that period or resign from the post at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other Department/Offices. (Note: The period of the lien shall be treated as Extra Ordinary Leave)

ii) In exceptional cases where it would take some time for the other Department/Office to confirm such University/College employees due to administrative reasons, they may be permitted to retain their lien in the University/College for one more year. While granting such permission, a fresh undertaking similar to the one indicated in sub-para (i) above may be taken from the permanent employee.

iii) As for temporary employees, they should as a matter of rule be asked to resign from the post at the time of release. An undertaking to the effect that they will resign from the post in the event of their selection and appointment to the post applied for may be taken from them at the time of forwarding the applications.

iv) when a permanent employee does not resume duty after remaining on leave for continuous period of three years, or whether an employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of the leave granted to him exceeds three years his lien shall unless the Executive Council in view of the exceptional circumstances of the case otherwise determines be deemed to have terminated and he shall cease to be in the University service.

13. Resignation-

Subject to the acceptance of resignation by the Competent Authority, a permanent employee may, by notice of three months in writing addressed to the appointing authority resign from the service of the University/College, or by payment of a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the acceptance of his resignation, in the case of a temporary employee, this period shall be one month:

Provided the appointing authority may if it deems proper in any case permit a permanent/temporary employee to resign the service on notice of less than three months/one month.

SECTION III

Miscellaneous

14. Service Books and Character Rolls-

- (i) The University/College 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 Registrar/Director/Principal as the case may be.

15. Annual Performance Appraisal Reports (APAR)-

(a) The existing nomenclature of the Annual Confidential Report has been modified as Annual Performance Appraisal Report (APAR).

(b) 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. (Annexure III)

(c) 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.

(d) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.

(e) 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.

(f) 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.

(g) 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.

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

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) Periodicity

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

(n) 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.

16. Tests or Examinations-

Employees shall be required to pass such departmental and other tests or examinations as may be prescribed in the Recruitment Rules.

17. 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.

18. 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.

19. 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.

CHAPTER III

PAY AND ALLOWANCES

SECTION I

Pay

20. Scales of Pay-

The scales of pay for the posts in the University/College service shall be as specified from time to time by the Government of India and adopted by the Executive Council.

21. Initial Pay-

The initial pay of an employee who is appointed to a post on a time scale of pay is regulated as follows:

(i) In case of an appointment the employee shall have the option, to be exercised within one month from the date of promotion or appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time-scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post.

Provided that, where an employee is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time-scale of the lower post or rupees one hundred whichever is more.

(ii) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time-scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis:

Provided that where the minimum pay of the time-scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay:

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time-scale of the new post.

(iii) When appointment to the new post is made on his own request the maximum pay in the time-scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay'

It is further clarified that on transfer to the lower post/scale, the pay of an employee holding a post on regular basis will be fixed at a stage equal to the pay drawn by him in the higher grade. If no such stage is available, the pay will be fixed at the stage next below the pay drawn by him in the higher post and the difference may be granted as personal pay to be absorbed in future increments. If the maximum of the pay scale of the lower post is less than the pay drawn by him in the higher post, his pay may be restricted to the maximum.

(iv) The entry level pay in the pay band at which the pay of direct recruits to a particular post carrying a specific grade pay will be as per Annexure-IV to these rules.

When such appointment is made by promotion; the initial pay shall be regulated as under:

a) One increment equal to 3% of the sum of the pay in the pay band and the existing grade pay will be computed and rounded off to the next multiple of 10. While rounding off, paise should be ignored but any amount of a rupee or more should be rounded off to next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the promotion post will thereafter be granted in addition to this pay in the pay band. In cases where promotion involves change in the pay band also, the same methodology will be followed. However, if the pay in the pay band after adding the increment is less than the minimum of the higher pay band to which promotion is taking place, pay in the pay band will be stepped to such minimum.

b) In case the employee opts to get his pay fixed from his date of next increment, then, on the date of promotion, pay in the pay band shall continue unchanged, but the grade pay of the higher post will be granted. Further re-fixation will be done on the date of his next increment i.e., 1st July. On that day, he will be granted two increments: one annual increment and the second on account of promotion. While computing these two increments, basic pay prior to the date of promotion shall be taken into account. To illustrate, if the basic pay prior to the date of promotion was Rs. 100, first increment would be computed on Rs. 100 and the second on Rs. 103.

c) In case the employee opts to get his pay fixed in the higher grade from the date of his promotion, he shall get his first increment in the higher grade on the next 1st July if he was promoted between 2nd July and 1st January. However, if he was promoted between 2nd January and 30th June of a particular year, he shall get his increment on 1st July of next year.

d) In the case of promotion from PB-4 to HAG+, after adding one increment in the manner prescribed in Rule 22 (b), the pay in the pay band and existing grade pay will be added and the resultant figure will become the basic pay in HAG+. This shall not exceed Rs. 80,000/-, the maximum of the scale. For employees in receipt of NPA, pay plus NPA will not exceed Rs. 85,000/-.

22. Increments-

a) An increment shall ordinarily be drawn as a matter of course from the 1st of July every year, except when it is withheld as a statutory punishment. If an employee is on leave or is availing joining time on 1st of July, the increased pay will be drawn only from the date on which he resumes duty and not from the first of July.

b) The annual increment will be 3% of total pay in the running pay band and corresponding grade pay rounded off to next multiple of 10, while rounding off, paise should be ignored but any amount of a rupee or more should be rounded off to next multiple of 10. The amount of increment will be added to the existing pay in the pay band.

c) Qualifying period for earning increment is 6 months on 1st July. However, an employee who is promoted / appointed on 1st January of a year, joins that post on the first working day of the year due to Sunday or a Gazetted holiday falling on 1st January, is deemed to have completed six months of service on 1st July of that year for drawal of annual increment.

d) Qualifying service of less than six months between 1st July of previous year and 30th June of the year on account of EOL (without medical certificate) will have the effect of postponing the increment except under conditions laid down in Rule 23.

e) In cases where an employee reaches the maximum of his pay band, he shall be placed in the next higher pay band after one year of reaching such a maximum. At the time of placement in the higher pay band, the benefit of one increment will be provided. Thereafter he will continue to move in the higher pay band till his pay in the pay band reaches the maximum of PB-4, after which no further increments will be granted.

23. Service counting for Increment

- a) All periods of duty
- b) Service in another post, other than a post carrying less pay
- c) All kinds of leave other than extraordinary leave.
- d) EOL granted --
 - (i) on medical certificate.
 - (ii) Otherwise than on medical certificate due to the inability of the employee to join duty on account of civil commotion
 - (iii) For prosecuting higher technical and scientific studies.
- e) Foreign service
- f) Joining time

24. Pay during suspension-

1. (a) An employee under suspension or deemed to have been placed under suspension shall by an order of the appointing authority, during the period of suspension, draw subsistence allowance, at an amount equal to the leave salary which the employee would have drawn, if he had been on leave on half average pay or on half-pay and in addition, dearness allowance, if admissible on the basis of such leave salary:

Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension, shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:-

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period the first three months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee;

(iii) the rate of dearness allowance will be based on increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i), (ii) above.

(b) Any other compensatory allowances admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances.

2. No payment under sub-rule (1) shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of an employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

3. Recoveries from subsistence allowance- The permissible deductions from the subsistence allowance fall under the two categories:-

(a) Compulsory deductions.

(b) Optional deductions.

(a) Compulsory deductions:

(i) Income-**tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable).**

(ii) House Rent and allied charges, i.e. electricity, water, furniture etc.

(iii) Repayment of loans and advances other than from Provident Fund taken from the University/College at such rates as the Vice-Chancellor/ Principal may decide.

(iv) Subscription to Group Insurance Scheme

(v) Contribution towards WUS Health Centre.

(b) Optional deductions:

The deductions falling under this category should not be made except **with employee's written consent**, are as under-

- (i) Premia due on Life Insurance Policies.
- (ii) Amount due to Co-operative Stores and Co-operative Credit Societies.
- (iii) Refund of advance taken from Provident Fund.

The deductions of the following nature should not be made from the subsistence allowance.

- (i) Subscription to Provident Fund.
- (ii) Amounts due on Court attachments.
- (iii) Recovery of loss to University/College for which an employee is responsible.

25. Special pay, personal pay, honorarium and fee-

The University/College 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.

26. Drawal of Pay-

- (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/College without the notice prescribed shall not, unless the Vice-Chancellor/Principal directs otherwise, be allowed to draw pay due but not drawn.

SECTION II

27. 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.

SECTION III

Compensatory Allowances

- 28.** The employees will be eligible to House Rent Allowance, Travelling Allowance and other allowances as sanctioned by the University/ College according to the rules in force from time to time.

CHAPTER IV

LEAVE

SECTION I

29. Extent of Application

Save as otherwise provided in these rules, these rules shall apply to the employees of the University/Colleges other than teachers of the University/Colleges, persons appointed on contract, daily wage and ad-hoc basis and such other employees as may be specially exempted by the Executive Council.

30. INTERPRETATION

In these rules, unless the context otherwise requires:-

(a) **"authority competent to grant leave"** means the authority specified at Column (4) of the Annexure-V.

(b) **"completed years of service" or "one year's continuous service"** means continuous service of specified duration under the University/College and includes period spent on duty as well as on leave including extra-ordinary leave.

(c) **"date of retirement" or "date of his retirement"** in relation to an employee, means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his services.

(d) **"earned leave, half-pay leave, leave not due, commuted leave, extra-ordinary leave etc."**, means the leave as provided in these rules.

(e) **"earned leave"** means leave earned in respect of period spent on duty.

(f) **"Employee in permanent employ"** means an employee who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended.

(g) **"half-pay leave"**, means leave earned in respect of completed years of service calculated according to the provisions hereinafter contained.

SECTION II

GENERAL CONDITIONS

31. Right to leave

(1) Leave cannot be claimed as of right.

(2) When the exigencies of service so require, leave of any kind may be refused or revoked by the authority competent to grant it.

In case an employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases.

31-A. Regulation of claim to leave

An employee's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

31-B. Combination of different kinds 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.

EXPLANATION-Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

31-C. Commencement and Termination of leave

(1) Leave ordinarily begins on the day on which the transfer of charge is affected and ends on the day preceding that on which the charge is resumed.

(2) Saturdays/Sundays and other holidays may be prefixed or suffixed to leave subject to any limit of absence on leave prescribed under each kind of leave. Provided further the restricted holiday can be prefixed or suffixed to regular leave or casual leave.

(3) If an employee is transferred to Foreign Service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

31-D. Effect of dismissal, removal or resignation on leave at credit

- (1) Except as provided in Rule 31-F and this rule, any claim to leave to the credit of an employee, who is dismissed or removed or who resigns from service, ceases from the date of such dismissal or removal or resignation.
- (2) Where an employee applies for another post in other organisation (UPSC/Government of India Departments /Autonomous Bodies/ Central Universities and Colleges of Delhi University) and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.
- (3) An employee, who is dismissed or removed from service and reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

31-E. Encashment of Earned Leave alongwith Leave Travel Concession while in service

An employee may be permitted to encash earned leave upto ten days at the time of availing Leave Travel Concession, while in service, subject to the conditions that:

- (i) the total leave so encashed during the entire career does not exceed sixty days in the aggregate;
- (ii) a balance of at least thirty days of earned leave may be available to his credit after taking into account the period of encashment as well as leave being availed of;

(iii) the cash equivalent for encashment of leave shall be calculated as follows namely: -

$$\text{Cash Equivalent} = \frac{\text{Pay admissible on the date of availing of Leave Travel Concession plus dearness allowance admissible on that date} \times \text{Number of days of EL being encashed subject to the maximum of ten days at one time}}{30}$$

- iv) No House Rent Allowance shall be included in the cash equivalent calculated under sub-rule (iii).
- v) The period of earned leave encashed shall not be deducted from the quantum of leave that can normally be encashed by the employee under Rules 31-F, 43-B, 43-C, 43-D, and 43-E.

vi) If the employee fails to avail the Leave Travel Concession (LTC) within the time prescribed under the LTC Rules, then he shall be required to refund the entire amount of leave so encashed along with interest at the rate of two percent above the rate of interest as applicable to Provident Fund balances and shall also be entitled for credit back of leave so debited for leave encashment.

31-F. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service

(1) No Leave shall be granted to any employee beyond:-

(a) the date of his retirement or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to University/College or he is retired by University/College by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service.

(2) (a) Where an employee 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 both earned leave and half pay leave (H.P.L.), if any, at the credit of the employee on the date of his retirement, subject to a maximum of 300 days.

(b) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lump sum as a one-time settlement. No House Rent Allowance shall be payable.

(i)

<p>Cash equivalent for earned leave</p>	<p>Pay admissible on the date of retirement plus dearness allowance (DA) admissible on that date</p>	<p>X</p>	<p>Number of days of unutilised earned leave at credit on the date of retirement subject to maximum of 300 days.</p>
<p>= $\frac{\text{Pay admissible on the date of retirement plus dearness allowance (DA) admissible on that date}}{30}$</p>			

(ii)

Half Pay Leave salary admissible on the date of retirement plus D.A. admissible on that date	Number of days of H.P.L. at credit subject to the total of earned leave and HPL at credit not exceeding 300 days
Cash payment in lieu of = _____	
half pay leave component	30

NOTE.- The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

(c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.

(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee 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 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/College dues, if any.

(4) An employee, who retires or is retired from the service in the manner mentioned in clause (c) of sub-rule (1), may be granted *suo-motu*, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both earned leave and half pay leave at his credit subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 31-F.

(5) (a) (i) Where the services of an employee 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 both earned leave and half pay leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 31-F.

(ii) If an employee resigns or quits service, 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 of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days;

(b) The cash equivalent under Clause (a) shall be equal to leave salary admissible for earned leave calculated under Clause (b) of sub-rule (2) of Rule 31-F plus dearness allowance admissible on that leave salary at the rate in force on the date the employee ceases to be in service. The amount so calculated

should be paid in one lump sum as one time settlement. No House Rent Allowance shall be payable.

31-G. Commutation of one kind of leave to another

(i) At the request of an employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right.

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned employee joining his duty on the expiry of the relevant spell of leave availed of by him.

(ii) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, 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 commuted retrospectively into leave not due subject to the provisions of Rule 36.

31-H. Leave on medical grounds and resumption of duty

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

An employee who has been granted leave on medical grounds shall be required to produce a medical certificate of fitness before resuming duty.

31-I. Re-joining of duty before the expiry of the leave and Return from leave

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

(ii) Return from leave

An employee shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave.

31-J. Application for leave

Leave should be applied for in the prescribed form given in Annexure VI. It should be applied for sanction before it is availed of except in special cases of emergency and for reasons to the satisfaction of the sanctioning authority.

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

31-L. Increment during Leave

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

31-M. Maximum amount of continuous leave

Unless the Executive Council, in view of the exceptional circumstances of the case otherwise determines, no permanent employee shall be granted leave of any kind for a continuous period exceeding five years.

31-N. Leave account will be made for each employee in the prescribed form

The order sanctioning earned leave, half-pay leave to an employee shall hereafter indicate the balance of such leave at his credit. Honorary or part-time employees shall be entitled to leave on the same conditions on which it is available to salaried employees of the University. Leave to the employees engaged on contract will be in accordance with the terms of the contract entered into.

31-O. Absence after expiry of leave

- (1) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extra-ordinary leave.
- (2) Wilful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

31-P. Combination of holidays with leave

(1) (i) When the day, immediately preceding the day on which an employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays.

(ii) In the case of leave on medical certificate-

(a) When an employee is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and

(b) When an employee is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

(2) Unless the authority competent to grant leave in any case otherwise directs-

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

Note- A compensatory leave granted in lieu of duty performed by an employee on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

SECTION – III

KINDS OF LEAVE

32. The following kinds of leave shall be admissible to the employees:

(i) Leave earned by duty:

Earned leave, half pay leave, commuted leave and leave not due.

(ii) Leave not earned by duty:

Casual leave, special casual leave, maternity leave, paternity leave, child care leave, hospital leave, study leave and extra-ordinary leave.

33 Earned leave admissible to employees

1 (a) The leave account of every employee shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(b) The leave at the credit of an employee at the close of the previous half year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

Provided that where the earned leave at the credit of an employee as on the last day of December or June is 300 days or less but more than 285 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (a) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

(c) The maximum amount of Earned Leave (E.L.) that can be granted to an employee at a time shall be 180 days.

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

(e) when an employee is appointed, earned leave shall be credited to his leave account @ 2 ½ days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is

appointed e.g. if he is appointed on 13th March, the number of completed months of his service in that half year will be 3 and the credit will be $3 \times 2 \frac{1}{2} = 7 \frac{1}{2}$ days rounded to 8 days if he is appointed on 4th April, the number of completed months will be only 2 and the credit will be $2 \times 2 \frac{1}{2} = 5$ days.

(f) the credit for the half year in which a employee is due to retire or resigns from the service shall be afforded only at the rate of $2 \frac{1}{2}$ days per completed month in that half year up to the date of retirement/resignation. If in the case of an employee who resigns from the University service, the leave already availed of is more than the credit so due to him, necessary adjustment should be made in respect of leave salary overdrawn, if any.

(g) when an employee is removed or dismissed from service, credit of earned leave shall be allowed at the rate of $2 \frac{1}{2}$ days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service. When an employee dies, while in service, credit of Earned Leave shall be allowed at the rate of $2 \frac{1}{2}$ days per completed month of service up to the date of death of the employee.

(h) if an employee has availed of extra ordinary leave and/or some period of absence has been treated as *dies non* in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by $1/10^{\text{th}}$ of the period of such leave and / or *dies non* subject to maximum of 15 days.

(i) while affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

2. **Limits of accumulation and grant**

(a) An employee shall cease to earn leave under Clause 1 (a) of Rule 33 when the earned leave due amounts to 300 days.

(b) The maximum amount of earned leave that can be granted to an employee at a time shall be 180 days.

Earned leave may be granted for a period exceeding 180 days, but not exceeding 300 days if the entire leave so granted or any portion thereof is spend outside India, Bangladesh, Bhutan, Myanmar (Burma), Sri Lanka, Nepal and Pakistan.

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

Provided earned leave taken as leave preparatory to retirement can be availed of upto a maximum of 300 days

(c) Prefixing /Suffixing of Holidays to leave:-

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 prefixing/suffixing holidays to leave is specifically with-held. When an employee is certified medically fit for joining duty, holiday(s) if any succeeding that day shall automatically be allowed to be suffixed to the leave and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

34. Half Pay leave

(1) The half-pay leave account of every employee shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which an employee is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When an employee is removed or dismissed from service, credit of Half Pay Leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service. When an employee dies while in service, credit of Half Pay Leave shall be allowed at the rate of 5/3 days per completed month of service upto the date of death of the employee.

(d) When a period of absence or suspension of an employee has been treated as *dies-non* in a half year, the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one-eighteenth of the period of *dies non* subject to a maximum of ten days.

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

(4) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day.

35. Commuted leave

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

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

(c) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where an employee 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.

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

NOTE.- Commuted leave may be granted at the request of the employee even when earned leave is due to him.

36. Leave not due

1. Save in the case of the leave preparatory to retirement, leave not due may be granted to an employee in permanent employment limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;

(c) leave not due shall be debited against the half pay leave the employee may earn subsequently;

Provided, however, in order to mitigate the hardship of the temporary employees who are suffering from T.B., Leprosy, Cancer or mental illness, leave not due may be granted to such employees for a period not exceeding 360 days during entire service subject to the fulfillment of conditions in clauses (a) to (c) above and also subject to the following conditions, namely: -

- (i) **that the employee has put in a minimum of one year's service;**
- (ii) that the post from which employee proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate.

(2) (a) Where an employee who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, **the 'leave not due' shall be cancelled**, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where an employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill health incapacitating the employee for further service or in the event of his death.

Provided further that no leave salary shall be recovered under clause (a) or clause (b) if the employee is compulsorily retired prematurely.

SECTION IV

LEAVE NOT DEBITABLE TO LEAVE ACCOUNT

37. Casual Leave

(i) Casual leave is not earned by duty. An employee on Casual Leave is not treated as absent from duty and his pay is not intermitted. Casual Leave cannot be claimed as of right and its grant is always subject to the exigencies of service and subject to a maximum of 8 days in a calendar year, which shall run from 1st January to 31st December each year.

Provided that persons who join service in the middle of a year may avail casual leave proportionately or the full period at the discretion of the competent authority.

(ii) Casual leave can be combined with Special Casual Leave and compensatory leave in lieu of Saturdays and other holidays but not with any other kind of leave.

(iii) it cannot be combined with joining time.

(iv) Casual Leave may be granted as and when occasion arises up to 5 days at any one time. Sundays / Public holidays/ restricted holidays/ weekly offs can be prefixed/suffixed to casual leave.

(v) Saturdays/Sundays and recognised holidays falling in between the casual/compensatory leave shall not be counted as part of casual leave.

(vi) Casual Leave can be taken for half-day also.

(vii) LTC can be availed during Casual Leave.

(viii) Late Coming

Half a day's casual leave shall be debited to the casual leave account of an employee for each late attendance but late attendance upto an hour, on not more than two occasions in a month may be condoned by the competent authority, if he is satisfied that it is due to unavoidable reasons e.g., illness in a family, vehicle breakdown, late running of buses / train etc.

38. Special Casual Leave

A. For Participation in Sports and Cultural Activities:

1. Special Casual Leave may be granted to an employee for a period not exceeding 10 days in any one calendar year for participating in inter-departmental tournaments and sporting events.

In the case of employees who are selected for participating in sporting events of national/international importance, the period of the actual days on which they participate in the events as also the time spent in traveling to and from such tournaments/meets may be treated as duty. Further, if any pre-participating coaching camp is held in connection with the above-mentioned events and the employee is required to attend the same, this period may also be treated as on duty.

2. The quantum of special casual leave for a period not exceeding 30 days in a calendar year allowed to employees for the following purposes:

- i) attending coaching or training camps under Rajkumari Amrit Kaur Coaching Scheme or similar All India coaching or Training Schemes;
- ii) attending coaching or training camps at the National Institute of Sports, Patiala;
- iii) participating in mountaineering expeditions;
- iv) attending coaching camps in sports organised by National Sports Federation/Sports Boards recognised by Government (Department of Youth Affairs and Sports);
- v) participating in trekking expeditions;
- vi) participating in sporting events of national/international importance; and
- vii) coaching/administration of teams participating in sporting events of national/international importance.

B. For Family Planning

1. In the case of male employees.

Male employees who undergo vasectomy operation under the Family Welfare Programme for the first time may be granted special casual leave not exceeding five working days. Saturdays/Sundays and closed holidays intervening should be ignored while calculating the period of special casual leave. If any employee undergoes vasectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding five working days may be granted again on production of a certificate from the medical authority concerned to the effect that the second operation was performed due to failure of the first operation.

2. In the case of Female Employees.

(a) Female employees who undergo tubectomy operations – whether puerperal or non puerperal – may be granted special casual leave not exceeding 10 working days.

(b) In the case of female employees who undergo tubectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding 10 working days may be granted again on production of a medical certificate from the prescribed medical authority concerned to the effect that the second operation was performed due to the failure of the first operation.

(c) Female employees who have insertions of intrauterine contraceptive devices (IUCD) may be granted special casual leave on the date of the IUCD insertion.

(d) Female employees who have reinsertions of Intrauterine Device (IUD) may be granted special casual leave on the date of the IUD re-insertion.

(e) Female employees who undergo salpingectomy operation after Medical Termination of Pregnancy (MTP) may be granted special casual leave not exceeding 10 working days.

Female employees who undergo salpingectomy operation alongwith Medical Termination of Pregnancy and avail the facility of maternity leave for six weeks under Rule 39 (2) will NOT be entitled to additional 10 working days of special casual leave.

3. Male Employees whose wives undergo tubectomy operation

(a) Male employees whose wives undergo either Puerperal or non-puerperal tubectomy operation for the first time or for the second time due to failure of the first operation (Under Family Welfare Programme) may be granted special casual leave for 3 working days, subject to the production of a medical certificate stating that their wives have undergone tubectomy operation for the second time due to the failure of the first operation. It shall not be necessary to state in the certificate that the presence of the employee is required to look after the wife during her convalescence.

(b) Male employees whose wives undergo tubectomy, salpingectomy operation after Medical Termination of Pregnancy (MTP) may be granted special casual leave up to 7 days, subject to the production of the medical certificate stating that their wives have undergone tubectomy, salpingectomy operation after Medical Termination of Pregnancy. It shall not be necessary to state in the

certificate that the presence of the employee is required to look after the wife during her convalescence.

(c) **Special casual leave has to follow the date of operation.** The grant of special casual leave to a male employee whose wife undergoes tubectomy operation is intended to enable him to look after his family after the operation. In the circumstances, the special casual leave will necessarily have to follow the date of operation and there can not be any gap between the date of operation and the date of commencement of special casual leave.

4. **Special casual leave for women employees when their husbands undergo vasectomy operation.** Special casual leave for one day, on the day when their husband undergo vasectomy operation may be given to women employees, to enable them to attend on their husbands.

5. **Post-sterilisation complications**

An employee who requires special casual leave beyond the limits laid down for undergoing sterilisation operation owing to the development of post-operation complications may be allowed special casual leave to cover the period for which he or she is hospitalised on account of post-operational complications, subject to the production of a certificate from the concerned hospital authorities/an Authorised Medical Attendant.

6. **For undergoing recanalisation operation**

Employees who undergo operation for recanalisation may be granted special casual leave upto a period of 21 days or actual period of hospitalisation as certified by the Authorised Medical Attendant, whichever is less. In addition special casual leave can also be granted for the actual period of the to and fro journey performed for undergoing this operation. The grant of special casual leave for recanalisation operation (without any commitment to the reimbursement of medical expenses) is subject to the following conditions.

(i) The operation should have been performed in hospital/medical college/institute where facilities for recanalisation are available. If the operation is performed in a private hospital, it should be one nominated by the State Government/Union Territory /Administration for performing recanalisation operations.

(ii) The request for grant of special casual leave is supported by a medical certificate from the doctor who performed the operation to the effect that hospitalisation of the employee for the period stipulated therein was essential for the operation and post- operation recovery.

(iii) The concession indicated above is admissible to employees who:

(a) are unmarried or

(b) have less than two children or

(c) desire recanalisation for substantial reasons, e.g., a person has lost male children or all female children after vasectomy/tubectomy operation performed earlier.

7. Combining with regular/casual leave

Special casual leave connected with sterilisation, recanalisation under family welfare programme may be suffixed as well as prefixed to regular leave or casual leave. However, special casual leave should not be allowed to be prefixed both to regular leave and casual leave. Special casual leave should either be prefixed to regular or to casual leave and not both. Similarly, special casual leave may be suffixed either to regular leave or to casual leave and not both. The intervening holidays and/or Saturdays/Sundays may be prefixed /suffixed to regular leave, as the case may be.

C. Miscellaneous

(i) An employee summoned to serve as Juror or Assessor or to give evidence before the Court of Law as a witness in a civil or criminal case in which his private interest are not at issue may be given this leave. The leave so granted should be sufficient to cover the period of absence necessary.

(ii) Special Casual Leave not exceeding ten days in a calendar year may also be granted when an employee is deputed to attend reference libraries of other institutions and conferences of educational gathering of learned and professional society in the interests of the University/College or other academic work which will include working on the committees appointed by the University/Government/U.G.C., lecturing and examination work and U.P.S.C. work, or such other work as may be specified by the University.

(iii) Special Casual Leave may granted to an employee where the staff is prevented to attend office during civil disturbances, curfews or strikes.

38-A. Compensatory Leave

Compulsory attendance on Saturdays/Sundays or other public holidays justifies the grant of compensatory leave for the number of days an employee is compelled to attend the office, unless it is imposed on him as a penalty or it is required to clear arrears for which he is personally responsible. The attendance in such cases should be under the previous orders of the office-in-charge. The number of days of compensatory leave earned will be noted in the casual leave register and the grant of leave also noted therein. Compensatory leave to the extent actually earned may be allowed under the same conditions as prescribed for grant of casual leave.

The compensatory leave earned by non-teaching employees should be allowed to be availed of within a period of four months of its becoming due;

39. Maternity Leave

(1) A female employee with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 180 days from the date of its commencement.

(2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Maternity leave not exceeding 45 days may also be granted to a female employee (irrespective of number of surviving children) during the entire service of that female employee in case of miscarriage including abortion on production of Medical certificate.

(4) (a) Maternity Leave may be combined with leave of any other kind.

(b) Notwithstanding the provisions contained in sub-rule (1) of Rule 35 or sub-rule (1) of Rule 36, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of two years may, if applied for, be granted in continuation of maternity leave granted under sub-rule (i).

(5) Maternity leave shall not be debited against the leave account, and unmarried female employees are also eligible for maternity leave.

39-A. 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 1st 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 should not ordinarily 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 as Child Care Leave is granted for the specific purpose of taking care of a minor child for rearing or for looking after any other needs of the child during examination, sickness etc.

Notwithstanding the requirement of production of medical certificate contained in sub rule (1) of Rule 35 or sub-rule (1) of 36 leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) upto a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).

39-B. Paternity Leave

1. A male employee with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife for childbirth, i.e. upto 15 days before, or upto six months from the date of delivery of the child. During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave).

2. If the paternity leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE.- The Paternity Leave shall not normally be refused under any circumstances.

39-BB Paternity Leave for Child adoption

1. A male employee with less than two surviving children, on valid adoption of a child below the age of one year, may be granted Paternity Leave for a period of 15 days within a period of six months from the date of valid adoption.
2. During the period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
3. The Paternity Leave may be combined with leave of any other kind.
4. The Paternity Leave shall not be debited against the leave account.
5. If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE.- The paternity leave shall not normally be refused under any circumstances.

39-C. Child Adoption Leave

1. A female employee, with fewer than two surviving children, on valid adoption of a child below the age of one year may be granted child adoption leave, for a period of 180 days immediately after the date of valid adoption.
2. During the period of child adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
3. (a) Child adoption leave may be combined with leave of any other kind.

(b) In continuation of the child adoption leave granted under sub-rules (1), a female employee on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period upto one year reduced by the age of the adopted child on the date of valid adoption, without taking into account child adoption leave.

Provided that this facility shall not be admissible in case she is already having two surviving children at the time of adoption.

4. Child adoption leave shall not be debited against the leave account.

40. Hospital Leave

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

(ii) Hospital leave may be granted on leave salary on average pay or half pay as the University/College may consider necessary.

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

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

41. Extra–Ordinary Leave

(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/College the actual amount of expenditure incurred by the University/College 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.

42. Quarantine Leave: deleted (EC 172, 14.1.1993)

43. An employee shall be eligible for **Study leave** in accordance with the rules as may be prescribed by the Executive Council from time to time.

43-A. Leave Salary

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

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

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

(4) An employee on extra-ordinary leave is not entitled to any leave salary.

(5) An employee, including an employee 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 an employee who is granted cash equivalent under Clause (b) of sub-rule (2) of Rule 31-F, the leave salary shall be based on the pay drawn by him exclusive of the pension equivalent of other retirement benefits.

43-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 43-D and the cash equivalent payable shall be the same as in Clause (b) of sub-rule (2) of Rule 31-F.

43-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 in Clause (b) of sub-rule (2) of Rule 31-F.

43-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 31-F, 43-B and 43-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.

43-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 31-F.

43-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.**

43-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.

43-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.

43-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.

CHAPTER V

CONDUCT

SECTION 1

44. Interpretation

In this chapter unless the context otherwise requires:-

“members of family” in relation to an employee includes;

- (i) the wife or husband, as the case may be, of the employee, whether residing with the employee or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;
- (ii) son or daughter or step-son or step-daughter of the employee wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law;
- (iii) any other person related, whether by blood or marriage, to the employee or to the **employee’s wife or husband and wholly dependent** on the employee.

SECTION II

Rules

45. General

- (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/College.
- (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;
 - (iii) 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;
 - (iv) 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.
 - (v) 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.
 - (vi) An employee shall observe the scheduled hours of working during which he must be present at the place of his duty.
 - (vii) 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 66 read with rule 63 to terminate his services.

EXPLANATION -

I.- 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 willfully cause delays in disposal of the work assigned to him.

(4) Prohibition of sexual harassment of working women

(1) No employee shall indulge in any act of sexual harassment of any woman at her work place;

(2) 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

EXPLANATION -- For the purpose of this rule, "sexual harassment" is defined in Ordinance XV-D of the University Ordinance.

(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/College;
 - (iv) Willful 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/College;
 - (vi) Interference or tampering with any safety devices installed in or about the premises of the University/College;
 - (vii) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the University/College 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.

46. 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/College 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/College 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/College.

(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 sub-rule 47 (3) the decision of the University/College 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.

47. 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/College 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.

48. Connection with Press or other Media

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

(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/College:

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.

48-A. Representation

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

No employee shall be signatory to any joint representation addressed to the authorities or redress of any grievance or for any other matter.

49. Evidence before a Committee or any other authority

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

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

50. 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/College.

Provided that no employee shall, except in accordance with any general or special order of the University/College 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.

51. Subscription

No employee shall, except with the previous sanction of the University/College 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/College staff or his family in distress.

52. Private Trade or Employment

(1) Subject to the provisions of sub-rule (2), no employee shall, except with the previous sanction of the University/College:

- (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/College--
 - (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 Co-operative 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/College; 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/College giving details of the nature of his participation.

(3) Every employee shall report to the University/College 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/College, 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

EXPLANATION -- The term 'fee' used here shall have the meaning assigned to it in Rule 4 (vii) of these rules.

52-A. Subletting and vacation of University/College 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/College accommodation which has been allotted to him.

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

52-B Immovable property

1 (i) Every employee shall on his first appointment to any University/College service or post submit a return of his assets and liabilities in such form as may be prescribed by the University/College, 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;

Note 1- Sub-rule (1) shall not ordinarily apply to erstwhile Group D employees but the University/College may direct that it shall apply to any such employee or group of such employees.

Note 2- 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 included in Group A or Group B shall submit an annual return in such form as may be prescribed by the University/College 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/College, acquire or dispose of any immovable property 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/College shall be obtained by the employee if any such transaction is with a person having official dealings with him.

3. The University/College 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/College, include the details of the means by which, or the source from which, property was acquired.

4. The University/College may exempt any category of employees belonging to Group C or erstwhile Group D from any of the provisions of this rule except sub-rule 3. No such exemption shall, however be made without the concurrence of the Executive Council.

Explanation – **For the purpose of this rule 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.**

5. 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/College:

- (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.

53. 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/College.

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.

53-A. 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;
- (bb) refrain from consuming any intoxicating drink or drug in a public place:

- (c) not appear in a public place in a state of intoxication;
- (d) not use any intoxicating drink or drug to excess.

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.

54 Vindication of acts and character of employees

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

55. 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/College.

56. 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/College.

56-A. 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).

57. 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.

58. Delegation of Powers:

The Executive Council may by general or special order, direct that any power exercisable by it under these rules except the powers (under rule 57 of these rules) shall, subject to such conditions, if any, as may be specified in the order be exercisable also by such officer or authority as may be specified in the order.

CHAPTER VI

Penalties and Appeals

SECTION I

59. Interpretations

In this chapter unless the context otherwise requires:

- (a) "Appointing Authority", means the authority empowered to make appointment in a cadre in which the employee is for the time being included vide Rule 5 (f) (iv) Chapter II.
- (b) "Disciplinary Authority", In relation to the imposition of penalty on an employee means the authority competent under these rules to impose on him any of the penalties specified in Rule 63.
- (c) "Appellate Authority", means the authority specified under Rule 64 for categories of employees referred at (a) to (b).

60. Application

- (i) These rules shall apply to all the employees covered by these Rules.
- (ii) If any doubt arises – (a) whether these rules or any of them apply to any person or (b) whether any person to whom the rules apply belongs to a particular cadre, the matter shall be referred to the Executive Council which shall decide the same.

61. 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 term of any agreement subsisting between any such person and the University/College on the commencement of these rules.

SECTION II

62. Suspension

(1) The Appointing Authority or any other authority empowered by the University/College 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.

(3) Where a case against an employee in respect of any criminal offence is under trial, it shall be the duty of the employee to inform the University/College 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/College about the said detention at the earliest available opportunity. Failure to supply the information as aforesaid shall be regarded as misconduct on the part of the employee rendering him liable for disciplinary action on that ground alone.

(4) 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.

(5) 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.

(6) (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 by him 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.

(7) 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 (see Annexure VII) 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.

(8) 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.**

(9) 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*.

(10) Revoking of Suspension

1. Under sub-rule (6) (c) of Rule 62, 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.

11. Notwithstanding anything contained in Rule 62, 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.

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

Section III

Penalties and Disciplinary Authorities

Rule 63 Penalties

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

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/College 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;

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

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.

Rule 64. Appointing Authority, Disciplinary Authority and Appellate Authority

- (i) The Appointing Authority, Disciplinary Authority and Appellate Authority in respect of employees of the University/Colleges, other than teachers are specified in the table below.
- (ii) The Executive Council may impose on an employee of the University/College any of the penalties specified in Rule 63.
- (iii) Without prejudice to the provisions of sub-Rule (ii), the following are the Disciplinary Authorities who may impose on an employee, the penalties specified under Rule 63:

(a) Employees of the University:

Description of service	Appointing Authority	Disciplinary Authority competent to impose penalties		Appellate Authority
		Authority	Penalties (Major/Minor)	
Group C Staff (including erstwhile Group D staff)	Registrar	Registrar	All	Pro Vice Chancellor
Group B	Pro Vice Chancellor	Registrar	Minor	Pro Vice Chancellor
		Pro Vice Chancellor	All	Vice Chancellor
Group A	Executive Council	Vice Chancellor	Minor	Executive Council
		Executive Council	All	Executive Council

Note : Disciplinary sub-committee constituted by E. C. Resolution No. 229 dated 07/03/1987 will assist the Disciplinary Authority.

(b) Employees of the Constituent/Affiliated Colleges other than Government Maintained Institutions

Description of service	Appointing Authority	Disciplinary Authority competent to impose penalties and impose penalties which it may impose		Appellate Authority
		Authority	Penalties (Major/Minor)	
Group C Staff (including erstwhile Group D staff)	Governing Body	Governing Body	All	Governing Body
Group B	Governing Body	Governing Body	All	Governing Body
Group A	Governing Body	Governing Body	All	Governing Body

Note: In case of an officer drawn from the Central Pool is posted to work with the College, the disciplinary authority in his/her case would be as provided under Table (a) above.

65. Authority to institute proceedings:

1. Subject to the provisions of Rule 64, the competent authority may institute:

- (a) disciplinary proceedings against any employee;
- (b) A Disciplinary Authority competent under these rules to impose any penalties specified in Clauses (i) to (v) of Rule 63 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (vi) to (x) of Rule 63 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.

Section IV

Procedure for imposing Penalties

66. Procedure for imposing major penalties

(1) No order imposing any of the major penalties specified in Clauses (vi) to (x) of Rule 63 shall be made except after an enquiry held, as may be, in the manner provided in this rule and rule 67.

(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 within the meaning of Rule 45 (4), 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, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to 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, and in his absence the Pro-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 and Rule 67, 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 67.

(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, and in his absence the Pro-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 either of the University or any College 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/College 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/College.

(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 63 [but not competent to impose any of the penalties specified in Clauses (vi) to (x) of Rule 63], 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 63 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 therefor.

EXPLANATION.- If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may 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.

67. 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 63 should be imposed on the employee, it shall, notwithstanding anything contained in Rule 68, 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 63 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.

68. Procedure for imposing minor penalties –

1. Subject to the provision of sub-rule (3) of rule 67, no order imposing on an employee any of the penalties specified in Clause (i) to (v) of Rule 63 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 66, 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) 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 66, before making any order imposing on the employee any such penalty.

1-B An University/College employee on whom the penalty of withholding of increment or reduction to a lower service, grade or post, or to a lower time-scale 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 therefor.

69. 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.

70. 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 65 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 63 which such Disciplinary Authority shall be competent to impose;
- (iii) whether the procedure laid down in Rule 66 and Rule 67 or Rule 68 shall be followed in the proceeding.

71. Special procedure in certain cases

Notwithstanding anything contained in Rule 66 to Rule 70 -

- (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).

72. 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 63 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 63 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 67.

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 66.

73. 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 63 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 67 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 63 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

SECTION – V

APPEALS

74. 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 rule 66.

75. Order against which appeal lies:

Subject to the provision of Rule 74 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 62.
- (ii) an order imposing any of the penalties specified in rule 63 whether made by the Disciplinary Authority or by any Appellate or Revising Authority;
- (iii) an order enhancing a penalty, imposed under rule 63.
- (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/College service.
- (ii) the expression `pension ' **includes additional pension, gratuity and any other retirement benefit.**

76. Appellate Authorities:

1. An employee, including a person who has ceased to be in service of the University/College, may prefer an appeal against all or any of the orders specified in rule 75 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/Governing Body (in the case of Colleges) 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 70 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.

77. 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.

78. 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.

79. 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 62 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 63 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 63 and an inquiry under Rule 66 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 71, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 66 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 63 and an enquiry under Rule 66 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 75, the Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

(4) Implementation of Orders in appeal-

The authority which made the order appealed against shall give effect to the orders passed by Appellate Authority.

SECTION VI

Review

80. Review

(1) Notwithstanding anything contained in these rules

(i) the Executive Council or Governing Body; or

(ii) the Appellate Authority, within six 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 or under the rules repealed by Rule 83 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed and may –

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other 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 63, 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 66 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 66 subject to the provisions of Rule 71, 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.

SECTION VII

Miscellaneous

81. 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.

82. 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.

83. 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.

84. Applicability of Government of India Rules/Instructions

If no specific provision is made in these rules the Government of India rules/instructions on the subject shall apply.

85. 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.

ANNEXURE-I

SCHEDULE OF POSTS, PAY BAND AND GRADE PAY OF THE EMPLOYEES (OTHER THAN TEACHERS) OF THE UNIVERSITY OF DELHI

Rule 5(a)

Pay Band + Grade Pay (GP)	Nomenclature of Posts
PB - 4, Rs.37400-67000 + GP Rs.10000 plus NPA (Chief Medical Officer)	Finance Officer, Controller of Examinations, Director(DHMI), Director (Computer Centre), University Engineer, Chief Medical Officer, Director(NCWEB), Principal Scientific Officer (USIC)
PB-3, Rs. 15600-39100 + AGP Rs. 8000	Deputy Librarian
PB - 3, Rs.15600-39100 + GP Rs.7600	Deputy Registrar, Deputy Controller of Examinations, Deputy Finance Officer, Internal Audit Officer, Joint Director (DHMI), Senior Scientist, Radiological Safety Officer, Senior Programmer, Senior Scientific Officer, Senior System Analyst, Senior System Programmer, System Analyst cum Senior Programmer
PB - 3, Rs.15600-39100 + GP Rs. 6600	Executive Engineer
PB - 3, Rs.15600-39100 + AGP Rs. 6000	Assistant Librarian/Documentation Officer/College Librarian
PB - 3, Rs.15600-39100 + GP Rs. 5400 plus NPA	Medical Officer, Veterinarian
PB - 3, Rs.15600-39100 + GP Rs. 5400	Assistant Registrar, Assistant Controller of Examinations, Administrative Officer, Statistical Officer, Assistant Internal Audit Officer, Assistant Director (DHMI), Manager (International Guest House), System Analyst, Electronic Engineer, Junior Scientist, Technical Officer, Scientific Officer, Junior Programmer, Programmer-cum-Statistician, Programmer
PB - 2, Rs. 9300-34800 + GP Rs. 4600	Section Officer, Private Secretary, Senior Personal Assistant, Security Officer, Yoga Organizer, Hindi Officer, Assistant Engineer, Field Worker, Junior Scientific Officer, Lab Superintendent, Horticulturist.
PB - 2, Rs. 9300-34800 + GP Rs. 4200	Assistant Manager (Guest House), Assistant Security Officer, Hindi Translator, University Cashier, Legal Assistant, Senior Assistant, Personal Assistant, Senior Technical Assistant, STA-Computer, Console Operator Assistant Electronic Engineer, Workshop Technician, Network and System Operator, Physiotherapist, Technician, Social Worker, Draftsman-Grade-I, Professional Assistant, Junior Engineer, Nurse, X-Ray Technician.
PB - 1, Rs. 5200-20200 + GP Rs. 2800	Statistical Assistant, Hindi Assistant, Assistant Archivist, Sports Coach, Technical Assistant, Geologist, Mechanic, Semi Professional Assistant, Projectionist, Instrument Mechanic, Glass Blower, Mechanic - V, Sr. Instrument Mechanic/Maker, Technician - V, Draftsman, Technical Assistant (Cartography), Technical Assistant (Computers), Pharmacist, Mast Mechanic
PB - 1, Rs. 5200-20200 + GP Rs. 2400	Assistant, Stenographer, Proof Reader, Store Assistant, Senior Garden Chowdhary, Head Carpenter, Senior Lab Assistant (Section Cutter), Senior Mechanic(Computer Centre), Electrician, Accompanist-Tabla, Violin, Sarangi & Mridangam, Tanpura Player, Pakhawaj Player, Sanitary Inspector, Calligraphist, Technician VI, Programme Assistant, Storekeeper, Junior Mechanic (Stores- Physics Department)

<p>PB - 1, Rs. 5200-20200 + GP Rs. 2000</p>	<p>Garden Chowdhary, Work Assistant, Machine Operator, Technician VII, Wireman, Mason, Pipe Fitter, Meter Reader, Work Docket Clerk, Copy Holder, Compositor, Binder Grade-I, Operator (Alpha-cum-Machine), Operator (E & M), Carpenter, Laboratory Assistant, Junior Laboratory Assistant (Dark Room), Junior Library & Information Assistant</p>
<p>PB - 1, Rs. 5200-20200 + GP Rs. 1900</p>	<p>Junior Assistant, Assistant Storekeeper, Telephone Operator, Receptionist, Driver, Dispatch Rider, Caretaker, Head Grounds-man, Junior Mechanic(Computer Centre), Assistant Wireman, Assistant Mason, Assistant Pipe Fitter, Assistant Pump Operator, Balwadi Teacher, Cook, Halwai, Counter Clerk - Canteen, Coupon Clerk - Canteen, Senior Programme Attendant, Urdu typist, Binder Grade - II, Machine Man Grade - II, Storekeeper (Psychology)</p>
<p>PB - 1, Rs. 5200-20200 + GP Rs. 1800</p>	<p>Multi-Tasking Staff-(Havaldar, Sanitary Guide, Daftry, Case Material Attendant, Mali, Office Attendant (Peon), Security Guard, Room Bearer, Mess Helper, Grounds-man, Animal Attendant, Farash, Safai Karamchari, Laboratory, Computer Laboratory, Library), Gestetner Operator/Sorter, Skilled Mali, Plant Growth Room Attendant, Field Attendant, Art Room Visual Attendant, Dresser, Attendant, Helper, Pump Khalasi, Mate, Workshop Mate, Ward Boy, Strecher-Bearer-cum-Attendant, Helper to Electrician, Khalasi (Electric), Beldars, Helper (Store), Music Attendant, Garden Coolie, Assistant Halwai, Bearers, Beldar, Wash Boy, Cell Culture Room Attendant, Animal House Attendant, Re-canner, Waterman, Programme Helper, Workshop Helper, Attendant (Museum)</p>

ANNEXURE II

CLASSIFICATION OF POSTS

(Rule 5 (a))

Sl. No.	Description of posts	Classification of Posts
1.	Posts carrying the following grade pays:- Rs. 12,000, Rs. 10,000, Rs. 8900 and Rs. 8700 in the scale of pay of Rs. 37400-67000 in Pay Band-4 and Rs. 7600, Rs. 6600 and Rs. 5400 in the scale of pay of Rs. 15600-39100 in Pay Band -3.	Group A
2.	Posts carrying the following grade pays:- Rs. 5400, Rs. 4800, Rs. 4600 and Rs. 4200 in the scale of pay of Rs. 9300-34800 in Pay Band-2.	Group B
3.	Posts carrying the following grade pays:- Rs. 2800, Rs. 2400, Rs. 2000, Rs 1900 and Rs. 1800 in the scale of pay of Rs. 5300-20200 in Pay Band-1.	Group C

ANNEXURE III

TIME SCHEDULE FOR PREPARATION/COMPLETION OF APAR
(Reporting year – Financial year)
(Rule 15 (b))

Sl. No.	Activity	Date by which to be completed
1.	Distribution of blank APAR forms to all concerned (i.e., to officer to be reported upon where self-appraisal has to be given and to reporting officers where self-appraisal is not to be given).	31 st March (This may be completed even a week earlier)
2.	Submission of self-appraisal to reporting officer by officer to be reported upon (where applicable).	15 th April
3.	Submission of report by reporting officer to reviewing officer.	30 th June
4.	Report to be completed by Reviewing Officer and to be sent to Administration or APAR or CR Section/Cell or accepting authority, wherever provided.	31 st July
5.	Appraisal by accepting authority, wherever provided.	31 st August
6.	(a) Disclosure to the officer reported upon where there is no accepting authority. (b) Disclosure to the officer reported upon where there is accepting authority.	1 st September 15 th September
7.	Receipt of representation, if any, on APAR	15 days from the date of receipt of communication
8.	Forwarding of representations to the competent authority: (a) Where there is no accepting authority of APAR. (b) Where there is accepting authority for APAR.	21 st September 6 th October
9.	Disposal of representation by the competent authority.	Within one month from the date of receipt of representation.
10.	Communication of the decision of the competent authority on the representation by the APAR Cell.	15 th November
11.	End of entire APAR process, after which the APAR will be finally taken on record.	30 th November

ANNEXURE IV

INITIAL PAY FOR DIRECT RECRUITS APPOINTED ON OR AFTER 01-01-2006
(Rule 21 (4))

PB-1 (Rs.5200-20200)

Grade Pay	Pay in the Pay Band	Total
1,800	5,200	7,000
1,900	5,830	7,730
2,000	6,460	8,460
2,400	7,510	9,910
2,800	8,560	11,360

PB-2 (Rs. 9300-34800)

Grade Pay	Pay in the Pay Band	Total
4,200	9,300	13,500
4,600	12,540	17,140
4,800	13,350	18,150

PB-3 (Rs. 15600-39100)

Grade Pay	Pay in the Pay Band	Total
5,400	15,600	21,000
6,600	18,750	25,350
7,600	21,900	29,500

PB-4 (Rs. 37,400-67,100)

Grade Pay	Pay in the Pay Band	Total
8,700	37,400	46,100
8,900	40,200	49,100
10,000	43,000	53,000

ANNEXURE V
 AUTHORITIES COMPETENT TO GRANT LEAVE
 (Rule 30 (a))

Employees of the University:

S.No.	Kind of Leave	Duration	Authority competent to grant leave
1	2	3	4
1.	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave. Maternity Leave, Hospital Leave, Child Care Leave	Upto 30 days	Branch Officer not below the rank of Assistant Registrar or Dean of the Faculty/Head of the Department as the case may be. For Assistant Registrar or equivalent: Deputy Registrar or Dean of the Faculty /Head of the Department as the case may be. For Deputy Registrar or equivalent: Registrar or Dean of the Faculty/ Head of the Department as the case may be.
2	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave. Maternity Leave, Hospital Leave, Child Care Leave	More than 30 days	Registrar or Dean of the Faculty/ Head of the Department as the case may be.
3	Casual Leave below the rank of Section Officer	Upto 5 days	Section Officer or equivalent
4	Casual Leave above the rank of Section Officer	Upto 5 days	For Assistant Registrar or equivalent: Deputy Registrar or Dean of the Faculty /Head of the Department as the case may be. For Deputy Registrar or equivalent: Registrar or Dean of the Faculty/ Head of the Department as the case may be.

Employees of the Colleges/Institutes:

S.No.	Kind of Leave	Duration	Authority competent to grant leave
1	2	3	4
1.	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave. Maternity Leave, Hospital Leave, Child Care Leave	Upto 30 days	Principal of the College/ Director of the Institute as the case may be.
2	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave. Maternity Leave, Hospital Leave, Child Care Leave	More than 30 days	Principal of the College/ Director of the Institute as the case may be.
3	Casual Leave	Upto 5 days	Principal of the College/ Director of the Institute as the case may be.
4	Casual Leave above the rank of Section Officer	Upto 5 days	Principal of the College/ Director of the Institute as the case may be.

ANNEXURE VI
APPLICATION FOR LEAVE

(Rule 31 (J))

1. Name of applicant_____
2. Post held_____
3. Department/Office/Section_____
4. Pay_____
5. House Rent and other Compensatory Allowances drawn in the present post

6. Nature and period of leave applied for and date from which required

7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave

8. Grounds on which leave is applied for_____
9. Date of return from last leave and the nature and period of that leave

10. Applicant proposes/do not proposes to avail of leave travel concession/home
travel concession for the block year_____ during the ensuing leave
11. Address during the leave period_____

Date:

Signature of Applicant

Remarks and/or recommendation of the Controlling Officer:

Date:

Signature
Designation

ANNEXURE VII

REVIEW COMMITTEE (Rule 62 (7))

The composition of Review Committee for review of suspension is as under:

Employees of the University:

1. Pro-Vice-Chancellor.
2. **One 'Officer'** of the University (**'Officers'** as declared in Statute 11-L).
3. Registrar.

Employees of the Colleges/Institutes:

1. Principal/Director as the case may be.
2. Two members of the Governing Body.
