

# **University of Udaipur Teachers (Conditions of Service) Rules, 1976**

RAJASTHAN

India

## **University of Udaipur Teachers (Conditions of Service) Rules, 1976**

### **Rule**

### **UNIVERSITY-OF-UDAIPUR-TEACHERS-CONDITIONS-OF-SERVICE-RULES-1976**

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University of Udaipur Teachers (Conditions of Service) Rules, 1976Published vide Notification No. F. 3(105) Edu./Gr. 3/74, GSR 12, dated 15-3-1976In exercise of the powers vested under Statutes 50 of the First Statutes of the University of Udaipur, the Government frames the following rules governing the service conditions of the teachers of the University.

### **Part I – Short title and date of effect**

#### **1. Short title.**

- These rules may be called "University of Udaipur Teachers (Conditions of Service) Rules, 1976" and shall form part of the First Statutes.

#### **2. Commencement.**

- These rules shall come into force at once.

#### **3. Extent of Application.**

- These rules shall apply to all the teachers of the University except those taken on deputation, whose condition of service shall be such as determined by the University in consultation with the loaning authority.

## Part II – Definitions

### 4. Definitions.

- In these rules unless the context otherwise requires:-(i)"Act" means the Udaipur University Act, 1962 (Act No. 18 of 1962).(ii)"Appointing Authority" means the authority empowered to make appointment and in the case of the officers, it is the case of the officers, it is the Executive Committee.(iii)"Cadre" means the strength of the University service or part of a service sanctioned as a separate unit.(iv)"Committee" means the Executive Committee of the University of Udaipur.(v)"Competent Authority" means authority in whom powers under these rules are delegated. When any power is not delegated to any authority the "Competent Authority" means the Executive Committee.(vi)"Compensatory Allowance" means an allowance granted to meet personal expenditure necessitated by the circumstances in which duty is performed. It includes a travelling allowance.(vii)"Disciplinary Authority" in relation to the imposition of major penalty on a teacher means the Executive Committee which is the appointing authority for teachers. In relation to the imposition of minor penalty on a teacher means Vice-Chancellor.(viii)"Duty" includes (a) Service on probation provided that such service is followed by confirmation; (b) Joining time (c) A course of instructions of training in India or abroad specially approved as the duty by the University (d) Period of compulsory waiting sanctioned by the competent authority.(ix)"Fee" means recurring or non-recurring payment to a teacher from a source other than the funds of the University, whether made directly to a teacher or indirectly through the intermediary of the University.(x)"Foreign Service" means service in which a teacher receives his pay with the sanction of the University from a source other than the funds of the University.(xi)"Government" means Government of Rajasthan.(xii)"Honorarium" means recurring or non-recurring payment granted to a teacher from the funds of the University as remuneration for special work of an occasional or intermittent nature.(xiii)"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.(xiv)"Leave Salary" means the monthly amount paid by the University to an employee who is on leave.(xv)"Lien" means the title of a teacher to hold substantively either immediately or on termination of a period or periods, a permanent post, including a tenure post, to which he has been appointed substantively.(xvi)"Officers" means officers of the University as mentioned in Section 9(a) of the Act.(xvii)"Officiating" A teacher may officiate in a post when he performs the duty of a post on which another person holds a lien. He may also officiate on a vacant post on which no other teacher holds a lien.(xviii)"On Probation" means a person appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post.(xix)"Probationer" means a person employed on probation in or against a substantive vacancy.(xx)"Selection Committee" means a Committee constituted for selection of a teacher under the Act or the Statutes or under any other law for the time being enforced.(xxi)"Statutes" means Statutes of the University of Udaipur.(xxii)"Substantive Appointment" means an appointment to a substantive vacancy after due selection and includes a probationer, followed by confirmation on the completion of the probationary period.(xxiii)"Teacher" means a teacher of the University as mentioned in 2(j) of the Act and Statutes 47 framed there under.(xxiv)"University" means University of Udaipur.

## **5. Power to delegate.**

- The Committee may declare any of its officers as competent authority and delegate to them, subject to any condition which it may impose, any power under these rules.

## **Part III – General Conditions of Service**

### **6. Posts, Recruitment and Appointments.**

- The categories and grades of the posts under the University shall be as specified by the Committee from time to time.

### **7.**

The qualifications for appointment to the various posts in the University service shall be such as may be determined by the Committee from time to time.

### **8.**

(a) Recruitment on various posts shall be made according to the provisions of the Act and the Statutes or under any other law for the time being enforced and rules made thereunder. (b) Appointment of persons by direct recruitment for periods exceeding a year shall be subject to their being declared medically fit by the Medical Officer appointed by the University.

### **9.**

Where the teacher has been dismissed, removed or reduced from any class, category or grade in the service, no vacancy caused, thereby, 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.

### **10.**

The absence of a teacher including probationer of the University from duty, whether on leave or on foreign service or on deputation and who holds a lien on a post, shall not, if he is otherwise fit, render him ineligible on his return for appointment to a permanent or officiating vacancy in the class, category, grade or post which may fall vacant during his absence. Note. - Persons holding lien in the University and living abroad should be specially notified about the vacancies for direct recruitment.

## **11.**

(i) A teacher appointed to a post after the commencement of these rules shall remain on probation on such post for a period of one year provided that the appointing authority may extend, in any individual case, the period of probation by six months at a time not exceeding one year in all. The intention of extending the terms of probation shall be intimated by the appointing authority to the teacher concerned in writing before one month of the date of expiry of the probation period. (ii) Where the work of a teacher who is appointed on probation, in the University is not satisfactory during the period of extension or it has not been satisfactory during the entire period of probation, the appointing authority may (a) in the case of a person appointed to higher post revert him to the post held by him immediately before such appointment, and (b) in the case of a person appointed by direct recruitment, terminate his service without notice. (iii) All teachers appointed by the University shall enter into an agreement to serve the University in the form prescribed in this behalf by the Committee. (iv) Every teacher appointed to a permanent post under the University shall, on satisfactorily completing his period of probation be eligible for confirmation in that post. (v) No teacher shall be confirmed on any post unless: (a) such post is permanent and no one else holds a lien on that post; and (b) the service of the teacher under the University is found satisfactory by the appointing authority.

## **12.**

Unless a teacher's services have been terminated during the probation period, the Head of the Officer or Institution under whom the teacher is working shall send to the appointing authority, at least two months before the date of expiry of the probationary period, a report about the work and conduct of the teacher appointed on probation, with a definite recommendation for his confirmation in service or otherwise.

## **13.**

If a teacher who is not confirmed in service wishes to resign from service, he shall give one month's notice in writing to the appointing authority. If a teacher fails to give such notice, the University shall be entitled to recover one month's salary from him in lieu of notice from the dues payable to him.

## **14.**

If the University decides to relieve a teacher not confirmed in service, one month's notice shall be given to him or in lieu of notice shall be paid salary of one month: Provided that no notice of discontinuance shall be necessary in case of (i) appointments for specific periods and (ii) appointments against leave vacancies.

**15.**

A permanent teacher shall be required to give three months notice in case he desires to be relieved from service or he shall pay to the University three month's salary in lieu of such notice, unless otherwise directed by the Committee.

**16.**

If the University desires to relieve a teacher who is confirmed in service a notice to that effect shall be served on him three months before the date on which he is relieved. In the absence of such notice, the University shall pay him three month's salary. Note. - Termination of service by notice in case of permanent teacher shall be resorted to only when that particular activity/Post of the University ceases to exist. Services of teacher or teachers may be terminated on account of unsatisfactory work, misconduct etc., only after fulfilling the necessary conditions laid down under the rules contained in Part IX of these rules.

**17.**

The University shall be entitled to recover from a teacher an amount as may be specified in some bond or agreements entered into between University and the teachers.

**18.**

A teacher before leaving the University Service shall hand over the charge of his post to a duly authorised person and shall return to the University all books, apparatus, furniture and other material issued to him for his personal or official use and shall pay up in full all outstanding dues on account of occupation of residential quarters, water/electric charges and loans and advances if any. In case of default the Head of the Institution in which he is employed shall recover the amount due to him on account of the above items from his last salary.

**19.**

A teacher of the University who remains absent from duty without obtaining prior permission or getting due leave sanctioned by competent authorities will be liable to disciplinary action for misconduct: from the date of such absence.

**20.**

Retirement, (i) The age of retirement of a University teacher in permanent whole time service shall be 60 years and he shall retire on the date when he attains the age of 60 years: Provided that the Committee may on the recommendation of the Vice- Chancellor, extend the service of any employee for not more than 1 year at a time subject to the maximum of three years and the candidate remains medically fit for duty. (ii) A teacher shall be retired: (a) on his being declared medically unfit for

service by a medical board to be appointed by the Committee in this behalf.(b)on imposition of the penalty of compulsory retirement.(iii)A teacher may after giving at least 3 months notice in writing to the University, retire from the service on the date on which he completes 20 years of service or the date on which he attains the age of 50 years, whichever is earlier or any date thereafter to be specified in the notice:Provided that it shall be open to the University to withhold permission to retire a teacher under suspension or against whom departmental proceedings have already been commenced.(iv)The University may, after giving at least three months previous notice in writing require a teacher to retire from the service on the date on which he completes 20 years of service or the date on which he attains the age of 50 years whichever is earlier, or on any date thereafter:Provided that such a teacher may be retired from service forthwith, and on such retirement the teacher shall be entitled to claim three months pay and allowances in lieu of notice.

## **21. Special Provision for existing teachers.**

- All appointments made in substantive capacity, prior to the commencement of these rules, shall be deemed to have been made under the provisions of these rules, and person so appointed, shall draw the pay drawn by him immediately before such commencement, provided that he may on his option, to be exercised within 6 months of the date of enforcement of these rules, seek retirement and get all benefits available to him.Note. - If a teacher does not exercise any option within 6 months, he shall be deemed to be governed by the provisions of these rules.

## **22. Service records.**

(a)University shall maintain a service book for each teacher in such form as may be prescribed by the Committee.(b)The entries in the service book of a teacher shall be authenticated by an officer authorised in this behalf by the Vice-Chancellor.

## **23. Self assessment reports.**

- University shall maintain a record of self-assessment reports received from teachers every year. The self-assessment report will contain achievements of a teacher in different spheres of work connected with the University. The form and the detailed procedure in which the self assessment reports are to be received, shall be prescribed the Committee.

## **24. Residuary conditions of service.**

- Any matters relating to the conditions of service of teacher for which no provision is made in these rules shall be determined by the University.

## **Part IV – Pay and Allowances**

## **25. Scales of pay.**

- The scales of pay of the posts in a cadre/cadres of teachers in the University service shall be such as may be prescribed from time to time by the University.

## **26. Initial pay.**

- Unless the appointing authority decides otherwise, a teacher shall, on his appointment to a post on a time scale of pay, draw pay at the minimum of the time scale or such initial pay as recommended by the Selection Committee.

## **27. Pay during the course of training.**

- If a teacher of the University is deputed for training by the University, he shall draw such pay which he would have drawn had he not been deputed for training.

## **28. Pay not to exceed pay of the post.**

- The pay of a teacher shall not exceed the pay sanctioned by competent authority for the post held by him. No special or personal pay shall be granted to a teacher without the previous sanction of the Committee.

## **29. Fixation of pay when pay of post is revised.**

- Whenever the pay scale of a post is revised, the pay of a teacher, unless provided otherwise specifically in the pay revision orders shall be fixed at a stage to the stage of the pay last drawn by him, and if there is no such stage at the next lower stage plus personal pay equal to the difference to be absorbed in future increments provided that he may at his option retain his old pay scale until the date on which he has earned his next or any subsequent increment in the old scale, or until he vacates his post or ceases to draw pay on that time scale. The option once exercised shall be final.

## **30. Increments.**

- (i) An increment shall ordinarily be drawn as a matter of course unless it is withheld by the competent authority: if the conduct of the teacher has not been good or his work has not been found satisfactory. (ii) Where an efficiency bar is prescribed in the time scale, the increment next above the bar shall be given to a teacher with specific sanction of the appointing authority.

## **31. Service counting for increments.**

- The following service shall count for increments on the time scale of post: (i) duty on post or any other post of the same or higher grade, whether continuous or not; (ii) time spent as joining time from one post to another; (iii) duty on an equivalent or higher post in foreign service; (iv) duty on

temporary post and on probation, and(v)leave other than extraordinary leave:Provided that the Committee may direct by a special order relating to an individual case that extraordinary leave shall count for increments for any of the following reasons:-(i)Any cause beyond the University employee's control.(ii)Prosecution of higher studies beyond the stage of Master's level in Arts, Science, Commerce and Law.(iii)Prosecution of higher technical or scientific study beyond the stage of Bachelor's degree in Agriculture Engineering, Agriculture, Veterinary Science and Animal Husbandry and Home Science.

### **32. Pay during suspension**

- (i) A teacher under suspension shall be entitled during the period of suspension to draw a subsistence allowance at an amount equal to the half pay which is admissible and allowances as based on such half pay.(ii)A teacher who has been dismissed, removed or compulsorily retired or suspended when reinstated, 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 teacher for the period of his absence from duty or for the period of suspension.(b)whether or not the said period shall be treated as period spent on duty.(iii)When the competent authority that the teacher has been fully exonerated or, the suspension was not justified, the teacher shall be given the full pay and dearness allowance to which he would have been entitled had he not been suspended.(iv)In other cases, the teacher shall be given such proportion or such pay and allowances as competent authority may determine.

### **33. Merit Pay.**

- The Committee may at its discretion allow merit pay to a teacher in accordance with the rules prescribed by the Committee.

### **34. Permission for undertaking work other than that of the University and for acceptance of fee.**

- The Committee may permit in exceptional cases and only when it is satisfied that this can be done without detriment to his regular duties and responsibilities, a teacher of the University to perform specified service or series of services for a private person, or body or for a public body or any other University or Government or Government of India, and to receive a remuneration therefor if the service is remunerative.

### **35. Special pay and honorarium.**

- (i) The Committee may sanction special pay to a teacher in consideration of (a) the specially arduous nature of duties or (b) a special addition to the work or responsibilities.(ii)The Committee may grant to a teacher an honorarium as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify such honorarium.



### **36. Drawal of pay.**

- (i) A teacher shall be entitled to draw the pay of the post 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 immediately after the first working day of the following month.

### **37. Pay and Allowances for holding additional charge of a post.**

- (i) A teacher holding one post placed in charge of the current duties of an equal or higher post may be allowed pay in the basic post plus 1/10 of the minimum of the scale of pay applicable to the additional post, if the period of holding additional charge is not less than 30 days.(ii) No allowances will be admissible when a teacher holding one post is placed in charge of the current duties of a lower post.(iii) A teacher holding one post placed in charge of the full duties of a post of status equal to his own basic post, or higher than his basic post, may be allowed allowance upto 1/5th of the minimum of the scale of the additional post, if the period of holding additional charge is not less than 60 days.

### **38. Compensatory Allowance.**

- The teacher will be eligible to house rent allowance, dearness allowance, travelling allowance and other allowances as sanctioned by the University according to the rules in force from time to time.

### **39. Rent free accommodation.**

- The Vice-Chancellor may from time to time specify the posts, the holders of which, may be provided with the rent free accommodation where such accommodation is made available by the Vice-Chancellor near place of duty.

## **Part V – Leave**

### **General Conditions**

### **40. Right to leave.**

(a) Leave cannot be claimed as of right and when the exigencies of service so demand, leave of any description may be refused or revoked by the authority empowered to sanction leave. In case of refusal, reasons are to be recorded.(b) Where a teacher is recalled the duty before the expiry of his leave, he shall be entitled to travelling allowances to the headquarters but will get leave salary upto the date he joins his post.

#### **41. Commencement and termination of leave.**

- (i) Leave begins from the date on which it is actually availed of and ends on the day one resumes duty. (ii) Sundays, other holidays and vacation, excluding summer vacation, may be prefixed or suffixed to leave subject to any limit of absence on leave prescribed under each kind of leave.

#### **42. Address while on leave.**

- Every University teacher proceeding on leave, shall record on his application for leave, the address at which the letters will find him during leave. Subsequent changes in address during leave, if any, should like-wise be intimated to the competent authority.

#### **43. Grant of Leave beyond the date of retirement.**

- No leave shall be granted beyond the date on which a teacher must compulsorily retire, provided that the authority empowered to grant leave may allow any teacher who had been refused in writing the leave applied for by him earlier, either wholly or partially on account of exigencies of service, the whole or any portion of the leave so refused even though it extends to a date beyond the date on which such a teacher must compulsorily retire.

#### **44. Joining the duty on return from leave on Medical grounds.**

- A teacher who has been granted leave on medical grounds shall be required to produce a medical certificate of fitness from the authorised medical attendant as defined in Udaipur University Medical Attendance Rules before resuming duty. A competent authority may also require a teacher to produce a medical certificate when the ground of leave applied for is illness.

#### **45. Rejoining of duty before the expiry of the leave.**

- Except with the permission of the competent authority, no teacher on leave shall ordinarily join duty before the expiry of the period of leave sanctioned to him.

#### **46. Application for leave.**

- Leave other than study leave and casual leave shall be applied for in the form, prescribed by the Committee, at least three weeks in advance before it is availed of except in special cases of emergency and on satisfactory reasons.

#### **47. Increment during leave.**

- If the increment falls due during leave other than casual leave and academic leave, the effect of increase of pay will be given from the date the teacher resumes duty without prejudice to the normal date of his increment.

#### **48. Absence after the leave.**

- A teacher who remains absent after the expiry of his leave shall not be entitled to any leave salary unless otherwise such absence has been regularised by the competent authority. Willful absence from duty after the expiry of leave will be treated as an act of misconduct.

#### **49. Leave Account.**

- A leave account in the form prescribed by the Committee will be maintained for each teacher.

#### **50. Admissibility of leave to temporary teacher made permanent.**

- If a temporary teacher is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave, he would have earned by his previous duty if he had performed it while holding a permanent post substantively and debited with the amount of leave actually taken during his temporary service.

#### **51.**

(i) No University Teacher shall be granted leave of any kind for a continuous period exceeding five years. (ii) Where a teacher does not resume duty after remaining on leave for a continuous period of five years or where after the expiry of his leave remains absent from duty otherwise than on foreign service for any period which together with the period of leave granted to him exceeds five years, he shall unless the Committee in view of exceptional circumstances of the case otherwise determines, be deemed to have resigned and shall accordingly cease to be in University service.

#### **52. Casual Leave.**

- The amount of casual leave granted to an individual in a year (1st July to 30th June) shall not exceed 15 days, provided that in case of teacher joining service during the course of a year it will be granted as under:-(a) Upto 5 days for service of 3 months, (b) Upto 10 days for service of more than 3 months, but less than six months, and (c) Upto 15 days for service of more than 6 months. Casual leave may be granted in one or more installments, but shall not ordinarily exceed 10 days at time. Casual leave shall not be combined with any other kind of leave, except academic leave, but it may be taken in combination with University holidays, provided that period of total absence does not exceed 15 days. Note. - Sundays or other University holidays falling within the period of casual leave shall not be counted as casual leave.

#### **53. Special Casual Leave.**

- The Vice-Committee may by a general or special order grant the Special Casual Leave to a teacher for the proper reasons.

## **54. Kinds of Leave.**

- A teacher in University service is entitled to the undermentioned types of leave which may be granted by the competent authority.

## **55. Academic Leave.**

- (i) Academic leave of absence from duty upto limit of 15 days in an academic year may be sanctioned by the competent authority for the following purposes: -

**1. To conduct an examination of a University or of a Statutory Board.**

**2. To deliver academic lectures.**

**3. To attend meetings of the Committees, Boards, Faculties and other academic bodies of a University or of a Statutory Board.**

**4. To inspect academic institutions attached to a University or to a Statutory Board.**

**5. To attend meetings of the Selection Committees of the Public Service Commission and other University.**

**6. Any other purpose which is deemed by the Vice-Chancellor to be of academic nature.**

(ii) Academic leave can be availed of only with the prior permission of the competent authority. Notes. - 1. During the first year of service of a teacher the grant of academic leave will be regulated as follows:-(a) upto 5 days for service of 3 months or less, (b) upto 10 days for service exceeding 3 months but not exceeding 6 months, (c) upto 15 days for service exceeding 6 months.

**2. Sundays or University Holidays falling in between the period of academic leave will not be debitable to the academic leave account.**

**3. The sanctioning authority may, at its discretion, permit combination of academic leave with holidays and casual leave.**

## **56. Deputation Leave.**

- (i) Deputation leave on full pay may be granted to a teacher for: -(a) attending conferences, congresses and conventions recognised by the University, in India or abroad on behalf of the

University:(b)delivering lectures in Institutions and Universities in India or abroad at the invitation of such Institutions or Universities recognised by the University.(c)Working on delegations or committees appointed by the Government or by any other agency recognised by the University, and(d)attending such short term courses as the committee may approve as useful for the University where the person does not receive any salary or honorarium.(ii)Deputation leave may be granted for such period and subject to such terms and conditions as may be determined by the Committee in each case. If the teacher concerned receives any honorarium or remuneration and the period of deputation leave is more than a month such leave be sanctioned on half salary only.(iii)The Vice-Chancellor may sanction deputation leave not more than 15 days at a time once in an academic year. If the period of deputation leave is more than 15 days, sanction of the Committee will be necessary.(iv)Deputation leave shall not be combined with any other kind of leave.

### **57. Leave on full pay.**

- (i) A teacher shall earn leave on full pay to the extent of 1/11th of the period spent on duty; provided that a teacher shall cease to earn leave when the leave earned on full pay exceeds 180 days; provided further that in case of a teacher who avails of vacation shall earn leave on full pay at the rate of 3 days for each completed year of service.(ii)A teacher who is prevented from availing vacation in part or v/hole shall earn leave on full pay as provided under rule 59.(iii)The maximum amount of leave on full pay that can be granted to a teacher at a time subject to title, shall be 120 days. Leave on full pay may be granted for a period of 150 days, if any portion thereof is spent outside India, provided that when leave on full pay exceeding 120 days is so granted, the period of such leave spent within India shall not, in aggregate, exceed 120 days.

### **58. Leave on half pay.**

- (i) A teacher shall earn leave on half pay at the rate of 20 days for each completed year of service.(ii)Commuted leave, on the grounds of the illness of a teacher on production of medical certificate not exceeding half the amount of half pay.leave due may be granted, which shall be limited, to a maximum of 240 days in whole service period.(iii)When the commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.

### **59. Compensatory leave.**

- (i) Leave on full pay shall be admissible to a teacher in respect of any year in which he is prevented from availing of the full vacation with the prior permission of the Vice-Chancellor in such proportion of 30 days as the number of days of vacation not taken bears to full vacation.(ii)A teacher who claims leave under the above clause shall forward a certificate to the Registrar's office for record immediately at the close of the vacation stating that he was on duty from..... to of the year.....under orders of No.....dated.....such a certificate shall specify the nature of the work and shall be signed by the teacher and countersigned by his immediate superior officer.(iii)Compensatory leave shall not be allowed to such category of teachers who are in respect of allowances during vacation for holding non-vacational administrative appointments.

## **60.**

A recognised teacher under section 2(j) of the Act shall also be eligible for the academic leave, deputation leave, compensatory leave and study leave.

## **61. Combination of leave with Vacation.**

- No leave of any kind shall, ordinarily, be taken in combination with or in continuation of summer vacation except with the special permission of the leave sanctioning authority for reasons to be recorded in writing.

## **62. Maternity leave.**

- (i) Maternity leave may be granted to a female teacher on full pay for a period which may extend upto 90 days from the date of commencement or to the extent of 42 days from the date of confinement, whichever is earlier. Maternity leave may also be granted in cases of miscarriage, including abortion, subject to the condition that the leave applied for does not exceed 42 days and the application for leave is supported by a certificate from the authorised medical attendant as defined in Udaipur University Medical Attendance Rules. (ii) Maternity leave is not debitable to the leave account. It may be combined with leave of any other kind except casual leave, but, the leave applied for in continuation shall be supported by a medical certificate from the authorised medical attendant. (iii) Maternity leave shall not be admissible to a female teacher for more than three occasions during the earlier period of her service in the University or elsewhere. Note. - A female teacher who has availed of the maternity leave for more than three occasions before these rules came into force, shall not be entitled to any maternity leave under these rules. (iv) Maternity leave is also admissible to a temporary female teacher provided she has been in continuous service of the University for not less than one year before the commencement of the leave applied for.

## **63. Leave without pay to take up employment elsewhere.**

- (i) When a teacher is permitted to take up employment by the Committee outside the University, the pay of which is not debitable to the University, he may, at the discretion of the Committee, be granted leave without pay for one year and be also allowed to retain the lien on the permanent post held by him in the University for a corresponding period, provided that the person concerned has completed at least 5 years of permanent service in the University, provided further that in the case of a teacher who has rendered 10 years of permanent service in the University he may be sanctioned 2 years leave without pay at the discretion of the Committee and be allowed to retain lien for the corresponding period on the post held by him in the University. (ii) A teacher seeking leave under the above provision must return to the University service on the expiry of the leave failing which he will be deemed to have ceased to be in the University employment. (iii) The period of leave under this rule shall not be counted for the purposes of increment.

#### **64. Extraordinary leave.**

- (i) Extraordinary leave shall be without pay and allowances and may be granted only when no other kind of leave is admissible. (ii) The period of extraordinary leave shall not count for increment except as otherwise provided for in rule. (iii) Except in case of a permanent teacher, the duration of extraordinary leave on any one occasion shall not exceed the following limits: (b) Three months for those who have not completed three years service. (b) Six months, in the case of a teacher who has completed three years or more of continuous service on the date of commencement of the leave admissible to him under the rules and his application for such leave is supported by a Medical Certificate. (c) Eighteen months when the teacher is suffering from tuberculosis or leprosy or cancer or mental diseases and is undergoing treatment in a recognised clinic or under a specialist.

#### **65. Leave not due.**

- (i) Leave 'not due' may at the discretion of the sanctioning authority, be granted on half pay to a teacher in permanent employment, only on medical certificate for a period not exceeding 180 days during his entire service. Such leave will be debited against the half pay leave which the teacher may earn subsequently. (ii) A teacher to whom leave "not due" is granted shall not be permitted to tender his resignation from service so long as the debit balance in his leave account is not wiped off by active service, or he refunds the amount paid to him as salary for the period not so earned. Leave "not due" shall not be granted unless the sanctioning authority is satisfied that as far as can reasonably be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.

#### **66. Hospital Leave.**

- (i) Hospital leave may be granted to a teacher 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 teachers only whose duties expose them to such illness or injury. (ii) Hospital leave may be granted on full pay or half pay as the Committee may consider necessary. (iii) The amount of Hospital leave is limited to 3 months in any period of three years. (iv) Hospital leave may be combined with any other kind of leave which may be admissible provided that the total period of leave after such combination shall not exceed 180 days.

#### **67. Special Disability Leave.**

- (i) This may be granted to a University teacher whether permanent or temporary who is disabled by injury caused in, or in consequence of, the due performance of his duties or in consequence of his official position. (ii) The period of leave granted shall be such as is certified by a competent medical authority to be necessary and shall in no case exceed 24 months. (iii) Special disability leave may be combined with leave of an other kind and shall be counted as duty. (iv) Special disability leave may also be granted to a teacher who is disabled by an injury caused by a violent action or criminal assault in due performance of his duties. (v) Leave salary during the period of special disability leave

shall be:-(a)Full pay for the first 4 months, and(b)Half pay for the remaining period.

## **68. Quarantine Leave.**

- Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family or in the house hold of a teacher. Quarantine leave may be granted on the certificate of the Medical or Public Health Officer for a period not exceeding 21 days or in exceptional cases 30 days. Any leave necessary for quarantine purpose in excess of this period shall be treated as ordinary leave. A teacher on quarantine leave is not treated as absent from duty and his pay is not affected.

## **69. Study leave.**

- (i) Study leave may be granted to a teacher so as to enable him to undertake higher studies or specialised training in the subject having a direct and close connection with his sphere of duties and thus increase his usefulness to the University.(ii)Study leave is admissible to a permanent teacher who has served the University continuously for a period of 5 years or more. A permanent teacher who has put in more than 3 years continuous service as a teacher in the University but less than 5 years may also be considered for the grant of study leave in exceptional circumstances provided that if such a teacher is granted study leave the provisions of clause (viii) shall not apply to him and the study leave shall be without pay and allowances.Note. - For the purpose of this clause, temporary service rendered by a teacher will also be taken into account in calculating the period of 5 years or more, if followed by permanent appointment without any break in service.(iii)Not more than 10% of the teacher will be on study leave at any one time except when in special circumstances the Committee may otherwise decide.(iv)All applications for study leave shall be submitted in the prescribed form atleast one month before the teacher intends to avail himself of such leave.(v)Study leave shall not ordinarily be admissible to a teacher who has attained the age of 55 years.(vi)Study leave shall be admissible to a teacher ordinarily upto a maximum period of 3 years only during his entire period of service in the University, provided that in the case of a teacher who wishes to go on study leave for Post doctoral, or other special research work for a period not. exceeding six months at the time the total period of study leave taken during the entire period of his service in the University shall not exceed five years.(vii)Study leave shall be admissible more than once subject to the provision mentioned in clause (vi) provided that there is an interval of atleast 5 years between the date of resumption of duty on return from the first study leave and date of application for the second study leave.(viii)A teacher on study leave shall be entitled to leave salary equal to half pay as drawn immediately before the date on which he proceeds on study leave.(ix)Any one who avails himself of study leave shall bind himself by an agreement that on his return after the expiry of his leave, he shall, continue to serve the University on the salary and in the grade which he enjoyed at the time of his proceedings on study leave, increased by the normal increments due during the period for a minimum period of three years from the date of his return. He shall not be allowed to take up any appointment elsewhere, but if he desires to be relieved from this condition, he may do so provided he refunds the whole amount received by him from University as Study leave pay except when in the opinion of the Committee which shall be recorded in writing, wider public interest is involved.(x)Study leave shall count as service for increment and for the benefit of the provident fund



and gratuity but not for earning any other kind of leave. The benefit of increment(s) falling during the period of study leave shall be operative only after the person has resumed his duty.(xi)It shall be the duty of the person who is on study leave to submit at the end of every six month's to the Vice-Chancellor a report, of his work through the person under whom he is working or through the Head of the Institution/University.

## Part VI – Joining Time

### 70.

(i)Joining time may be granted to a teacher to enable him:(a)to join a new post to which he is appointed while on duty in his old post or directly on relinquishing the charge of that post,(b)to join a new post on return from leave on full pay,(c)to join a new post when he had not sufficient notice of his appointment to new post, on return from any other kind of leave other than casual leave and academic leave,(ii)If a teacher is transferred while on leave, full joining time is admissible irrespective of the date of receipt of orders. If a teacher joins before the expiry of such leave the period of leave not availed of shall be cancelled.(iii)Joining time is admissible if a teacher has been awaiting posting orders under orders of competent authority on the expiry of leave or otherwise at the place of last duty, provided he is specifically authorised to avail joining time.

### 71.

(a)Six days are allowed as joining time for preparation where change of station is involved and in addition, a period to cover the actual journey calculated as follows:-

|   |  |          |
|---|--|----------|
| For the portion of the journey which he travels or might travel | One day for each                           |          |
|   | By Motor Car or Bus plying for public hire | 150 kms. |
|   | By Rail                                    | 500 kms. |
|   | In any other way                           | 25 kms.  |

(b)A day is allowed for any fractional portion. Travel by road not exceeding 8 Kms. to or from a Railway Station at the beginning or end of the journey does not count for joining time,(c)A Sunday does not count as a day for the purpose of calculating joining time but other holidays count,(d)Joining (Journey) time will be calculated by the route which travellers ordinarily use, irrespective of the route of actual travel.(e)On appointment to a new post while in transit, joining (journey) time begins on the day following the day of the receipt of orders but a second period of six days for preparation shall not be allowed in such cases.

**72.**

(a) If charge is to be made over at a place other than the head quarters of a teacher, joining time is calculated from the place where he hands over the charge. (b) If a teacher takes leave during transit, the period which has elapsed since standing over charge of his old post shall be included in his leave. (c) When a teacher is on leave, joining time shall be calculated from the old station or from the place where he received the orders whichever calculation will entitle him to less joining time. (d) A teacher during joining time shall be treated as on duty and shall be entitled to be paid at the rate of pay of his old post or of the new post whichever is less. (e) A teacher returning from extraordinary leave shall not be entitled to joining time.

**73.**

Joining time can be extended upto 30 days in the following cases:- (a) When a teacher is unable to use the ordinary mode of travelling or has spent more time, with due diligence on his part on the journey than is allowed. (b) For University convenience or for saving of expenditure as is caused by unnecessary or purely formal transfers. (c) When rules have in a particular case operated harshly or when a teacher due to no fault on his part has fallen sick during the joining time.

**74.**

When a teacher does not join his post within his joining time, he is not entitled to get pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time shall be treated as misbehaviour.

## **Part VII – Foreign Service**

**75.**

(i) The Committee shall have full discretion in the matter of (a) permitting a teacher to apply for or accept a situation or assignment elsewhere and (b) accepting an invitation from another University or any other agency or organisation including State or Central Government requesting for placing his services for a specified or unspecified period, at the disposal of any such body. (ii) All invitations shall be extended, received and/or accepted through the University. (iii) If the Committee itself, deputed a teacher to work in another Indian or foreign university or any other agency, institution or organisation including Central and State Governments, the Committee will ensure that the emoluments (salary and allowances) and other service conditions of the teacher so deputed are not to his disadvantage.

**76.**

A teacher seeking employment or situation temporary or other wise in an Indian or foreign University, in any other organisation or institution shall apply through the University. If he is

selected for the appointment, he may be: (a) Permitted by the Committee to take up the assignment or appointment only if he has completed at least five years service in the University, and (b) Allowed to retain a lien on the post held by him in the University for a period of two years only, and granted leave without pay for this purpose. (c) During the period of deputation, the teacher shall draw salary from his Foreign employer. He will draw no salary or allowances from the University.

## **77.**

(a) During the period of deputation the teacher will be allowed to subscribe to his provident fund account and in that event the University shall also contribute its share at the rate that the teacher would have earned by service had he not been deputed. The amount of contribution by the University shall be received from the foreign employer of the teacher every month. (b) The teacher will be permitted to earn his annual grade increment during the period of his deputation.

## **78. Permission for undertaking work and acceptance of fee.**

- A teacher of the University may be permitted to perform the specified service or series of services for a private person or body or for a public body and to receive a remuneration therefor, if this can be done without detriment to his legitimate duties and responsibilities of the concerned teacher of the University. No teacher of the University shall undertake work for a private or public body or a private person, or accept a fee therefor without the sanction of the Committee.

## **79. When fee should be credited to the University.**

- (i) Unless the Committee by special order or otherwise directs, one-third of any fee in excess of Rs. 400/- or, if a recurring fee, of Rs. 250/- a year paid to a teacher shall be credited to general revenues of the University. (ii) This rule does not apply to fees received by teacher from Universities or other examining bodies in return for their services as examiners. (iii) Non-recurring or recurring fees shall be dealt with separately and should not be added, for the purposes of crediting one-third to general revenues under this rule.

## **Part VIII – Conduct Rules**

## **80.**

(a) A teacher shall attend, regularly and punctually the office or the institution in which he is posted or assigned duty according to the timings fixed for his duties. (b) During the hours fixed for his duties, he shall devote himself diligently to his work, and give full co-operation in all University work. (c) He shall carry on his work with accuracy and reasonable speed. (d) He shall act with the due courtesy with these with whom he has to come in contact in the course of his duties. (e) He shall respect all lawful orders from his superiors and carry them out faithfully. (f) He shall see that the University property, articles, apparatus, money etc. in his charge are used with reasonable care & proper precautions are taken against any possible damage to them or loss to the University. (g) He

shall see that the University papers, correspondence files, registers etc., in his charge are properly dealt and preserved carefully.(h)He shall take care to see that the contents of University papers, correspondence, files etc. of a confidential nature are not divulged to an unauthorised person directly or indirectly.(i)He shall not bind either in person or by agent in any auction of the University articles or property or to offer any tenders for any supply to the University or for carrying out any work of the University.(j)Whether on duty or on leave or under suspension, he shall not apply for any other employment nor accept any other employment or outside work with or without remuneration or enroll himself for higher studies in any educational institution without the previous permission of the competent authority.(k)Whether on duty or on leave or under suspension, he shall not without the previous permission of the Committee, engage in any trade or carry on, whether directly, or indirectly any business or undertaking or use his position as a University teacher to hold such business or undertaking.(l)Unless generally or specially empowered in this behalf, he shall not communicate directly or indirectly to outside persons or associations or to the press any documents or information which has come to his possession in the course of his duties or has been prepared or collected by him in the course of these duties, whether from official sources or otherwise.(m)He shall not give evidence in his official capacity without the previous permission of the Vice-Chancellor.(n)He shall not take part in or subscribe in aid of or assist in any way or any movement, organisation or activity which tends to directly or indirectly create communal disharmony, religious hatred, and other activities intended to subvert the Government established by law in the country or State.(o)No teacher who has a wife/husband living shall contract another marriage without first obtaining the permission of the Committee, notwithstanding that such subsequent marriage is permissible under the personal law, for the time being applicable to him.

## **Part IX – Penalties, Appeals and Review**

### **81. Protection of rights and privileges conferred by agreement.**

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

### **82. Suspension.**

(1)The appointing authority or any other authority empowered by the Committee in that behalf may place any teacher under suspension:(a)Where disciplinary proceedings against him are contemplated or are pending; or(b)Where a case against him in respect of any criminal offence has resulted in arrest or conviction.(2)A teacher who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of his detention, on order of the appointing authority and shall remain under suspension until further orders.(3)Where the penalty of dismissal, removal or compulsory retirement from service imposed upon a teacher under suspension is set aside, in appeal, or on review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and

from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.(4)An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made it or by any superior authority.Penalties and Disciplinary Authorities

### **83. Penalties.**

- The following penalties may, for good and sufficient reasons, which shall be recorded, be imposed on a teacher.Minor penalties(i)Censure.(ii)Withholding of increments or promotion.(iii)Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of the rules of the University or orders or directions of superior authorities.Major Penalties(iv)Reduction to a lower grade or post or to a lower stage in a time scale of pay.(v)Compulsory retirement.(vi)Removal from service, which shall not be a disqualification for future employment.(vii)Dismissal from service which shall be a disqualification for further employment.Explanation. - The following shall not amount to penalty within the meaning of this rule, namely:-(i)Stoppage of a teacher at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar.(ii)Non-promotion of a teacher, whether in a substantive or officiating capacity, after consideration of his case for appointment to a grade or post to which the officer is eligible.(iii)Reversion of an officer, appointed on probation to any other grade or post, to his permanent grade or post, during or at the end of the period of probation in accordance with the terms of his appointment, or the rules and orders governing such probation.(iv)Reversion which does not amount to reduction of a teacher officiating in a higher grade or post to a lower grade or post, on the ground that the officer is considered to be unsuitable for such higher grade or post or on any administrative grounds unconnected with his conduct.(v)Replacement of the services of a teacher, whose services had been borrowed from outside authority, at the disposal of such authority.(vi)Compulsory retirement of a teacher in accordance with the provisions relating to his superannuation or retirement.(vii)Termination of the services:-(a)of a teacher appointed on probation during or at the end of the period of his probation, in accordance with the term of his appointment or the rules and orders governing such probation: or(b)of a temporary teacher in accordance with the rules made in this behalf by the University: or(c)of a teacher engaged under an agreement, in accordance with the terms of such agreement.

### **84. Disciplinary authorities.**

- (i) The appointing authority may impose on an officer any of the penalties specified in rule 83.(ii)The Vice-Chancellor or any other competent authority may impose on a teacher any of the penalties specified in clauses (i), (ii) & (iii) of rule 83.

### **85. Authority to institute proceedings.**

- The Committee or any other authority empowered by it by general or special order may institute disciplinary proceedings against any officer.

## **86. Procedure for imposing major penalties.**

- (i) No order imposing on a teacher any of the penalties specified in clause (iv) to (vii) of rule 83 shall be passed except after an enquiry held, as far as may be in the manner hereinafter prescribed. (ii) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges together with the statement of allegations on which they are based, shall be communicated in writing to the officer; and he shall be required to submit, within such time as may be specified by the Disciplinary authority, a written statement indicating whether he admits the truth of all or any of the charges, what explanation or defence, if any, he has to offer and whether he desires to be heard in person: Provided that it shall not be necessary to frame any additional charges when it is proposed to take action in respect of any statement or allegations made by the person charged in the course of his defence. (iii) The teacher shall, for preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against University interest to allow him access thereto. (iv) If the delinquent teacher who has not admitted any of the articles of charge in the written statement of defence or has not submitted any written statement of defence appears before the Enquiring Authority such Authority shall ask him whether he admits charges or has any defence to make and if he admits to any of the articles of charge: the Enquiring Authority shall record the plea, sign the record and obtain the signature of the delinquent teacher thereon. The Enquiring Authority shall return a findings of guilt in respect of those articles of charge which the officer pleads admitted. (v) The disciplinary authority may nominate any person to present the case in support of the charges before the authority enquiring into the charges (hereinafter referred to as the Enquiring Authority). The delinquent officer may present his case with the assistance of any other officer or employee of the University, but may not engage a legal practitioner unless the disciplinary authority, having regard to the circumstances of the case, so permits. Explanation.-For the purpose of this sub-rule, a Public Prosecutor, or an Asstt. Public Prosecutor, shall be deemed to be a legal practitioner. (vi) (a) Where the delinquent teacher has pleaded not guilty to the charges, at the commencement of the enquiry, the Enquiring Authority shall ask the Presenting Officer appearing on behalf of the Disciplinary Authority to submit the list of witnesses and documents within 10 days, who shall also simultaneously send a copy to the delinquent teacher. The Enquiring Authority on receipt of such list shall summon the relevant evidence as per the list and record the evidence giving opportunity to the Presenting teacher for Examination-in-Chief, and also to the delinquent officer or his assisting officer, whosoever may be present, for cross-examination. The Presenting teacher shall be entitled to re-examine the witness on any points on which they have been cross-examined, but not on any new matter, without the leave of the Enquiring Authority. After the close of the prosecution evidence the delinquent teacher shall be called upon to submit the list of the witnesses and the documents within 10 days which he would like to produce in his defence. The Enquiring Authority after considering the relevancy of the witnesses and the documents shall summon only the relevant witnesses and the documents and record the evidence thereof while giving opportunity of Examination-in-Chief and cross-examination/re-examination to the parties and then close the evidence. The Enquiring Authority shall consider the relevancy of the witnesses and the documents called for by both the parties and in case of his refusal to summon any witnesses or documents, he shall record the reason

in writing. The Enquiring Authority may also put such questions to the witnesses of the parties as it thinks fit in the interest of justice. An opportunity for hearing the arguments shall be given to the parties. Note. - If the delinquent teacher applied orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-rule (vi) (a), the Enquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority. (b) The Enquiring Authority may, for good and sufficient reasons to be recorded in writing, recall witnesses for examination in part heard cases being conducted by him. (c) The Enquiring Authority shall give a notice within 10 days of the order or within such further time not exceeding 10 days as the Enquiring Authority may allow, for the discovery or production of any documents which are in the possession of the University but not mentioned in the list referred to in sub-rule (vi) (a). Note. - The delinquent officer shall indicate the relevancy of the documents required by him to be discovered or produced by the University. The Enquiring 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 Enquiring 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. On receipt of the requisition, every authority having the custody or possession of the requisitioned documents shall procedure the same before the Enquiring 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 or security of the University, it shall inform the Enquiring Authority accordingly and the Enquiring Authority shall, on being so informed, communicate the information to the delinquent officer and withdraw the requisition made by it for the production or discovery of such documents. (d) In case of joint departmental enquiry, any one or more delinquent teachers fail/fails to appear without sufficient cause on the date fixed for the hearing of which he had the notice, the Enquiring Authority may proceed with the enquiry in the absence of such delinquent officer/s. (vii) At the conclusion of the inquiry, the inquiry Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the officer has admitted the facts constituting them or has had an opportunity of defending himself against them. (viii) The record of the inquiry shall include:-

**1. The charges framed against the teacher and the statement of allegations furnished to him;**

**2. His written statement of defence, if any:**

**3. The oral evidence taken in the course of his enquiry;**

**4. The documentary evidence considered in the course of inquiry;**

**5. The order if any made by the disciplinary authority and the Enquiring Authority in regard to the inquiry, and**

**6. A report setting out the findings on each charge and reasons therefor.**

(ix)(a)The disciplinary authority shall if it is not the Enquiring Authority, consider the record of the inquiry and record its findings on each charge.(b)The disciplinary authority may while considering the report of the Enquiring Authority for just and sufficient reasons to be recorded in writing remand, the case for further/de novo inquiry in case it has reason to believe that the inquiry conducted has been laconic in some respect or the other.(x)If the disciplinary authority having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 83, should be imposed, it shall-(a)furnish to the teacher a copy of the report of the Enquiring Authority and, where the disciplinary authority is not the Enquiring Authority a statement of its finding together with, brief reasons for disagreement, if any, with the findings of the Enquiring Authority: and(b)give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit with a specified time such representation as he may wish to make on the proposed penalty, provided that such representation shall be based on the evidence adduced during the enquiry.(xi)If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 83 should be imposed, it shall pass appropriate orders in the case.(xii)Orders passed by the disciplinary authority shall be communicated to the officer who shall also be supplied with a copy of the report of the Enquiring Authority and, where the disciplinary authority is not the Enquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, to him.

**87. Procedure for imposing minor penalties.**

(1)No order imposing any of the penalties specified in clauses (i) to (iii) of rule 83 shall be passed except after.-(a)the teacher is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and had been given an opportunity to make any representation he may wish to make.(b)such representation, if any, is taken into consideration by the disciplinary authority.(2)The record of proceedings in such cases shall include:-(a)a copy of the intimation to the teacher of the proposal to take action against him:(b)a copy of the statement of allegations communicated to him;(c)his representation, if any;(d)the orders of the case together with reasons therefor.

**88. Joint Enquiry.**

- Where two or more teachers are concerned in any case, the committee may make an order directing that disciplinary action against all of them may be taken in a common proceeding.



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

- Notwithstanding anything contained in these rules:(i)where a penalty is imposed on a delinquent teacher 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 in writing that it is not reasonably practicable to follow the procedure prescribed in these rules; or(iii)Where the Committee is satisfied that in the interest of the security of the University, it is not expedient to follow such procedure, the Disciplinary authority may consider the circumstances of the case and pass such orders as it deems fit. Appeals

## **90. Appeals against the orders of suspension and imposing penalty.**

- A teacher may appeal to the Board of Control against an order of suspension or against an order imposing any of the penalties specified in Rule 83 passed by the Committee and to the Committee against such orders of the Vice-Chancellor.

## **91. Certified copy of the appealable orders.**

- In the case of an order which is appealable, the authority passing the order shall, within a reasonable time, give a certified copy of the order free of cost to the person against which the order is passed.

## **92. Period of limitation of appeal.**

- No appeal under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against: Provided that the appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

## **93. Form and contents of appeal.**

- (i) Every person submitting an appeal shall do so separately and in his own name. (ii) The appeal shall be addressed to the authority to whom the appeal lies, 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.

## **94. Submission of appeals.**

- Every appeal shall be submitted through proper channel to the authority which made the order appealed against: Provided that a copy of the appeal may be submitted direct to the appellate authority.

## **95. Withholding of the appeal.**

- (i) The authority which made the order appealed against may withhold the appeal if: (a) It is an appeal against an order from which no appeal lies; (b) It does not comply with any of the provisions contained in rule 93; (c) It is not submitted within period specified in rule 92 and no cause is shown for delay; (d) It is a repetition of an appeal already decided and no new facts circumstances are adduced. (ii) Where an appeal is withheld, the appellant shall be informed of the act and the reasons therefor. (iii) A list of the appeals withheld, by any authority shall be submitted to the appellate authority at the end of every quarter together with the reasons for withholding them.

## **96. Transmission of appeal.**

- (i) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld, together with its comments thereon and the relevant records. (ii) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 95 and thereupon such appeal shall be transmitted to the authority withholding the appeal and the relevant records.

## **97. Consideration of appeal.**

- (i) In an appeal against an order of suspension, the appellate authority shall consider whether and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly. (ii) In the case of any appeal against an order imposing any of the penalties specified in rule 83, the appellate authority shall consider: (a) whether the procedure prescribed in these rules has been complied with and if not, whether such non compliance has resulted in violation of any provisions or in failure of justice; (b) whether the facts on which the order was passed have been established; (c) whether the facts established afford sufficient jurisdiction for making an order, and (d) whether the penalty imposed is excessive, adequate or inadequate: Provided that (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose; (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making enhanced penalty; & (iii) if the enhanced penalty which the appellate authority proposes to impose is of the penalties specified in clauses IV to VII of rule 83 and an inquiry has not already been held in the case, the appellate authority shall itself hold such inquiry or direct such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against any such penalty pass such order as it may deem fit.

## **98. Implementation of order in appeal.**

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

## **99. Revision and Review.**

- Notwithstanding anything contained in these rules:-(i)The Committee or;(ii)The appellate authority, within six months of the orders proposed to be reviewed may at any time either on its own motion or otherwise call for the records of any inquiry and review an order made under these rules from which an appeal lies but from which no appeal has been preferred or from which no appeal lies and may-(a)confirm, modify or set aside the order; or(b)confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or(c)remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or(d)pass such other order as it may deem fit;Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (iv) to (vii) of rule 83 or enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses, no such penalty shall be imposed except after an enquiry in the manner laid down & after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.(iii)An application for review shall be dealt within the same manner as if it were an appeal under these rules.

## **100. Chancellor's power to review.**

- Notwithstanding anything contained in these rules, the Chancellor may, within three years from the date of penal order sought to be reviewed, on his own motion or otherwise after calling for the records of the case, review any order made under these rules and where considered necessary:-(a)confirm, modify or set aside, the order:(b)impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;(c)remit the case to the authority which made the order or to any other authority directing such further action or inquiry as he considers proper in the circumstances of the case: or(d)pass such orders as he deems fit:Provided that-(i)an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.(ii)If the Chancellor proposes to impose any of the penalties specified in clauses (iv) to (vii) of rule 83 in case where an enquiry has not been held, he shall, direct that such inquiry be held and thereafter on consideration of the proceeding of such inquiry and after giving the teacher an opportunity of making any representation which he may wish to make against such penalty, pass such orders as he may deem it.