

The National Dope Testing Laboratory (Service, Administrative & Financial) Bye-Laws, 2009

UNION OF INDIA

India

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Rule

THE-NATIONAL-DOPE-TESTING-LABORATORY-SERVICE-ADMINISTRATIVE of 2009

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The National Dope Testing Laboratory (Service, Administrative & Financial) Bye-Laws, 2009 Published vide Notification New Delhi, the 21st June, 2010 Ministry of Youth Affairs And Sports (Department of Sports) G.S.R. 573(E). - Consequent upon the establishment of National Dope Testing Laboratory, which was registered on 8th October, 2008 under the Societies Registration Act, 1860 as the Apex national body for dope-testing and research, related to sports vide Resolution dated 17.2.2009 published in the Gazette of India Extraordinary on 24th March 2009, the Government hereby notifies the Bye-Laws of the Society, which have come into force with effect from 5th January 2009 with the approval of the Governing Body of the Society headed by the Union Minister of Youth Affairs and Sports. Chapter-I General Scope

1. Short title and Commencement.

- (i) These bye-laws shall be called the National Dope Testing Laboratory (Service, Administrative & Financial) Bye-Laws, 2009. (ii) These shall be deemed to have come into force with effect from 5th January 2009.

2. Application.

- (i) These Bye-Laws shall apply to all employees of the Society.

3. Definitions.

- (i) In these bye-laws, unless the context otherwise required :-(a)"Society" wherever occurring in the Bye-laws means the National Dope Testing Laboratory (NDTL).(b)"Appointing Authority" in relation to any post under the Society, means the authority competent to make appointments to that post under bye-law 5,(c)"Deputationist" means an employee of any other organization whose services are obtained by the Society on deputation terms.(d)"Employee" means a person serving the Society in any specified post in Schedule-II,(e)"Pay" means the pay as defined in the Fundamental Rules (FRs) from time to time,(f)"Recruitment Rules" means the recruitment rules of the Society.(g)"Sanctioning Authority" means the authorities specified in Schedule-I.(h)"Selection Committee" means Committees appointed with the approval of Governing Body for selection of persons for appointment to posts specified in Schedule-II.(i)"Governing Body" means the Governing Body of the National Dope Testing Laboratory.(j)"Chairman/Vice Chairman" means the Chairman/Vice Chairman of the Governing Body of NDTL.(k)"Chief Executive Officer (CEO)" means the CEO of the National Dope Testing Laboratory.

Administrative Bye-Laws
Chapter-II
Grades And Categories of Posts

4. Grades and Categories of posts.

- (I) The posts under the Society shall be of the grades and categories specified in Schedule-II and as revised from time to time by the Governing Body with the approval of Government India.(II)The pay scales and Groups as are approved for Government servants in General shall be adopted. The regular posts of the Society and their pay scales as on date shall be as in the Schedule-II. Any modification shall be with the final approval of the Government.(III)The CEO shall determine the strength of the research fellows on the basis of actual requirement. The method of requirement and terms and conditions of engagement of research fellows will be similar to those adopted by similar National Level Scientific Organizations.(IV)Governing Body can create new posts or abolish existing posts in the functional interest of the Society subject to the approval of the Government.

Chapter-III
Recruitment

5. Appointing authorities.

- Appointment to posts under the society shall be made by authorities specified in Schedule-I.

6. Methods of Recruitment.

- Recruitment to a post under the Society may be made by any of the methods listed below as provided for in the Recruitment Rules.(i)by promotion;(ii)by direct recruitment;(iii)by deputation;(iv)by re-employment of retired employees of the Society or Central/State Government or any other organization.(v)on contract for a specified period of technical personnel on specific terms and as approved by the Governing Body;(vi)By Transfer(2)In terms of provisions in the MOA and Rules of the Society, the Joint Secretary (Sports) in the Department of Sports, Ministry of Youth Affairs & Sports is the Ex-officio Chief Executive Officer (CEO) of National Dope Testing Laboratory

Recruitment to the other posts shall be made by the CEO or the Scientific Director as the case may be as given in the Recruitment rules. In doing so, the Appointing Authority shall pay due regard to (i) the provisions of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 and (ii) orders for reservation in services for Scheduled Castes/ Scheduled Tribes, other Backward classes, Ex-servicemen, handicapped and any other categories, as may be notified by the Government of India from time to time, and (iii) in any other manner, as may be decided by the Governing Body in individual cases, having special regard to the situation or requirement.(3)Where any relaxation is necessary, the same shall be as per the procedure and authority specified in the notification to the Recruitment Rules. Where additional posts for any isolated work or of casual nature are needed, the CEO can outsource as per provisions of GFR in this regard.(4)While those already working in the Laboratory can be accorded preference in the matter of selection to the posts in the interest of continuity, employees of Sports Authority of India (SAI) working in NDTL shall have to exercise their option either to come over to NDTL on deputation or on regular basis. The terms of deputation shall be as agreed to between the lending authority and NDTL with due regard to Government Rules in this regard.

7. Recruitment by Promotion.

(1)Appointment to a post in any grade by promotion shall be made whether in a substantive or officiating capacity from amongst employees serving in National Dope Testing Laboratory in posts in the next lower grade in line for promotion on the basis of recommendations of a formally constituted Departmental Promotion Committee. In the case of appointments on ad-hoc basis, the guidelines contained in DOPT O.M. No. 28036/8-37-Estt.(D) dated 30.3.1988 as amended from time to time shall be strictly adhered to in respect of all categories of posts.(2)Every Appointment by promotion to posts under Group 'A' technical and Non-technical (PB-4) shall be selection on the basis of merit due consideration to seniority in the case of candidates of equal merit and on the recommendations of the Departmental Promotion Committee.(3)An appointment by promotion to posts in Group 'A' (PB-3) 'B', 'C' & 'D' will be on seniority-cum-fitness basis.

8. Direct Recruitment.

- Save in exceptional circumstances, and subject to Vice-Chairman's approval, appointment to post by direct recruitment may be made on the recommendation of a Selection Committee from amongst
-(i)Candidates recommended by the Employment Exchange on requisition in respect of those categories of employees of which recruitment has to be made through the Employment Exchange and/or(ii)From amongst the candidates applying in response to an advertisement, or otherwise.

9. Appointment by Deputation.

- Appointment may be made on deputation basis with the approval of the relevant Selection Committee on such terms and conditions as may be agreed to between the lending authority and the National Dope Testing Laboratory subject to Government Rules in this regard.

10. Qualifications.

- The qualifications for appointment to any post shall be such as may be prescribed in the Recruitment Rules for the post concerned. Note 1: Qualification are relaxable at the directions of the Governing Body in the case of candidates otherwise qualified. Note 2: The qualifications regarding experience is relaxable at the discretion of the Governing Body in the case of candidates belonging to Scheduled Castes or Scheduled Tribes, if at any stage of selection, Governing Body is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the necessary posts reserved for them.

11. Disqualification.

- No person shall be appointed to any post by Direct Recruitment unless:-(i)he produces at his own cost certificate of physical fitness in the prescribed form from a medical practitioner approved by the Appointing Authority in this behalf.(ii)the Appointing Authority is satisfied that he/she possesses good character and antecedents.(iii)he/she takes an oath of allegiance to the Constitution of India. Further no person :-(1)Who has entered into or contracted a marriage with a person having a spouse living, or(2)who having a spouse living, has entered into or contracts a marriage with any person shall be eligible for appointment to any post in the Society. Provided that the Society may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party of the marriage and that there are other grounds for so doing exempt any person from the operation of this bye-law. Chapter-IV Tenure

12. Probation.

(1)Every person appointed to a post under the Society after the commencement of these bye-laws, whether by promotion or by direct recruitment or any other process except on deputation, shall be on probation in such post for the period as mentioned in Recruitments Rules. Provided further that the Appointing Authority may, in any individual case, extend the period of probation by a maximum period of one year. While deciding the cases of probation the orders vide DOPT O.M. NO.21011/2/80-Estt. (C) dated 9.5.83, O.M. NO.21011/3/83-Estt. (C) dated 24.2.84 and 5.12.84 as amended from time to time shall be kept in view.(2)Where a person appointed to a post under the Society 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 the case of person appointed by promotion, revert him/her to the post held by him/her immediately prior to the promotion;(ii)In the case of a person appointed by direct recruitment, terminate his/her services under the Society without notice.(3)A person appointed to permanent post under the Society by promotion or by direct recruitment shall be eligible for substantive appointment to that post on completing Satisfactorily the period of probation.

13. Temporary and Permanent Service.

(1)An Employee shall be a temporary employee of the Society until he/she is appointed

substantively to a permanent post under the Society.(2)An employee shall be temporary employee of the Society until he/she is confirmed in terms of DOPT O.M. No. 18011/1/86- Estt. (D) dated 28th March 1988 and as amended from time to time.

14. Confirmation.

- An employee who has completed the period of probation to the satisfaction of the society shall be confirmed against the post to which he has been appointed except in cases where the appointment has been made against the post created for a specified period.

15. Termination of Service.

(1)The services of a temporary employee may be terminated by the Appointing Authority without assigning any reason at any time during the period of probation.(2)The services of a permanent employee may be terminated by the Appointing Authority by giving a notice of three months, or on payment of emoluments for such period as the notice falls short of three months, or without notice on payment of three months' emoluments, if the post to which he/she is appointed is abolished.(3)If a person is appointed to a post created for a specific period :- (a)He shall cease to be in the employment of the Society on the expiry of the period for which the post has been created.(b)at any time during the employment, the Appointing Authority can terminate his appointment by giving one month's notice or one month's pay & allowances in lieu of such notice or the employee himself can terminate his appointment by giving one month's notice to the Appointing authority.(4)An employee who is given notice of termination of service under para (3) above may be granted, during the period of notice, such earned leave as may be admissible to him/her in accordance with the provisions contained in Rule 39(6) (a) (i) of the CCS (Leave) Rules 1972.

16. Retirement.

(1)An employee shall retire from the service of the Society :-(i)on the afternoon of the last day of the month in which he/she attains the age of 60 (Sixty) years.Provided that in the case of person appointed on contract or on honorarium basis or-as Adviser, these provisions about retirement age will not apply.(ii)on his/her being declared medically unfit for service by a Medical Board to be designated by the Appointing Authority in this behalf.(2)Notwithstanding anything contained in para (1) above, if the Chief Executive Officer is of the opinion that it is in the Society's interest so to do, shall have the absolute right to retire any employee by giving, him/her notice of not less than three months in writing or three months' pay and allowances in lieu of such notice, after he/she has attained the age of 55 years.(3)An employee may, by giving notice in writing of not less than three months retire from service after he/she has attained the age of 55 years or on completion of 20 years of service. In the latter case the employee will have to seek prior approval of the Appointing Authority.Provided that in both the cases, it shall be open to the Appointing Authority to withhold permission to an employee under suspension who seek to retire under this clause.Provided further that provisions of this clause will not apply to persons appointed on contract or on honorarium basis,

17. Resignation.

(1)An employee may by giving notice in writing of one month or one month pay in lieu thereof in the case of temporary appointment, and of three month's notice or by three months emoluments in lieu thereof in case of permanent employment, addressed to the Appointing Authority, resign from the service of the Society. The resignation shall be effective from the date of its acceptance by the Appointing authority. While deciding cases of resignation, Government of India orders as applicable to Central Government employees as amended from time to time, shall be followed.(2)The Appointing authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the Society by giving notice of less than a month or three months as the case may be.

Service Bye LawsChapter-V

18.

In respect of those who opt to come over to NDTL, their past approved and continuous service rendered in SAI or any Government Department will count for all purposes including pay fixation, increment, Leave, pension, etc.The employees of NDTL shall be governed by the same rules and regulations as applicable to Government servants on matters of appointment, promotion, pay fixation, conduct, discipline, new pension scheme etc. The following rules with such of the exceptions specified in these bye-laws shall apply mutatis mutandis to NDTL and till detailed delegations and rules are framed, the approval of CEO shall be obtained on each item relating to service matters :-

1. FRs & SRs

2. Leave Rules

3. Conduct Rules,

4. CCS(CCA) Rules,

5. GFRs/ DFPR

6. LTC rules

7. Medical Attendant Rules,

8. New Pension Rules,

9. Temporary Service Rules,

10. HBA rules.

11. TA/DA Rules.

The procedure followed in Government in respect of maintenance of Service Books, ACRs, probation, seniority etc. shall be followed in NDTL as such. Financial Bye-Laws Chapter-VI

19. Funds.

- The NDTL shall have its own fund to which all the receipts including the Grant-in-aid from the Government of India shall be deposited. The accounts shall be kept in any nationalized bank and all withdrawals there from shall be authorized by CEO till detailed delegation of powers with the approval of the competent authority are framed. Proper accounting of the receipts and payments along with necessary vouchers and registers shall be kept under the custody of Finance Officer (F.O) for production to audit or any other authority as may be prescribed. The same canons of financial propriety which govern expenditure from public funds will be followed on matters of the expenditure from the NDTL fund. In brief, the following principles may be followed :-

- 1. Every authority authorized to incur expenditure from the NDTL fund shall exercise the same amount of caution as a prudent man will do in respect of his own money.**
- 2. The amount being expended has the approval of the competent authority.**
- 3. The expenditure is not more than what the occasion demands.**
- 4. Expenditure related to purchases are incurred only after proper estimates have been prepared and quotations have been obtained and approved by the competent authority.**

The General Financial Rules of Government shall be fully applicable. The Finance Officer and Administrative Officer shall be authorized to draw money from the bank on behalf of NDTL. While the limitations contained in the Government Rules relating to purchases, incentives to employees etc., may be adopted in general, as the occasion may demand, the CEO can exercise his discretion in the choice of items on matters dealing with international events and on compensating the employees for meritorious work done. The ceiling limits prescribed for Government servants or the limitation imposed by DFPR etc. shall not bind the CEO. Chapter-VII

20. Budget And Accounting.

- The Audited Accounts and Annual Reports shall be got prepared by the Finance Officer and Administrative Officer and placed before the General Body and also before the Houses of Parliament every year through Ministry of Youth Affairs and Sports after it is audited by C&AG. The Society shall appoint an internal auditor for concurrent audit of accounts before it is subject to external audit. The pension funds and other similar funds shall be properly administered by a small trust formed within NDTL and it may be ensured that adequate provisions in the budget are demanded and obtained to meet the expenditure on this account. The Finance Officer and Administrative Officer shall also ensure that realistic budget estimates for Plan and Non-Plan expenditure are prepared with the approval of CEO on each occasion such as BE, RE, Supplementary Grant, Annual Plan, Performance Budgeting, Outcome Budget, Zero Base Budget etc;

I

Sanctioning Authority, Appointing Authority and Appellate Authority in respect of the employees of National Dope Testing Laboratory(NDTL)

SI.No.	Category of Posts	Sanctioning Authority	Appointing Authority	Appellate Authority
1.	Chief Executive Officer (C.E.O.)	President of India	President of India	President of India
2.	Scientific Director	Governing Body	C.E.O	Vice Chairman
3.	Other Group 'A' & B	Governing Body	C.E.O.	Vice Chairman posts
4.	Group 'C' & 'D' posts	C.E.O.NDTL	Scientific Director	C.E.O.NDTL

II

SI.No.	Name of post	Pay scale	No of posts	Newly Created
		Existing	Revised	
	Group "A" Posts			
1.	Scientific Director	Rs. 14300-18300	Rs. 37400-67000/- + GP Rs.8700/-	1
2.	Dy. Scientific Director and Quality Manager	Rs. 12,000-18300	Rs. 15600-39100 + GP Rs.7600/-	1
3.	Scientist 'C' (Scientific Officer)	Rs. 10000-15200	Rs. 15600-39100/- + GP Rs.6600/-	3
4.	Scientist 'B' (Jr. Scientific Officer)	Rs. 8000-13500	Rs. 15600-39100/- + GP Rs.5400/-	2*
5.	Administrative Officer			1

		Rs. 10500-15200	Rs. 15600-39100/- + GP Rs.6600	
6.	Finance Officer	Rs. 8000-13500	Rs. 15600-39100 + GP Rs.5400/-	1
	Group "C" Posts			
7	Sr. Analyst (Sr Scientific Assistant)	Rs. 6,500-10500	Rs. 9300-34800/- + GP Rs.4200/-	2*
8.	Analyst (Lab Technical)	Rs. 5000-8000	Rs. 9300-34800/- + GP Rs.4200/-	2
9.	Data Entry Operator	Rs. 5000-8000	Rs. 9300-34800/- + GP Rs.4200/-	1
10.	PA	Rs. 5000-8000	Rs. 9300-34800/- + GP Rs.4200/-	1
11.	Store Keeper	Rs. 3050-4590	Rs. 5200-20200 + GP Rs.1900/-	1
	Group "D" Posts			
12.	Lab Attendant	Rs. 2550-3200	Rs. 4440-7440 + GP Rs.1300/-	2
	Total			18*

*In addition to the above 18 posts, one post of Sr. analyst (PB-2 + GP 4200) and one post of Scientist B (PB-3 + GP 5400) sanctioned vide Ministry's letter No. I-2/2005-ID dated 19.8.2009 will also be governed by these Bye-Laws.