

The M.P. Ashaskiya Shikshan Sanstha (Adhyapak Tatha Anya Karmachari) Appeal Rules, 1978

MADHYA PRADESH

India

The M.P. Ashaskiya Shikshan Sanstha (Adhyapak Tatha Anya Karmachari) Appeal Rules, 1978

Rule

THE-M-P-ASHASKIYA-SHIKSHAN-SANSTHA-ADHYAPAK-TATHA-ANYA of 1978

- Published on 17 October 1978
- Commenced on 17 October 1978
- [This is the version of this document from 17 October 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Ashaskiya Shikshan Sanstha (Adhyapak Tatha Anya Karmachari) Appeal Rules, 1978 Published vide Notification No. 73-31-78-1-9-20, dated 17-10-1978, Madhya Pradesh Gazette (Extraordinary), dated 18-10-78, page 2315 In exercise of the powers conferred by clause (e) of sub-section 10 (2), Section read with proviso to the sub-clause (iii) of clause (a) of Section 6 of the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (No. 20 of 1978), the State Government hereby makes the following rules, namely :-

1.

(1) These rules may be called The Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapak Tatha Anya Karmachari) Appeal Rules, 1978. (2) They shall come into force on the date of their publication in the Madhya Pradesh Gazette.

2.

In these rules "Act" means the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (No. 20 of 1978).

3.

The memorandum of appeal under the proviso to sub-clause (iii) of clause (a) of Section 6 of the Act, shall be accompanied by a true copy of the order appealed against. The memorandum of appeal shall state clearly the ground on which the order appealed against is challenged.

4.

The appellant may submit an application to the appellate authority requesting for staying the operation of the order appealed against pending the disposal of the appeal.

5.

The appellate authority may, in its discretion, stay the operation of the order appealed against for reasons to be recorded in writing.

6.

On receipt of the memorandum of appeal, the appellate authority shall call for the record of the case in which the order appealed against has been passed.

7.

After the receipt of the record, the appellate authority shall fix a date for hearing of the parties and give a notice thereof to the management of the institution and also the appellant intimating that they may, if they choose, appear either in person or through an authorised representative on the date fixed for hearing.

8.

A copy of memorandum of appeal shall be sent to the management alongwith the notice.

9.

The appellate authority shall, after hearing the parties, and examining the record pass an order in writing, either setting aside or confirming or modifying the order appealed against.

10.

The appellate authority while passing the order shall keep in view the following matters :- (a) Whether prior approval of the competent authority was obtained before the order appealed against was passed; (b) Whether a charge-sheet containing specific charges alongwith the Statement of allegations on which the charges are based and the list of documents produced in evidence

against the appellant, was given to the appellant;(c)Where the appellant was given an opportunity to submit written statement in his defence;(d)Whether an opportunity was given to the appellant to cross-examine the witnesses produced against the appellant;(e)Whether the appellant was given an opportunity to study the documents produced in evidence against;(f)Whether the appellant was given an opportunity to produce documents in support of his case and whether he was given an opportunity to produce his witnesses;(g)Whether the appellant was given a personal hearing by the Inquiring Authority before concluding the enquiry;(h)Whether a notice to show cause why the penalty imposed on him should not be imposed was given to the appellant and whether he was given an opportunity to explain as to why the penalty should not be imposed;(i)Whether on the basis of the evidence adduced during the course of the enquiry, the conclusion as to the proof of the charges is justified or not;(j)Whether the penalty imposed is commensurated with the nature of default;(k)Whether the order appealed against was passed in accordance with the rules and bye laws of the institution to which the delinquent person belongs; and(l)Whether provisions of the concerned laws, rules, regulations, ordinances, and statutes which are applicable to the institution have been observed while conducting the enquiry proceedings and making the order appealed against.