

## **CONDUCT, DISCIPLINE AND APPEAL RULES**

### **Rule 1. Short Title**

These rules may be called BIRLA INSTITUTE OF TECHNOLOGY, Mesra, Ranchi Conduct, Discipline and Appeal Rules.

### **Rule 2. Application**

These rules shall apply to all employees of the Institute except those in casual employment or paid from contingencies.

### **Rule 3. Definitions**

In these rules, unless the context otherwise requires:

- (a) "Employee" means a person in the employment of the Institute in any post or in any capacity other than the casual, or contingent staff, but includes a person on deputation to the Institute.
- (b) "Institute" means BIRLA INSTITUTE OF TECHNOLOGY, MESRA, RANCHI and all its Extension Centres.
- (c) "Board" means the Board of Governors of the Institute & includes in relation to the exercise of powers, any committee of the Board/Management or any officer of the Institute to whom the Board delegates and of its powers.
- (d) "Chairman" means Chairman of the Institute.
- (e) "Disciplinary Authority" means the Vice Chancellor and in case of Vice Chancellor, the Board of Governors.
- (f) "Competent Authority" means the authority empowered by the Board of Governors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (g) "Appellate Authority" means the Chancellor.

- (h) "Family" in relation to an employee includes.
  - i. The wife or husband as the case may be of the employee, whether residing with him or not but does not include a wife or husband, as the case may be separated from the employee by a decree or order of competent court.
  - ii. Sons or daughters or step-sons, step-daughters of the employee & wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
  - iii. Any other person, related whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

#### **Rule 4. General**

- (1) Every employee of the institute shall at all times.
  - i. maintain absolute integrity.
  - ii. Maintain devotion to duty.
  - iii. do nothing which is unbecoming of the Institute employee; and
  - iv. do nothing which is detrimental to the interest of the Institute.

#### **Rule 5. Misconduct**

Without prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct:

- (1)
  - a) Theft, fraud or dishonesty in connection with the business or property of the institute.
  - b) Theft, fraud or dishonesty with the property of another person within the premises of the Institute.
  - c) Fraud, dishonesty and offences under Cyber Laws leading to misrepresentation, breach of confidentiality and privacy.

- d) Securing or causing others to secure unauthorized access to any confidential electronic communication of the Institute or misuse of the electronic communication of the Institute or the computer system or network which may cause damage to the Institute.
  - e) Publishing, transmitting or causing to publish in electronic form any material, which appeals to prurient interest and unauthorized passing of information from electronic media.
  - f) Destroying, cancelling or altering or causing others to destroy, cancel or alter confidential computer programme including computer command, design and layout, computer system and computer network, etc.
  - g) Viewing obscene material/scene and involving oneself in indecent chatting / communication through the electronic communication/ computer system of the Institute.
- (2) Taking or giving bribes or any illegal gratification.
  - (3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
  - (3) Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
  - (5) Acting in a manner prejudicial to the interests of the Institute
  - (6) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
  - (7) Absence without leave or overstaying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
  - (8) Habitual late or irregular attendance.
  - (9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
  - (10) Damage to any property of the Institute.
  - (11) Interference or tampering with any safety devices installed in or about the premises of the Institute

- (12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Institute or outside such premises where such behaviour is related to or connected with the employment.
- (13) Gambling within the premises of the Institute.
- (14) Smoking within the premises of the Institute.
- (15) Collection without the permission of the competent authority of any money within the premises of the company except as sanctioned by any law of the land for the time being in force or rules of the Institute.
- (16) Sleeping while on duty.
- (17) Commission of any act which amounts to a criminal offence involving moral turpitude.
- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores etc. from or selling properties, machinery, stores etc., to the company without express permission in writing from the competent authority.
- (20) Commission of any act subversive of discipline or of good behaviour.
- (21) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (22) Making allegations against another employee/ key officials/ Institute authorities. Use of insolent or impertinent or unparliamentary language in any official dealing / correspondence or in any representation including appeal or in any forum/ meeting.
- (23) Failure of the employee to comply with the terms and conditions associated with the loan/advance granted to him under the Institute's Rules.
- (24) Violation or non-compliance with the Institute's Rules / Policies /Manuals / Circulars / Notices/ expressed instructions.
- (25) Un-authorized use or occupation of the Institute's quarters/land or other movable or immovable property.
- (26) Assaulting or threatening or intimidating any employee of the Institute.
- (27) Breach of any law applicable to the establishment or the Institute or Conduct Rules or any other Rules or specific orders issued by the Institute from time to time..
- (28) Writing of anonymous letters, addressing appeals or representations to any person other than the appropriate or appellate authority and forwarding advance copies of appeals or representation to any other person outside the Institute.

- (29) Distribution or exhibition in the Institute's premises any bills, posters, pamphlets or papers or causing them to be displayed by means of signs or writing or other visible representation, any matter prejudicial to the company without previous sanction of the competent authority.
- (30) Refusal to work on Holidays or on Sundays or beyond working hours when notified/ directed to do so in the exigencies of Institute's interest.
- (31) Gherao, coercion, intimidation, wrongful confinement or use of force or forcibly detaining any of the Company's employees. Shouting/use of defamatory or disrespectful statement/ slogans in the Institute's premises.
- (32) Refusal to accept any order or notice communicated in writing.
- (33) No employee shall indulge in any act of sexual harassment of any woman at the workplace.

**Explanation :** Sexual harassment includes such unwelcome sexually determined behaviour, whether directly or by implication as :

- a) Physical contact and advances
- b) Demand or request for sexual favours
- c) Sexually coloured remarks
- d) Showing any pornography, or
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

**Rule 6. Employment of near relatives of the employee of the Institute in any company or firm enjoying patronage of the Institute.**

- (1) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
- (2) No employee shall, except with the previous sanction of the competent authority permit his son, daughter or any member of the family to accept employment with any private firm with which he has official dealings, or with any other firm, having official dealings with the company :
- (3) Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the competent authority, to whom the matter shall be reported forthwith.

- (4) No employee shall in the discharge of his duties deal with any matter or give or sanction contract to any company or any person if any of his relatives is employed in that company or under that person or if he or any of his relatives is interested in such matter contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter of the contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

#### **Rule 7. Taking part in Demonstrations and Strikes**

No employee shall:

- a) Engage himself or participate in any demonstration or incite others to take part in any demonstration, which involves incitement to an offence.
- b) Resort to or abet/incite/instigate any form of strike or coercion or physical duress in contravention of the provisions of any law or rule having the force of law.
- c) Resort to any form of picketing within the Institute's premises/ campus including the entrance of the premises.

#### **Rule 7A. Taking part in Political activities**

An employee is prohibited to take part in political activities as detailed hereunder :

- i) to be an office bearer of political party or an organization which takes part in politics;
- ii) to take part in or assist in any manner in any movement/agitation or demonstration of political nature;
- iii) to take part in an election of any legislature or local authority; and
- iv) to canvas in any election to any legislature or local authority.

#### **Rule 8. Connection with Press, Radio or Television**

- (1) No employee of the Institute shall except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.
- (2) No employee of the Institute shall, except with the previous sanction of the competent authority or the prescribed authority, or in the bonafide discharge of his duties participate in a radio/television programme or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical.

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

### **Rule 9. Criticism of Government and the Institute**

No employee shall, in any radio/television programme or in document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement :

- (a) Which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the Institute; or
- (b) Which is capable of embarrassing the relations between the company & the public :

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him.

### **Rule 10. Evidence before committee or any other Authority**

- (1) Save as provided in sub-rule (3), no employee of the Institute shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government or of the Institute.
- (5) Nothing in this rule shall apply to :
  - (a) Evidence given at any enquiry before an authority appointed by the Government, Parliament or State Legislature.
  - (b) Evidence given in any judicial enquiry; or
  - (c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

### **Rule 11. Unauthorized Communication of information**

No employee shall, except in accordance with any general or special order of the Institute or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof, or information to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

### **Rule 11A. Pressing of Claim in Service Matters**

- (1) No employee shall address representation, appeal, petition or memorial to any outside authority or to any authority not specified under the rule.
- (2) No employee shall send a representation or advance copies thereof to higher authorities except through proper channel or send copies of a representation to outside authorities.

Provided that an employee belonging to the Scheduled Caste or Schedule Tribe may write directly to the statutory authorities for welfare of SC and ST on matters concerning their welfare.

### **Rule 12. Gifts**

- (1) Save as otherwise provided in these rules, no employee of the Institute shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift.

**Explanation :** The explanation "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

**Note :** An employee of the Institute shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices an employee of the company may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds Rs. 5000/- in case of employees in executive category and Rs. 2500/- in case of employees of other categories.
- (3) On such occasions as are specified in sub-Rule (2) an employee of the company may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any such gift exceeds Rs.2000/- in the case of employees in Executive category and Rs. 1250/- in the case of employees in other categories.
- (4) In any other case, an employee of the Institute shall not accept or permit any member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds Rs. 1250/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds Rs. 1250/-.

### **Rule 12A. Dowry**

"No employee of the Institute shall:

- (i) give or take or abet the giving or taking of dowry

or

- (ii) Demand, directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry"

**Note :** For the purpose of this rule, 'dowry' has the same meaning as defined in the Dowry Prohibition Act, 1961 (No. 28 of 1961), which reads as follows :

**“Definition of Dowry”**

In this Act, 'Dowry' means any property or valuable security given or agreed to be given either directly or indirectly :

(a) by one party to a marriage to the other party to the marriage :

or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons of whom the Muslim Personal Law (Shariat) applies.

**Explanation-I :** For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

**Explanation-II :** The expression “valuable security” has the same meaning as in Section 30 of the Indian Penal Code.

**Rule 13. Private Trade or Employment**

(1) No employee of the Institute shall, except with the previous sanction of the competent authority engage directly or indirectly in any trade or business or undertake any other employment :

Provided that an employee may, without such sanction undertake honorary work of a social or charitable nature of occasional work or a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

(2) Every employee of the Institute shall report to the competent authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No employee of the Institute shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or other

(4) No employee of the Institute may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent Authority.

#### **Rule 14. Investment, Lending & Borrowing**

No employee shall, save in the ordinary course of business with a Bank, the Life Insurance Corporation, or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family or he purchases or permits any member of his family.

#### **Rule 15. Insolvency and Habitual Indebtedness**

- (1) An employee of the Institute shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- (2) An employee of the Institute who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his competent authority.

#### **Rule 16. Movable, Immovable and Valuable Property**

- (1) No employee of the Institute shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.
- (2) No employee of the Institute shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- (3) Every employee of the Institute shall report to the competent authority every transaction concerning movable property owned/acquired/inherited or held by him in his own name or in the name of a member of his family, within one month from the date of such transaction, if the value of such property exceeds Rs. 15,000/- in case of employees in the executive category, and Rs. 10,000/- in case of employees in other categories.
- (4) Every employee shall, on first appointment in the Institute, submit a return of assets & liabilities in the prescribed form giving the particulars regarding :
  - (a) The immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.
  - (b) Shares, Debentures & Cash including Bank deposits inherited by him or similarly owned or acquired or held by him.

- (c) Other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs. 15,000/- in case of employees in the executive categories and Rs. 10,000/- in case of employees in other categories.
  - (d) Debts & other liabilities incurred by him directly or indirectly.
- (5) (a) The competent authority may, at any time by general or special order ask an employee to submit, within a period specified in the order, a full & complete statement of such movable or immovable property held or acquired/ owned/ inherited by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which, or the source from which such property was acquired.
- (b) Every employee shall, beginning 1st January, submit a return of immovable property inherited/owned/acquired once in every 2 years.
- (c) Every employee shall send an intimation regarding transaction in Shares, Securities, Debentures or Mutual Fund Schemes etc. held by him to the competent authority in case the total transaction exceed Rs. 50,000/- during a calendar year.

#### **Rule 17. Canvassing of Non-Official or other influence**

No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Institute.

#### **Rule 18. Marriages**

- (1) No Employee shall enter into, or contract a marriage with a person having a spouse living;

and

- (2) No employee, having a spouse living, shall enter into or contract, a marriage with any person :

Provided that the competent authority may permit an employee to enter into or contract any such marriage as is referred to in clause (1) or clause (2), if he is satisfied that :

- a) such marriage is permissible under the personal law applicable to such employee & other party to the marriage;

or

- b) in the opinion of the competent authority good and sufficient reasons exist for doing so.

- (3) an employee who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to Institute.

## **Rule 19. Consumption of Intoxicating Drinks & Drugs**

An employee of the Institute shall:

- a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- b) not be under the influence of any intoxicating drink or drug during the course of this duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- c) refrain from consuming any intoxicating drink or drug in a public place;
- d) not appear in a public place in a state of intoxication;
- e) not use any intoxicating drink or drug to excess.

## **Rule 19A. Observance of small Family Norms**

Every employee should ensure that the national policy in this regard is observed.

## **Rule 20. Suspension**

- (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Board of Governors by general or special order may place an employee under suspension:
  - (a) Where a disciplinary proceeding against him is contemplated or is pending.
  - or
  - (b) Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority & shall remain under suspension until further orders.
- (3) Where a penalty of dismissal or removal from service imposed upon any employee under suspension is set aside on appeal or on review under these rules & the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on & from the date of the original order of dismissal or removal & shall remain in force until further orders.

- (4) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law & the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal & shall continue to remain under suspension, until further orders.
- (5) 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 the order or by an authority to which that authority is subordinate.

### **Rule 21. Subsistence Allowance**

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to Dearness Allowance admissible on such subsistence allowance & any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- (2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows :
  - (i) the amount of subsistence allowance may be increased to 75 per cent of basic pay & allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
  - (ii) the amount of subsistence allowance may be reduced to 25 per cent of basic pay & allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.
- (3) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

## **Rule 22. Treatment of the period of Suspension**

- (1) When the employee under suspension is reinstated, the competent authority may grant to him the following pay & allowances for the period of suspension :
  - (a) if the employee is exonerated and not awarded any of the penalties mentioned in Rule 23, the full pay & allowances which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him;  

and
  - (b) if otherwise, such proportion of pay & allowances as the competent authority may prescribe.
- (2) In a case falling under sub-clause (a) the period of absence from duty will be treated as a period spent on duty. In case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

## **Rule 23. Penalties**

The following penalties may be imposed on an employee, as hereinafter provided for misconduct committed by him or for any other good & sufficient reasons.

### Minor Penalties

- (a) Censure;
- (b) Withholding of increments of pay with or without cumulative effect;
- (c) Withholding of promotion;
- (d) Recovery from pay or such other amount as may be due to him, of the whole or part of any pecuniary loss, caused to the Company by negligence or breach of orders. Major Penalties
- (e) reduction to a lower grade or post, or to a lower stage in a time scale;
- (f) removal from service which shall not be a disqualification for future employment;
- (g) dismissal

**Explanation :** The following shall not amount to a penalty within the meaning of this rule :

- (i) withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
- (ii) stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;

- (iii) non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) reversion to a lower grade or post of an employee officiating in a higher grade or post, on the ground that he is considered, after trial to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- (v) reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment;
- (vi) termination of service;
  - (a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
  - (b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
  - (c) of an employee appointed under a contract or arrangement in accordance with the terms of such contract or arrangements; and,
  - (d) of any employee on reduction of establishment.

**Rule 23A.**

- (i) If the disciplinary Authority decides to initiate disciplinary proceedings against an official on the charge of preferring fraudulent LTC claims and if he is inflicted with any of the penalty under Institute Rules he will not be allowed to avail LTC or encashment of LTC during the next two sets in addition to the set withheld during the pendency of proceedings.
- (ii) If the official is fully exonerated of the charge, he will be allowed to avail the LTCs withheld earlier, as per Institute Rules. However, he should avail the LTC before his superannuation.

**Rule 24. Disciplinary Authority**

The Disciplinary authority specified as under or any authority higher than it, may impose any of the penalties specified in Rule 23 on any employee.

3) For all employees

Vice Chancellor

4) For Vice Chancellor

Board of Governors

## Rule 25. Procedure for Imposing Major Penalties

- (1) No order imposing any of the major penalties specified in Clause (e), (f) and (g) of rule 23 shall be made except after an inquiry is held in accordance with this rule.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint any public servant or retired honest public servant (hereinafter called the Inquiry authority) to enquire into the truth thereof.
- (3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the articles of charge.

**Explanation :** It will not be necessary to show the documents listed with the charge-sheet or any other document to the employee at this stage.

- (4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or by any other public servant or retired servant appointed as an inquiry officer under sub-clause (2);

Provided that it may not be necessary to hold an enquiry in respect of the charges admitted by the employee in his written statements. The disciplinary authority shall, however, record its findings on each such charges.

- (5) Where the Disciplinary Authority itself enquires or appoints an inquiry authority for holding an inquiry, it may, by an order appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (6) The employee may take the assistance of any other servant but may not engage a legal practitioner for the purpose.

Provided that the employee shall not take assistance of a Servant who has two pending disciplinary cases on hand in which he has to function as Defence Assistant.

- (7) On the date fixed by the inquiry authority, the employee shall appear before the inquiry officer at the time, place and date specified in the notice. The inquiry authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiry officer shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiry officer shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

(8) If the employee does not plead guilty, the inquiry officer shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence :

(i) inspect the documents listed with the charge-sheet;

(ii) submit a list of additional documents and witnesses that he wants to examine; and

(iii) be supplied with the copies of the statement of witnesses, if any, listed in The charge-sheet.

**Note :** Relevancy of the additional documents & the witness referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the Inquiry Officer is satisfied about their relevance to the charges under inquiry.

(9) The inquiry officer shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

(10) The officer in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the inquiry authority on the date, place and time specified in the requisition notice :

Provided that the officer having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the company. In that event, it shall inform the inquiry officer accordingly.

(11) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary officer. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiry officer. The inquiry officer may also put such questions to the witnesses as it thinks fit.

(12) Before the close of the prosecution case, the inquiry officer may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or, recall or re-examine, any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned.

(13) When the case for the disciplinary authorities is closed, the employee may be required to state his defence, orally or in writing, as he may prefer, if the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

- (14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiry officer according to the provision applicable to the witnesses for the disciplinary authority.
- (15) The inquiry officer may after the employee closes his case, and shall if the employee as not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any appearing in the evidence against him.
- (16) After the completion of the production of the evidence the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion on the production of evidence.
- (17) If the employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiry officer may hold the enquiry ex-parte.
- (18) Whenever any inquiry officer after having heard, recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein; and is succeeded by other inquiry officer which has, and which exercises, such jurisdiction, the inquiry officer so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding inquiry officer is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross examine, and re-examine any such witnesses as hereinbefore provided.

- (19) (i) After the conclusion of the inquiry, report shall be prepared & it shall contain :
- (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
  - (b) a gist of the defence of the employee in respect of each article of charge;
  - (c) an assessment of the evidence in respect of each article of charge.
  - (d) The findings of each article of charge and the reasons thereof.

**Explanation :** If, in the opinion of the inquiry authority, the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :

Provided that the findings on such articles of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (i) The inquiry authority, where it is not itself the disciplinary authority shall forward to the disciplinary authority the records of inquiry which shall include;
- (a) the report of the inquiry prepared by it under sub-clause (i) above;
- (b) the written statement of defence, if any, submitted by the employee referred to in sub-rule (13);
- (c) the oral and documentary evidence produced in the course of the enquiry;
- (d) written briefs referred to in sub-rule (16) if any; and
- (e) the orders, if any, made by the disciplinary authority and the inquiry officer in regard to the inquiry.

#### **Rule 26. Action on the Inquiry Report**

- (1) The disciplinary authority, if it is not itself the inquiry officer may, for reasons to be recorded by it in writing remit the case to the inquiry authority for fresh or further inquiry and the inquiry authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be.
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiry officer on any article of charge, record reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 23 should be imposed on the employee it shall, notwithstanding anything contained in Rule 27, make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of called for, it may pass an order exonerating the employee concerned.

#### **Rule 27. Procedure for imposing Minor penalties**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period, not exceeding 15 days. The defence statement, if any submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include;
  - (i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
  - (ii) his defence statement, if any; and
  - (iii) the order of the disciplinary authority together with the reasons thereof.

### **Rule 28. Communication of Order**

- (1) Orders made by the disciplinary authority under Rule 26 or 27 shall be communicated to the employee concerned, who shall also be supplied with its finding on each article of charge along with a copy of the report of enquiry; and
- (2) Where Disciplinary Authority disagrees with the findings of the Inquiry Officer, the reason for such disagreement and its own findings shall also be communicated to the employee.

### **Rule 29. Common Proceedings**

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

### **Rule 30. Special Procedure in Certain Cases**

Notwithstanding anything contained in Rule 25 or 26 or 27, the disciplinary authority may impose any of the penalties specified in Rule 23 in any of the following circumstances.

- (i) the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that is not reasonably practicable to hold an enquiry in the manner provided in these Rules; or
- (iii) where the disciplinary authority is satisfied that in the interest of the security of the corporation/company, it is not expedient to hold an enquiry in the manner provided in these rules.

### **Rule 31. Employees on deputation from the Central Government or the State Government etc.**

- (i) Where an order of suspension is made or disciplinary proceeding is initiated against any employee, who is on deputation to the Institute from the Central or State Government or another public undertaking or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.

- (ii) In light of the findings in the disciplinary proceeding taken against the employee

- (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the lending Authority.

Provided that in the event of a difference of opinion between the disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.

- (c) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.
- iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub rule (ii)(a), it will be disposed off after consultation with the Lending Authority. Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employees shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to the authority for such action as it deems necessary.

### **Rule 32. Appeals**

- (1) An employee other than faculty members and Vice Chancellor may appeal against an order imposing upon him any of the penalties specified in Rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the Vice Chancellor.
- (2) The faculty members may appeal to the Vice Chancellor.
- (3) The Vice Chancellor may appeal to the Board of Governors.
- (4) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the Annexure-I and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appeal authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass order confirming, enhancing, reducing or setting aside the penalty, or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case. Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clause (e), (f) and (g) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 25, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

### **Rule 33. Review**

Notwithstanding anything contained in these rules, the Governing Council of the Institute may either on its own motion or on the application of the employee concerned, call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the reviewing authority proposes to impose is a major penalty specified in clause (e), (f) or (g) of Rule 23 and an enquiry as provided under Rule 25 has not already been held in these cases, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the appellate

authority decides to enhance the punishment with the provisions of Rule 25, the reviewing authority shall give show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Provided further that no review on the request of the employees shall commence until the expiry of the period of limitation for an appeal or the disposal of the appeal where such appeal has been preferred.

An application for review shall be dealt with in a manner as if it were an appeal under these rules.

### **Rule 34. Service of Orders, Notice etc.**

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

### **Rule 35. Power to Relax Time Limit and to Condone Delay**

Save as otherwise expressly provided in these rules the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

### **Rule 36. Savings**

- (1) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules which have been superseded by these rules.
- (2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.

- (3) The proceedings pending at the commencement of these rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
- (5) Any misconduct etc. committed prior to the issue of these rules shall be deemed to be a misconduct under these rules.