

Note:- Extra-ordinary leave granted on medical certificate or otherwise may be converted retrospectively into leave not due subject to the provisions of Rule 40.

(f) Leave on medical grounds and resumption of duty:-

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

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

(g) Re-joining of duty before the expiry of the leave:-

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

(h) Application for leave:

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

(i) Continuous temporary service followed by permanent service without any break, shall be included in the permanent service for the purpose of computation of leave.

(j) Increment During Leave:

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

(k) (i) No permanent employee shall be granted leave of any kind for a continuous period exceeding five years.

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

- (1) Leave account will be made for each employee in the prescribed form.

The order sanctioning earned leave, half-pay leave to an employee shall hereafter indicate the balance of such leave at his credit.

Honorary or part-time employees shall be entitled to leave on the same conditions on which it is available to salaried employees of the University.

Leave to the employees engaged on contract will be in accordance with the terms of the contract entered into.

- (35)** (1) ABSENCE AFTER EXPIRY OF LEAVE:-

Unless the authority competent to grant leave extends the leave, a University employee who remains absent after the expiry of leave and no leave is entitled to, no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extra-ordinary leave.

- (2) Wilful absence from duty after the expiry of leave renders a University employee liable to disciplinary action.

DECISIONS

- (1) TREATMENT OF WILFUL ABSENCE FROM DUTY NOT RECOGNISED:-

Wilful absence from duty even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as “dies non” for all purposes, viz., increment, leave and pension. Such absence

without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers to treat the period as leave without allowance, the entire past service will stand forfeited.

(2) ACTION FOR OVERSTAYAL OF LEAVE:-

Doubts were raised in certain quarters as to how the cases in which an official overstays the prescribed quantum of extraordinary leave, should be dealt with. It has been clarified that the amendment does not take away the power of the disciplinary authority to take appropriate disciplinary action for any misconduct.

Action can, therefore, be taken under these rules for unauthorised absence from duty or overstayal of leave even for one day, treating it as misconduct, if the facts and circumstances of the case warrant such an action.

(3) ACTION FOR UNAUTHORISED ABSENCE FROM DUTY OR OVERSTAYAL OF LEAVE:-

1. The following decisions have been taken:-

- (i) When a temporary University employee asks for leave in excess of the limits prescribed under Rule 45 and if the circumstances are exceptional, a decision could be taken by the leave sanctioning authority to grant further leave in excess of the limits with the approval of the Vice-Chancellor.
- (ii) When a temporary University employee applies for leave beyond the prescribed limit of extra-ordinary leave and the leave sanctioning authority is not satisfied with the genuineness of the grounds on which further leave has been asked for, nor does it consider the grounds as exceptional, the leave cannot be granted. In such a case the University employee should be asked to rejoin duty within a specified date failing which he would render himself liable for disciplinary action. Disobedience of orders to rejoin duty within the specified period would afford good and sufficient reasons for initiating disciplinary action under University Non-Teaching Employees (Terms and Conditions of service) Rules – 1971. If he rejoins duty by the stipulated date, he may be taken back to service and the period of absence not covered

by leave be treated as overstayal of leave and dealt with in accordance with the orders regarding regulation of overstayal of leave.

If the University employee does not join duty by the stipulated date it would be open to the disciplinary authority to institute disciplinary proceedings against him. If during the course of disciplinary proceedings he comes for rejoining duty, he should be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as quickly as possible. The question of regularisation of the period of overstayal of leave be left over for consideration till the finalisation of the disciplinary proceedings.

(iii) If a University employee absents himself abruptly or applies for leave which is refused in the exigencies of service and still he happens to be absent himself from duty, he should be told of the consequences, viz., that the entire period of absence would be treated as unauthorised entailing loss of pay for the period in question under proviso to Fundamental Rule '7' thereby resulting in break in service. If, however, he reports for duty before or after initiation of disciplinary proceedings, he may be taken back for duty because he has not been placed under suspension. The disciplinary action may be concluded and the period of absence treated as unauthorised resulting in loss in pay and allowances for the period of absence under provision to F.R. 17 (1) and thus a break in service. The question whether the break should be condoned or not and treated as "dies non" should be considered only after conclusion of the disciplinary proceedings and that too after the University employee represents in this regard.

2. It is made clear that a University employee who remains absent unauthorisedly without proper permission should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed in the Rule 45(iii) (a). However, the disciplinary authority should consider the grounds adduced by the University employee for his unauthorised absence before initiating disciplinary proceedings. If the disciplinary authority is satisfied the grounds adduced for unauthorised absence are justified leave of the kind applied for and due and admissible may be granted to him.

SECTION – III – KINDS OF LEAVE

- (36) The following kinds of leave, shall be admissible to the employees:
- (i) Leave earned by duty:
Earned leave, half pay leave, commuted leave and leave not due.
 - (ii) Leave not earned by duty:

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

(37) (i) Earned Leave admissible to employees.

- (a) Each employee's account of leave should be credited 15 days earned leave on 1st January and 15 days earned leave on 1st July each year.
- (b) The maximum amount of E.L. that can be granted to an employee at a time shall be 180 days.
- (c) When a University employee is appointed on or after 1.1.1980 earned leave shall be credited to his leave account @ 2 ½ days for each completed month of service which he is likely to render in the half year of the leave year in which he is appointed e.g. if he is appointed on 13th March, the number of completed months of his service in that half year will be 3 and the credit will be $3 \times 2 \frac{1}{2} = 7 \frac{1}{2}$ days rounded to 8 days if he is appointed on 4th April, the number of completed months will be only 2 and the credit will be $2 \times 2 \frac{1}{2} = 5$ days.
- (d) The credit for the half year in which a University employee is due to retire or resigns from the service will be afforded only at the rate of 2 ½ days per completed month in that half year up to the date of retirement/resignation. If in the case of a University employee who resigns from the University service, the leave already availed of is more than the credit so due to him, necessary adjustment should be made in respect of leave salary overdrawn, if any.
- (e) The credit afforded under clause (i) (a) shall be reduced by 1/10th of the period of extra-ordinary leave availed of during the previous half year, subject to a maximum of 15 days; the credit afforded under this clause shall also be reduced by 1/10th of the period of dies-non, if any, in the previous half year.

- (f) When affording credit under the above method, fractions of a day will be rounded off to the nearest day.
- (g) From 16.7.1976 the leave account shall be maintained in the revised form. While the earned leave shall be credited in advance in the manner stated above, there will be no change in respect of other kinds of leave. The entries in respect of such leave shall be made as an occasion for doing so arises. In the case of existing University employees the old leave accounts have to be closed and the credit of leave as on 15.7.1976 will have to be carried forward to the new leave account. While doing so, fractions of a day will be rounded off to the nearest day.
- (ii) Limits of accumulation and grant:
- (a) A University employee shall cease to earned leave under (i) (a) when the earned leave due amounts to 240 days w.e.f. 1.7.1986, (now revised to 300 days).
- (b) the maximum amount of earned leave that can be granted to an employee at a time shall be 180* days.

Provided earned leave taken as leave preparatory to retirement can be availed of upto a maximum of 240 days

Earned leave may be granted for a period not exceeding 120* days, if the entire leave so granted or any portion thereof is spent outside India, Bagladesh, Bhutan, Burma Sri Lanka, Nepal and Pakistan.

Provided that where earned leave exceeding 120* days is so granted, the period of such leave spent in the India shall not in the aggregate exceed 120* days.

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

Prefixing and suffixing holidays to leave other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld. When an employee is certified medically fit for joining duty, holiday(s) if any

* [The maximum amount of E.L that can be granted to an employee at a time shall be 180 days (instead of 120 days) EC. 15.2.1992 - *Ref. Estab. I/92 dated 25.2.92]

succeeding that day shall automatically be allowed to be suffixed to the leave and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

(38) Half Pay leave:

- (i) The half-pay leave admissible to an employee in respect of each completed year of service shall be 20 days.
- (ii) Half-pay leave may be granted to an employee on medical certificate or on private affairs. No half-pay leave may be granted to an employee in temporary appointment except on medical certificate.

(39) Commutated leave:-

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

- (a) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
- (b) No commuted leave may be granted under the provision unless the authority competent to sanction leave has reasons to believe that the officer will return to duty on his expiry.
- (c) Where a University employee who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

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

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

(40) Leave not due:-

1. Save in the case of the leave preparatory to retirement, leave not due may be granted to a University employee in permanent employment subject to the following conditions:-

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the University employee returning to duty on its expiry;
- (b) Leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) Leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;
- (d) Leave not due shall be debited against the half pay leave the University employee may earn subsequently;

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

- (i) That the employee has put in a minimum of one year's service;
 - (ii) That the post from which employee proceeds on leave is likely to last till his return to duty; and
 - (iii) That the request for grant of such leave is supported by a medical certificate.
- (a) Where a University employee who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty the 'leave not due' shall be cancelled, resignation or retirement taken effect from the date on which such leave had taken effect from the date on which such leave had commenced and the leave salary shall be recorded.
 - (b) Where a University employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

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

SECTION IV – LEAVE NOT DEBITABLE TO LEAVE ACCOUNT

(41) Casual Leave:-

- (i) Casual leave is not earned by duty. An employee on Casual Leave is not treated as absent from duty and his pay is not intermitted. Casual Leave cannot be claimed as of right and its grant is always subject to the exigencies of service and subject to a maximum of 8 days in a calendar year, which shall run from 1st January to 31st December each year. (w.e.f. 1.1.1998)

Provided that persons who join service in the middle of the leave year shall be eligible to Casual Leave proportionately.

- (ii) Casual Leave may be granted as and when occasion arises up to 5 days at a time. Prefixing and Suffixing of Saturdays/Sundays and recognised holidays shall be made permissible at the discretion of the leave sanctioning authority.
- (iii) Saturdays/Sundays and recognised holidays falling in between the casual/compensatory leave shall not be counted as part of leave.
- (iv) Casual Leave cannot be combined with any other kind of leave except compensatory leave in lieu of Saturdays.

(42) Special Casual Leave:-

- (i) An employee summoned to serve as Juror or Assessor or to give evidence before the Court of Law as a witness in a civil or criminal case in which his private interest are not at issue may be given this leave. The leave so granted should be sufficient to cover the period of absence necessary.
- (ii) It may also be granted when an employee is deputed to attend reference libraries of other institutions and conferences of educational gathering of learned and professional society in the interests of the University or other academic work which will include working on the committees appointed by the University/Govt./U.G.C., lecturing and examination work and U.P.S.C. work, or such other work as may be specified by the University.
- (iii) Special Casual Leave may granted to an employee where the staff is prevented to attend office during civil disturbances, curfews or strikes.

- (iv) In the case of male employees:- Male employees who undergo vasectomy operation under the Family Welfare Programme for the first time may be granted special casual leave not exceeding six working days. Saturdays/Sundays and closed holidays intervening should be ignored while calculating the period of special casual leave. If any employee undergoes vasectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding six days may be granted again on production of a certificate from the medical authority concerned to the effect that the second operation was performed due to failure of the first operation.
- (v) In the case of Female Employees:- (a) Female employees who undergo tubectomy operations – whether puerperal or non-puerperal – may be granted special casual leave not exceeding 14 days.
- (b) In the case of female employees who undergo tubectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding 14 days may be granted again on production of a medical certificate from the prescribed medical authority concerned to the effect that the second operation was performed due to the failure of the first operation.
- (c) Female employees who have insertions of intrauterine contraceptive devices may be granted special casual leave on the date of the IUCD insertion.
- (d) Female employees who have reinsertions of Intrauterine Device (IUD) may be granted special casual leave on the date of the IUD re-insertion.
- (e) Female employees who undergo salpingectomy operation after Medical Termination of Pregnancy (MTP) may be granted special casual leave not exceeding 14 days.
- (vi) Male Employees whose wives undergo tubectomy operation:-
- (a) Male employees whose wives undergo either Puerperal or non-puerperal tubectomy operation for the first time or for the second time due to failure of the first operation (Under Family Welfare Programme) may be granted special casual leave for 7 days subject to the production of a medical certificate stating that their wives have undergone tubectomy operation for the second time due to the failure of the first operation. It shall not be

necessary to state in the certificate that the presence of the University employees is required to look after the wife during her convalescence.

(b) Male employees whose wives undergo tubectomy salpingectomy operation after Medical Termination of Pregnancy (MTA) may be granted special casual leave up to 7 days subject to the production of the medical certificate stating that their wives have undergone tubectomy salpingectomy operation after Medical termination of Pregnancy. It shall not be necessary to state in the certificate that the presence of the University employee is required to look after the wife during her Convalescence.

(vii) In case of post-sterilisation operation complications:-

A University employee who required special casual leave beyond the limits laid down for undergoing sterilisation operation owing to the development of post-operation complications may be allowed special casual leave to cover the period for which he or she is hospitalised on account of post-operational complications, subject to the production of a certificate from the concerned hospital authorities/an authorised medical attendant. In addition the benefit of the additional special casual leave may also be extended to the extent of seven days in case of vasectomy operation and fourteen days in case of tubectomy operation, and to such University employees who after sterilisation operation do not remain hospitalised but, at the same time, are not found fit to go to work, subject to the production of a medical certificate from the appropriate authority in the concerned hospital/authorised medical attendant.

(viii) For undergoing recanalisation operation:-

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

(i) The operation should have been performed in hospital/medical college/institute where facilities for recanalisation are available. If the operation is performed in a private hospital, it

should be one nominated by the State Government/Union Territory /Administration for performing recanalisation operations.

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

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

- (a) are unmarried or
- (b) have less than two children or
- (c) desire recanalisation for substantial reasons e.g., a person has lost male children or all female children after vasectomy/tubectomy operation performed earlier.

(ix) Combining with regular/causal leave:- Special casual leave connected with sterilisation, recanalisation and/or prefixed to regular leave or casual leave. However, special casual leave should not be allowed to be prefixed both to regular leave and casual leave. Special casual leave should either be prefixed to regular or to casual leave and not both. Similarly special casual leave may be suffixed either to regular leave or to casual leave and not both. The intervening holidays and/or Saturdays/Sundays may be prefixed/suffixed to regular leave, as the case may be.

(42)(a) Compensatory Leave

Compulsory attendance on Saturdays/Sundays or other public holidays justifies the grant of compensatory leave for the number of days an employee is compelled to attend the office, unless it is imposed on him as a penalty or it is required to clear arrears for which he is personally responsible. The attendance in such cases should be under the previous orders of the office-in-charge. The number of days of compensatory leave earned will be noted in the casual leave register and the grant of leave also noted therein. Compensatory leave to the extent actually earned may be allowed under the same conditions as prescribed for grant of casual leave. (Also see provision of grant of compensatory leave on page 38).

(43)(A) Maternity Leave:-

- (i)a. Maternity Leave may be granted to a women employee on full pay for a period of 135 days from the date of its commencement. (E.C. 88, 13.7.1991; Est.I/Leave/92 dated 18.3.1992).
- (i)b. *A Female University employee with less than two surviving children may be granted maternity leave by an authority competent to grant leave for period of 135 days from the date of its commencement. (Est. I/Leave Rule/27/99; dated 26.11.99).*
- (ii) *Maternity leave not exceeding 45 days in the entire service may also be granted to a female University employee (irrespective of surviving children) in case of mis-carriage including abortion on production of Medical certificate. (26.11.99)*
- (iii)(a) Maternity Leave may be combined with leave of any other kind.
- (b) Notwithstanding the provisions contained in rule 39, any leave (including commuted leave) for a period not exceeding sixty days, applied for in continuation of maternity leave, may be granted without production of medical certificate.
- (iv) Leave in continuation of leave granted under clause (b) of sub-rule (iii) may be granted on production of a medical certificate for the illness of the female employee. Such leave may also be granted in case of illness of a newly born baby, subject to production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

Note:- It has been decided that the abortion induced under the Medical Termination of Pregnancy Act, 1971, should also be considered as a case of abortion for the purpose of granting Maternity Leave under the Rules.

(43)(B) Paternity Leave:-

A male University employee with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave). It may not normally be refused under any circumstances. (Govt. of India letter No. 13018/1/97 Est. Leave dated 7.10.97 and No. 13018/1/99/Estt. (L) dated 10.6.99).

(44). Hospital Leave:-

- (i) Hospital leave may be granted to an employee for medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of official duty. This leave will be available to such employee only, whose duties expose them to such illness or injury.
- (ii) Hospital leave may be granted on leave salary on average pay or half pay as the University may consider necessary.
- (iii) The amount of hospital leave is limited to three months on average pay in any period of three years. Hospital leave on average pay counts for the purpose of this limit as half the amount of leave on average pay.
- (iv) Hospital leave may be combined with any other kind of leave, except casual leave, which may be admissible provided that the total period of leave after such combination shall not exceed 180 days.

(45). Extra – ordinary leave:-

- (i) Extra-ordinary leave shall be without pay and allowances and may be granted when no other kind of leave is admissible or when other kind of leave being admissible the employee specifically applied in writing for the grant of extra-ordinary leave.
- (ii) The period of extra-ordinary leave shall not count for increment.
- (iii) Except in case of a permanent employee the duration of extra ordinary leave on any one occasion shall not exceed the following limits:-
 - (a) 3 months without medical certificate;
 - (b) 6 months with medical certificate for common ailments; and
 - (c) 18 months on medical certificate for cancer, mental illness, pulmonary tuberculosis or pleurisy of tubercular origin, tuberculosis of any part of the body and Leprosy.

Provided that for grant of extra-ordinary leave as at (b) or (c) above, the employee should have put in a minimum of one year's continuous service.

- (iv) The authority empowered to grant leave may commute retrospectively the period of absence without leave into extra-ordinary leave.

Note;- The power of commuting retrospectively the periods of absence without leave into extraordinary leave is absolute and not subject to any conditions.

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

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

47 (A) Leave Salary:-

- (1) A University employee on earned leave is entitled to leave salary equivalent to the pay drawn immediately before proceeding on Earned Leave.
- (2) A University employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1)
- (3) A University employee on Commuted Leave is entitled to leave salary equal to the amount admissible under sub-rule (1)
- (4) A University employee on extra-ordinary leave is not entitled to any leave salary.
- (5) A University employee, including a University employee on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of (leave salary upto a month's pay and allowances admissible on that leave salary subject to deductions on account of Income-tax, Provident Fund, House Rent, Recovery of Advances etc.)
- (6) In the case of a University employee who is granted cash equivalent under clause (v) (b) of Rule 35(d), the leave salary shall be based on the pay drawn by him exclusive of the pension equivalent of other retirement benefits.

47. (B) In case a University employee dies in harness, the cash equivalent of the leave salary that the deceased employee would have got, had he gone on earned leave, but for the death, due and admissible, on the date immediately following the date of death, subject to a maximum of leave salary for 180 days, shall be paid to his family. Further, such cash equivalent shall not be subject to reduction on account of pension equivalent of death-cum-retirement gratuity.

47. (C) Half pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course which is certified to be in the public interest by the leave sanctioning authority.
- 47.(D) A University employee who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, suo-motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-Rule IV of the Rule 35(d). A University employee not in permanent employment shall not however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

MISCELLANEOUS: Decisions on the basis of V Pay Commission Recommendations:

- “(a)The existing ceiling of 240 days on accumulation of earned leave provided in Rules 26 and 28 *ibid* shall be enhanced to 300 days;
- (b) The existing ceiling of 240 days for availing of the benefit of encashment of unutilised earned leave shall be increased to 300 days in respect of the following categories:-
- (i) retirement on attaining the age of superannuation.
 - (ii) cases where the service of a Government servant has been extended in the interest of public service, beyond the date of retirement on superannuation.
 - (iii) voluntary/pre-mature retirement.
 - (iv) where the services of a Government servant are terminated by notice or by payment of pay & allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment.
 - (v) in the case of termination of re-employment after retirement.

- (vi) in the case of death of a Government servant while in service to the family of the deceased.
 - (vii) in the case of leave preparatory to retirement.
 - (viii) in the case of transfer of a Government servant to an industrial establishment and
 - (ix) on absorption of a Government servant in the Central Public Sector Undertaking /autonomous body wholly or substantially owned or controlled by the Central/State Government.
- (c) A Government servant who resigns or quits service shall be entitled to cash equivalent in respect of earned leave at credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

The above orders shall take effect from 1st July, 1997.

The Fifth Pay Commission has also recommended that all employees may be permitted to encash 10 days earned leave at the time of availing of Leave Travel Concession, subject to the conditions that:-

- (a) the total leave so encashed during the entire career does not exceed 60 days in the aggregate;
- (b) earned leave of atleast and equivalent duration is also availed of simultaneously by the employee;
- (c) a balance of atleast 30 days of earned leave is still available to the credit of the employee after taking into account the period of encashment as well as leave; and
- (d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the time of superannuation.

This recommendation has also been accepted by the Government and, accordingly, encashment of earned leave may be allowed by the Ministries/Departments subject to the prescribed conditions. The total encashment of Earned Leave allowed to a Government servant alongwith LTC while in service and as per the provisions of the Central Civil Services (Leave) Rules, 1972, should not exceed the maximum limit/ceiling of 300 days or 150 days as the case may be".

WORKING WEEK:

It has been decided to continue the five-day-week working system introduced since June-1985 in the Civil administrative offices of Government of India Departments whose functions are pre-dominantly marked by public dealings or of commercial nature and at present are functioning on 5 day-week basis, will review the existing arrangements and switch over to 6 day-week wherever feasible.

CASUAL LEAVE ENTITLEMENT:

It has also been decided to reduce with effect from 1st January, 1998 the number of days of Casual Leave for Central Government employees from the existing 12 days to 8 days in a year.

Leave entitlement for the incumbents granted Temporary status will be as under:-

1. One day Leave after every 10 working days which will be earned over at their credit on their regularisation.
2. No casual or any other leave will be granted in addition to as referred to at (1) above.
3. They will not be entitled to Leave encashment on termination of service or their quitting service unless they are regularised as group 'D' post against substantive post.
4. Maternity leave to lady casual labourer as in the case of regular employees.

Grant of Compensatory Leave to Non-Teaching employees beyond the expiry of Leave year.

1. the compensatory leave earned by non-teaching employees should be allowed to be availed of within a period of four months of its becoming due;
2. not more than two days compensatory leave may be allowed to be availed of at a time.

(Ref. Estab.I/Comp.Leave/85-86/dated 3.9.86)

CHAPTER V

CONDUCT

SECTION 1

(48) Interpretation

In this chapter unless the context otherwise requires:-

- (a) “Employee” means any person appointed by the University to any post in the University.

Explanation: An employee on foreign service or whose services are temporarily placed at the disposal of a University or any other authority by the University shall, for the purposes of these rules, be deemed to be an employee serving under the University; notwithstanding that his salary is drawn from sources other than the funds of the University.

- (b) ‘Members of family’ in relation to an employee includes;
- (i) The wife or husband, as the case may be of the employee whether residing with the employee or not, but does not include a wife or husband, as the case may be separated from the employee by a decree or order of a competent court;
 - (ii) Son or Daughter or step-son or step-daughter of the employee wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee, or of whose custody the employee has been deprived by or under any law;
 - (iii) Any other person related, whether by blood or marriage to the employee or to the employee’s wife or husband and wholly dependent on the employee.
- (c) ‘Prescribed authority’ means the Vice-chancellor or the authority prescribed by the Executive Council for the purpose of these rules as a whole or for any individual rule.

SECTION II

Rules

- (49) General:**

- (1) Every employee shall at all times:-
 - (a) Maintain absolute integrity;
 - (b) Show devotion to duty; and
 - (c) Do nothing which is unbecoming of an employee of the University.

- (2)
 - (i) Every employee, holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

 - (ii) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable and, where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of direction as soon thereafter as possible.

 - (iii) Unless otherwise stated specifically in the terms of appointment, every whole-time employee may be called upon to perform such duties as may be assigned to him by the competent authority, beyond scheduled working hours and on closed holidays, Saturdays and Sundays.

 - (iv) An employee shall observe the scheduled hours of working during which he must be present at the place of his duty.

 - (v) Except for valid reason and/or unforeseen contingencies, no employee shall be absent from duty without prior permission. Where an employee absents himself from duty without prior permission for a continuous period of 90 days, he shall be treated as absconding from duty and disciplinary proceeding shall be initiated in accordance with the procedure laid down under Rule-70 read with Rule-67 to terminate his service.

(EC Res. No. 59 dated 29-07-2008)

Explanation: - Nothing in clause (ii) of sub-rule (2) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from or approval of, a superior officer or authority when such instructions are not necessary under the delegation of powers and responsibilities.

(50) Joining of Associations by Employees:

No employee shall join or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the University or public order, decency or morality.

Nothing in this Rule shall be deemed to prohibit any employee to participate or to contest the elections for various bodies such as Parliament, State Legislative Assemblies and Municipal Corporation etc. on the same terms and conditions as are applicable to teachers and also subject to the condition that the employees will avail of their own leave for contesting the Elections. However, in the event of their getting elected or nominated to any body, they will be required to take leave of absence during the term as member as in the case of teachers (Executive Council Resolution No. 239 (7) dated 15-2-92).

(51) Demonstration and strikes:

No employee shall engage himself or participate in any demonstration or strikes which is prejudicial to the interest of the University or public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence.

(52) Connection with Press or Radio:

- (i) No employee shall, except with the previous sanction of the University, own wholly or in part, or conduct, or participate in the editing or management of, any newspaper or periodical publication.
- (ii) No employee shall, except with the previous sanction of the University, or the prescribed authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter or a book either in his own name or anonymously, pseudonymously or in the name of any newspaper or periodical:

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

(52.A) Representation:

Whenever an employee wishes to put forth any claim or seek redress of any grievance or any wrong done to him, he must forward his case through proper channel and shall not forward such advance copies of his

application to any higher authority, unless the lower authority has rejected the claim, or refused relief, or that the disposal of the matter is delayed by more than three months.

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

(53) Evidence before a Committee or any other authority:

- (1) Save as provided in sub-rule (3) no employee shall, except with the previous sanction of the University, 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 such employee giving such evidence shall criticise the policy or any action of the University or the Government.
- (3) Nothing in this rule shall apply to:-
 - (a) The evidence given at an enquiry before an authority appointed by the Visitor, Vice-Chancellor, Government and Parliament or any State Legislature; or
 - (b) The evidence given in any judicial enquiry; or
 - (c) The evidence given in any departmental enquiry ordered by authorities subordinate to the Vice-Chancellor.

(54) Unauthorised communication of information:

No employee shall except in accordance with any general or special order of the University 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 other employee or any other person to whom he is not authorised to communicate such document or information.

(55) Subscription

No employee shall except with the previous sanction of the University or of the prescribed authority ask for or accept contributions to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever except for bonafide purpose e.g. for Reception/farewell or for financial assistance to a member of the University staff or his family in distress.

(56) Private Trade or Employment:

- (1) No employee shall, except with the previous sanction of the University, 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 or occasional work for a literary, artistic or scientific character, subject to the condition that his official duties do not hereby suffer; but he shall not undertake and shall discontinue such work if so directed by the University.

Explanation: Convassing by an employee in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

- (2) Every employee shall report to the University 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 shall without the previous sanction of the University except in the discharge of the 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 any other law for the time being in force or any co-operative society for commercial purposes:

Provided that an employee may take part in the registration, promotion or management of a co-operative society substantially for the benefit of the employees registered under the co-operative society Act, 1912 (2 of 1912) or any other law for the time being in force or of a literary, scientific or charitable society registered under the societies Registration Act, 1861 (2 of 1960) or any corresponding law in force.

- (4) No employee may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

(57) Insolvency and habitual indebtedness:

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the University.

Note:- The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise or ordinary diligence, the employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee.

(58) Vindication of acts and character of employees

- (1) No employee shall except with the previous sanction of the University, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.
- (2) Nothing in this rule shall be deemed to prohibit any employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the prescribed authority regarding such action.

(59) Convassing of non-official or other influence:

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

(60) Bigamous marriages:

- (1) No employee who has a wife/husband living shall contract another marriage without first obtaining the permission of the University, notwithstanding that such subsequent marriage is permissible under the personal law, for the time being, applicable to him.
- (2) No female/male employee shall marry any person who has a husband/wife living without first obtaining the permission of the University.

(61) Interpretation:

If any question arises relating to the interpretation of these rules, it shall be referred to the Executive Council which shall decide the same.

(62) Delegation of Powers:

The Executive Council may by general or special order, direct that any power exercisable by it under these rules except the powers (under rule 61

of these rules) shall, subject to such conditions, if any, as may be specified in the order be exercisable also by such officer or authority as may be specified in the order.

CHAPTER VI

Penalties and Appeals

SECTION 1

(63) Interpretations:

In this chapter unless the context otherwise requires:

- (a) 'Appointing Authority' means the authority empowered to make appointment in a cadre in which the employee is for the time being included vide Rule 5 Chapter 1.
- (b) 'Disciplinary Authority' – In relation to the imposition of penalty on an employee means the authority competent under these rules to impose on him any of the penalties specified in rule 67.
- (c) 'Employee' means any person in the service of the University who is a member of a cadre of one of the categories of posts created under the University and includes any such person on foreign service or whose services are temporarily placed at the disposal of another University/College or any other authority by the University; and also any person in the service of a State Govt. or Central Government or a local or other authority, or any other autonomous body whose services are temporarily placed at the disposal of the University.

(64) Application

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

(65) Protection of rights and privileges conferred by agreement:

Nothing in these rules shall operate to deprive any employee of any right or privilege to which he is entitled by the term of any agreement subsisting

between any such person and the University on the commencement of these rules.

SECTION II

(66) Suspension

- (1) The appointing authority or any other authority empowered by the University in that benefit may place any employee 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 is under investigation or trial.
- (2) An employee 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 Vice-Chancellor and shall remain under suspension until further orders.
- (3) *Where a case against an employee in respect of any criminal offence is under trial, it shall be the duty of the employee to inform the University about the said fact as soon as he comes to know about it. Similarly, where an employee is detained in custody for a period exceeding 48 hours, it shall be the duty of the employee to inform the University about the said detention at the earliest available opportunity. Failure to supply the information as aforesaid shall be regarded as misconduct on the part of the employee rendering him liable for disciplinary action on that ground alone [Existing sub-clause (3) of Clause 66 be read as sub-clause (4) instead of (3)].*
- (4) An order or 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.

SECTION III

Penalties and Disciplinary Authorities

(67) Penalties:

The following penalties may, for good and sufficient reasons, be imposed on an employee:-

- (i) Censure
- (ii) With-holding 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.
- (iv) Reduction to a lower grade or post or to a lower stage in a time-scale of pay.
- (v) Compulsory retirement; and
- (vi) Dismissal from or termination of service.

Explanation:

The following shall not amount to penalty within the meaning of this rule, namely:-

- (i) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
- (ii) Non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case for promotion to a grade or post to which the employee is eligible.
- (iii) Reversion of an employee, 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 order governing such probation.
- (iv) Reversion of an employee officiating in a higher grade or post to a lower grade or post, on the ground that the employee is considered to be unsuitable for such higher grade or post or on any administrative ground unconnected with the conduct.
- (v) Replacement of the services of an employee, whose services had been borrowed from outside authority, at the disposal of such authority.

- (vi) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.
- (vii) Termination of the services:
 - (a) of an employee appointed on probation during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - (b) of a temporary employee in accordance with the rules made in this behalf by the University; or
 - (c) of an employee engaged under an agreement, in accordance with the terms of such agreement.

(68) Disciplinary Authorities:

- (i) The Executive Council may impose on an employee any of the penalties specified in rule 67.
- (ii) The Vice-Chancellor may impose on an employee any of the penalties specified in Clause (i), (ii) and (iii) of rule 67.

(69) Authority to institute proceedings:

1. The Executive Council or any other authority empowered by it by general or special order may:-
 - (a) institute disciplinary proceedings against any employee;
 - (b) direct a disciplinary authority to institute disciplinary proceedings against, an employee on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 67.
2. A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iii) of rule 67 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (iv) to (vi) of rule 67 notwithstanding that such disciplinary authority is not competent under those rules to impose any of the latter penalties.

(The Vice-Chancellor and in his absence the Pro-Vice-Chancellor, may institute disciplinary proceedings against any employee).

SECTION – IV

Procedure for imposing Penalties

(70) Procedure for imposing major Penalties:

- (1) No order imposing any of the penalties specified in clauses (iv) to (vi) of rule 67 shall be made except after an enquiry held as may be, in the manner provided in this rule and rule 71.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint under this rule an authority to inquire into the truth thereof.

Explanation: Where the disciplinary authority itself holds the inquiry any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the enquiring authority shall be construed as a reference to the disciplinary authority.

For the purpose of this Rule and the Sub-Rules referred to above, the Vice-Chancellor, and in his absence the Pro-Vice-chancellor, may exercise the powers on behalf of the Council.

- (3) Where it is proposed to hold an enquiry against an employee under this rule and rule 71, the disciplinary authority shall draw up or cause to be drawn up;
 - (i) The substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge:-
 - (ii) A statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain:-
 - (a) A statement of all relevant facts including any admission or confessions made by the employee;
 - (b) A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.

(For the purpose of this Rule and the sub-Rules referred to above, the Vice-Chancellor, and in his absence the Pro-Vice-Chancellor, may exercise the powers on behalf of the Council.)

- (4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained; and shall require the employee to submit, within such time as may be specified a written statement of his defence and to state whether he desires to be heard in person.

For the purpose of this Rule, the Registrar on behalf of the disciplinary authority is empowered to deliver or cause to be delivered to the employee a copy of the articles of charges, a statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained; and shall require the employee to submit within such time as may be specified by the Registrar, a written statement of his defence and to state whether he desired to be heard in person.

- (5) (a) On receipt of the written statement of defence the disciplinary authority may itself enquire into such of the article of charge as are not admitted, or if it considers it necessary to do so, appoint, under sub-rule (20) an enquiring authority for the purpose and where all the articles of charge have been admitted by the employee in his written statement of defence the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in sub-rule (15)
- (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge, or it may, if it considers it necessary to do so appoint, under sub-rule (2) an inquiring authority for the purpose.
- (c) Where the disciplinary authority itself inquires into any articles of charge or appoints an inquiring authority for holding an inquiry into such charge, it may by an order, appoint an employee to be known as the “Presenting Officer” to present on its behalf the case in support of the articles of charge.

(For the purpose of this Rule and the Sub-Rules referred to above, the Vice-Chancellor, and in his absence the Pro-Vice-Chancellor, may exercise the powers on behalf of the Council).

- (6) The disciplinary authority shall, where it is not the inquiring authority forward to the inquiring authority:
- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of defence, if any, submitted by the employee;
 - (iii) a copy of statements of witnesses, if any, referred to in sub-rule (3);
 - (iv) evidence proving the delivery of the documents referred in sub-rule (3) to them;
 - (v) a copy of the order appointing the “Presenting Officer”.

(For the purpose of this Rule, the Registrar, is empowered to forward to the Inquiring Authority, the documents etc., listed under items (i) to (v) of this Rule on behalf of the disciplinary authority).

- (7) The employee shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour as the inquiring authority may, by a notice in writing specify in this behalf or within such further time, not exceeding fifteen days as the inquiring authority may allow.
- (8) The employee may take the assistance of any other employee either of the University or any College to present the case on his behalf but may not engage a legal practitioner for the purpose; provided that no employee shall be permitted to assist at a time more than one disciplinary proceedings initiated by the University and/or any college.
- (9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

- (10) The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty.
- (11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead guilty, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his evidence:
- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3);
 - (ii) submit a list of witnesses to be examined on his behalf.

Note:- If the employee applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-rule (3) the inquiring authority shall furnish to the employee with such copies as early as possible and in any case not less than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) Give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the production of any documents, which are in the possession of the University but not mentioned in the list referred to in sub-rule (3).

Note:- The employee shall indicate the relevance of the documents required by him to be produced by the University.

- (12) The inquiring authority shall, on receipt of the notice for the production of documents forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition:

Provided that, the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- (13) On receipt of the requisition referred to in sub-rule (12) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that, if the authority having the custody or possession the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents could be against the public interest, it shall inform the enquiring authority accordingly, and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production of such documents.

- (14) On the date fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined. The inquiring authority may also put such questions to the witness as it thinks fit.
- (15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee, or itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of inquiry for at least three days before the production of such new evidence, exclusive of the day of adjournment and the days to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note: New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) When the case for the disciplinary authority is closed, the employee shall be required to state his defence orally or in writing, as he may prefer, the employee shall be required to sign the record. In either case, a copy of the statement of defence, shall be given to the Presenting Officer, if any, appointed.
- (17) The evidence on behalf of the employee shall then be produced. 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 or re-examination by the inquiring authority.

- (18) The inquiring authority may, after the employee closes his case, generally question him on the circumstances appearing against the employee in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the employee, or permit them to file written briefs of their respective case, if they so desire.
- (20) If the employee to whom the copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose, or does not appear before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.
- (21)
 - (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iii) of rule 67 but not competent to impose any of the penalties specified in clauses (iv) to (vi) of the rule has itself enquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (iv) to (vi) of rule 67 should be imposed on the employee, that authority shall forward the records of the enquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
 - (b) The disciplinary authority to which the records are so forwarded may act on the evidence on record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these rules.
- (22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the

inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine or re-examine any such witnesses as herein before provided.

- (23) After the conclusion of the inquiry, a report shall be prepared and it shall contain:
- (a) The articles of charge and statement of the imputations of misconduct or misbehaviour:
 - (b) The defence of the employee in respect of each article of charge.
 - (c) An assessment of the evidence in respect of each article of charge.
 - (d) The findings on each article of charge and the reasons therefor,

Explanation:

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

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

- (i) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:-
- (a) the report prepared by it under clause (i);
 - (b) the written statement of defence, if any, submitted by the employee;
 - (c) the oral and documentary evidence produced in the course of the enquiry;

- (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiry; and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

(71) Action on the inquiry report

1. The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall thereupon proceed to hold further inquiry according to the provisions of these rules as far as may be.
2. The disciplinary authority shall, if it disagrees with the findings on all or any of the articles of charge and is of the opinion that any of the penalties specified in clause (i) to (iii) of rule 67 should be imposed on the employee, it shall notwithstanding anything contained in rule 72 make an order imposing such penalty.
3. If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iii) of the rule 67 should be imposed on the employee, it shall notwithstanding anything contained in rule 72 make an order imposing such penalty.
4. (i) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule 67 should be imposed on the employee it shall:
 - (a) Furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge, or where the inquiry has been held by an inquiring authority appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for disagreement, if any, with the findings of the inquiring authority.
 - (b) Give the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representations as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under rule 70.

- (ii) The disciplinary authority shall consider the representations if any, made by the employee in pursuance of the notice given to him under clause (1) and determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

(72) Procedure for imposing minor penalties:-

1. Subject to the provision of sub-rule (3) of rule 71 no order imposing on an employee any of the penalties specified in clause (i) to (iii) of rule 67 shall be made except after:-
 - (a) Informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving a reasonable opportunity of making such representation as he may wish to make against the proposal.
 - (b) Holding an enquiry in the manner laid down in sub-rule (3) to (23) of rule 70 in every case in which the disciplinary authority is of the opinion that such inquiry is necessary.
 - (c) Taking that representation, if any, submitted by the employee under clause (a) and the record of enquiry, if any, held under clause (b) into consideration; and
 - (d) Recording a finding on each imputation of misconduct or misbehaviour.
2. The record of the proceedings in such cases shall include:-
 - (i) A copy of the intimation to the employee of the proposal to take action against him;
 - (ii) A copy of the statement of imputations of misconduct or misbehaviour delivered to him;
 - (iii) His representation, if any;
 - (iv) The evidence produced during the inquiry;
 - (v) The findings on each imputation of misconduct or misbehaviour; and
 - (vi) The orders on the case together with the reason therefor.

(73) Communication of Orders:

Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the

inquiry, if any, held by the disciplinary authority and a copy of its findings, on each article of charge, or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority unless they have already been supplied to him.

(74) Common Proceedings:

1. Where two or more employees are concerned in any case the Executive Council or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note: If the authorities competent to impose the penalty of dismissal on such employee are different, and order for taking disciplinary action in a common proceeding may be made by the higher of such authorities with the consent of the others.

2. Subject to the provision of sub-rule (2) of rule 68 any such order shall specify:
 - (i) The authority which may function as the disciplinary authority for the purpose of such common proceeding:
 - (ii) The penalties specified in rule 67 such disciplinary authority shall be competent to impose:
 - (iii) Whether the procedure laid down in rule 70 and rule 71 or rule 72 shall be followed in the proceeding.

(75) Special procedure in certain cases:

Notwithstanding any thing contained in Rule 70 to Rule 74:

- (i) Where any penalty is imposed on an employee on the ground of misconduct which has led to his conviction on a criminal charge, or
- (ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold any inquiry in the manner provided in these Rules. The disciplinary authority may consider the circumstances of the case and make such order thereon as it deems fit.

(76) Provision regarding an Employee lent to outside authority:

- (1) Where the services of an employee are lent to an outside authority (hereinafter in this rule referred to as the borrowing authority) the borrowing authority shall have the power of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary proceedings, as the case may be.
- (2) In the light of the findings in the disciplinary proceedings conducted against the employee:
 - (i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 67 should be imposed on the employee, it may after consultation with the University make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the University the services of the employee shall be replaced at the disposal of the University.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule 67 should be imposed on the employee, it shall replace his service at the disposal of the University and transmit to it the proceedings of the inquiry and there-upon the University may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or if it is not the disciplinary authority submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary:

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rule (3) and (4) of rule 71.

Explanation:

The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with rule 70.

(77) Provisions regarding persons borrowed from outside authorities:

- (1) Where an order of suspension is made or a disciplinary proceedings is conducted against an employee whose services have been borrowed from outside authority, the authority lending his services (hereinafter in this rule referred to as the lending authority) shall forthwith be informed of the

circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceedings, as the case may be.

- (2) In the light of the findings in the disciplinary proceedings conducted against the employee, if the disciplinary authority is of the opinion that any of the penalties specified in clause (i) to (iii) of rule 67 should be imposed on him, it may subject to the provisions of sub-rule (3) of rule 72 after consultation with the lending authority pass such orders on the case as it may deem necessary:
 - (i) Provided that in the event of a difference of opinion between the University and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.
 - (ii) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (iv) to (vi) of rule 67 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

SECTION – V

A P P E A L S

- (78)** Orders against which an appeal does not lie:

Notwithstanding anything contained in this part, no appeal shall lie unless and otherwise provided under the rules against:

- (i) Any order made by the Executive Council.
- (ii) Any order of an interlocutory nature or of the nature of a Step-in-aid for the final disposal of a disciplinary proceedings other than an order of suspension.
- (iii) Any order passed by an inquiring authority in the course of an inquiry under rule 70.

- (79)** Order against which appeal lies:

Subject to the provision of rule 78 an employee may prefer an appeal against all or any of the following orders, namely:

- (i) an order of suspension made or deemed to have been made under rule 66.
- (ii) an order imposing any of the penalties specified in rule 67 whether made by the disciplinary authority or by any appellate or reviewing authority;

(iii) an order enhancing a penalty, imposed under rule 67.

(iv) an order which

- (a) denies or varies to his disadvantage his pay, allowance, pension or other conditions of service as regulated by rules or by agreement;
or
- (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty;
- (c) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (d) determining his pay and allowances;
 - (i) for the period of suspension; or
 - (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower grade, post time-scale or stage in a time-scale of pay to the date of his reinstatement or restoration to his grade or post; or
- (e) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement, or reduction lower grade post time scale of pay or stage in a time scale of pay to the date of his reinstatement spent on duty for any purpose.

Explanation:

In this rule the expression employee includes a person who has ceased to be in the service of the University.

(80) Appellate Authorities:

1. An employee including a person who has ceased to be in the service of the University, may prefer an appeal against all or any of the orders specified in rule 79 to the authority specified in this behalf by a general or special order of the University or where no such authority is specified:
 - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it: or
 - (b) to the Executive Council where such order is made by another authority.
 - (c) Notwithstanding anything contained in sub-rule (1)

- (i) an appeal against an order in common proceeding held under rule 74 will lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;
- (ii) Where the person who made the order appealed against becomes by virtue of his subsequent appointment of otherwise, the appellate authority in respect of such orders, an appeal against such order shall lie to the authority to whom such person is immediately subordinate.

Provided that the Executive Council may appoint a Committee of appeals to which all appeals against major penalties referred to in Rule 67 (iv) to (vi) would lie against the orders of the Executive Council for final

decision. The Committee of appeals shall consist of 5 members as specified below:

- 1. The Vice-Chancellor's nominee*
- 2. One member of the Executive Council.*
- 3. Three other members not connected with the University or its Colleges, one of whom shall be the person with judicial experience to appointed by the Executive Council out of a panel approved by the Executive Council on the recommendation of the Vice-Chancellor.*

The Chairman, of the Committee of Appeals, shall be the person appointed under Clause 3 of the above constitution having the judicial experience.

The terms of the 'Committee of Appeals' and also rules for the conduct of its business will be determined by the Executive Council.*

(81) Period of limitation for appeals:

No appeal preferred under this part shall be determined unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against was delivered to the appellant;

Provided that the appellate authority may entertain the appeals after the expiry of the said period, if it is satisfied that appellant had sufficient case for not preferring the appeal in time.

(82) Form and contents of appeal:

1. Every person preferring an appeal shall do so separately and in his own name.
2. The appeal shall be presented to the authority to whom the appeal lies a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all the material statement and arguments on which the appellant relies and shall not contain any disrespectful or improper language and shall be complete in itself.
3. The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

* (Ref: E.C. Dated 15.7.83)

(83) Consideration of appeals

1. In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 66 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
2. In the case of an appeal against an order imposing any of the penalties specified in rule 67 or enhancing any penalty imposed under the said rule the appellate authority shall consider:
 - (a) whether the procedure laid down in these rules has been complied with;
 - (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
 - (c) whether the penalty or the enhanced penalty imposed is inadequate, adequate, or severe; and pass orders;
 - (i) Confirming, enhancing, reducing, or setting aside the penalty; or
 - (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that:

- (i) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (iv) to (vi) of rule 67 and an inquiry under rule 70 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 75 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 70 and thereafter on a consideration of the proceedings of such inquiry and after giving appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-rule (4) of rule 71 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit.
 - (ii) No order imposing an enhanced penalty shall be made in any case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of rule 72 of making a representation against such enhanced penalty.
3. In appeal against any other order specified in rule 79, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

4. Implementation of Orders in appeal:

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

SECTION VI

Review

(84) 1. Notwithstanding anything contained in these rules

- (i) The Executive Council; 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 is allowed but from which no appeal has been preferred or from which no appeal is allowed and may -
 - (a) confirm, modify or set aside the order; or
 - (b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or
 - (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
 - (d) pass such other 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 clause (iv) to (vi) of rule 67, 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 in rule 71 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

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

SECTION VII

Miscellaneous

(85) Service of orders, Notices etc.

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

(86) 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 or condone any delay.

(87) Repeal and Savings

- (1) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with those rules as if, such order were made and the appeal were preferred under these rules.
- (2) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rules in force before the commencement of these rules.

(88) Removal of doubts

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Executive Council which shall decide the same.

Sl.No.	Description of Posts	Classification of Posts
1.	A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs 13,500	Group A
2.	A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500.	Group B
3.	A Central Civil post carrying a pay or scale of pay with a maximum of over Rs 4,000 but less than Rs 9,000/-	Group C
4.	A Central Civil post carrying a pay or a scale of pay the maximum of which is Rs 4,000 or less.	Group D

Explanation: - For the purpose of this order-

- (i) Pay has the same meaning as assigned to it in F.R. 9 (21) (a) (I):
- (ii) Pay or scale of pay, in relation to a post, means the pay or the scale of pay of the post prescribed under the Central Civil Services (Revised Pay) Rules, 1997.

(Ref: F.No. 13012/1/98-Estt. (D) dated 20th April, 1998.)

UNIVERSITY OF DELHI
ESTAB. Br. II (i)
APPLICATION FOR LEAVE

1. Name of Applicant: _____
2. Post held: _____ (Ad-hoc/Temporary/Permanent)
3. Section: _____
4. Nature of Leave applied for: _____
5. Period of leave applied for: _____ days from _____
to _____
6. Saturdays/Sundays and holidays if any proposed to be prefixed / suffixed to
leave _____
7. Grounds on which leave is applied for: _____

8. Address during leave: _____

Dated _____

Signature of Applicant