



## **SVKM'S Narsee Monjee Institute of Management Studies (NMIMS)**

**(Declared as Deemed to be University under Section 3 of  
the UGC Act, 1956)**

### **Administrators and Other Staff Code of Conduct (EXTRACT OF EMPLOYEES' SERVICE RULES)**



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## 1 Scope of an employee's service

Unless it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the University and he shall serve the University in such capacity and at such place as he may from time to time be so directed.

### 1.1 Liability to abide by Rules and Orders

Every employee shall conform to and abide by these Rules and shall observe, comply with and obey all orders and directions which may from time to time be given to him by any person or persons under whose jurisdiction, superintendence or control he may for the time being be placed.

### 1.2 Obligation to maintain secrecy

- a) Every employee shall maintain strictest secrecy regarding the University's affairs and shall not divulge or disclose, directly or indirectly, any information of a confidential nature or relating to the working of the University to a member of the public or the University's other employees or to his friends or relatives to the media, unless compelled to do so by judicial or other authority, or unless instructed to do so by a superior officer as a part of his duties. The employee shall not except otherwise told to do so in writing by competent authority communicate or caused to communicate any document fully or partially to anybody else to whom he is not authorized to communicate such document or any information.
- b) No employee shall make use of any information emanating from the University or otherwise, which has come to his knowledge in the discharge of his official duties for his personal benefit or for the benefit of his friends or relatives.

### 1.3 Employees to promote University's interest

- a) Every employee shall serve the University honestly and faithfully and shall use his utmost endeavors to promote the interests of the University and shall show utmost courtesy and attention in all transactions and dealings with the public, the students and the colleagues.
- b) Every employee shall at all times: -
- b.1) maintain absolute integrity, good conduct and discipline;
  - b.2) maintain devotion and diligence to duty; and



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b.3) do nothing which is unbecoming of an employee / a public servant.

- c) The employee shall not in his official dealings with the public and others adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.
- d) The 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 superior.
- e) The employee shall do his best to ensure the integrity and devotion to duty of all persons for the time being working under his control and authority.

#### 1.4 Prohibition against participation in politics and standing for election

The employee shall not take active part in any political activities including political demonstration. He shall not contest any election of such bodies as legislature, Municipal Council or any other Public Body without prior permission of the competent authorities.

#### 1.5 Prohibition against joining certain associations and strikes, etc.

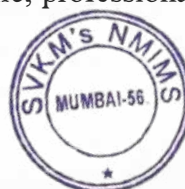
The employee who is not a 'workman' within the meaning of the Industrial Disputes Act, 1947 shall not:

- A) become or continue to be a member or office bearer of, or be otherwise directly or indirectly associated with, any trade union of employees of the University who are 'workmen' within the meaning of that Act, or a federation of such trade unions; or resort to, or in any way abate, any form of strike or participate in any violent, unseemly or indecent demonstration in connection with any matter pertaining to his conditions of service or the conditions of service of any other employee of the University.

#### 1.6 Contributions to the Public Media

- a) The employee shall not provide to the press or any other public media without prior sanction of the Competent Authority any document, paper or information which may come in his possession in his official capacity.
- b) The employee shall not except with the previous sanction of the Competent Authority publish or cause to be published any book or any similar printed matter of which he is the author or not or deliver talk or lecture in any public meeting or otherwise.

However, no such sanction shall be required, if such a lecture or broadcast or contribution or publication is of a purely literary, artistic, scientific, professional, cultural, educational, religious or



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social character not causing any damage to the communal harmony or to reputation of the University or its authority.

### **1.7 Employee not to seek outside employment**

No employee shall accept, solicit, or seek any outside employment or office, whether stipendiary or honorary, without previous permission of the Vice Chancellor.

### **1.8 Giving evidence**

- a) Save as provided in sub-Rule (c) no employee shall, except with the previous approval of the Competent Authority, give any evidence in connection with any enquiry conducted by any person, committee or authority.
- b) Where any approval has been accorded under sub-Rule (a) no employee giving such evidence shall criticize the policy or any action of the University.
- c) Nothing in these Rules shall apply to any evidence given (i) at any enquiry before an authority appointed by the Central Government, State Government, Parliament or a State Legislature; or (ii) in any judicial enquiry; or (iii) at any departmental enquiry ordered by the Competent Authority. However, prior intimation may be given to the Competent Authority.

### **1.9 Seeking to influence**

No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority for the promotion of his interests in respect of matters pertaining to his services in the University.

### **1.10 Part-time work**

No full-time employee shall undertake any part-time work for a private or public body or a private person, or accept any fee there for, without a sanction of the Competent Authority, which shall grant the sanction only in exceptional cases when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Competent Authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be shared with the University in ratio of 30:70 or as may be prescribed.

### **1.11 Employee not to be absent from duty without permission or be late in attendance**

- A) An employee shall not absent himself from his duties without having first obtained the



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permission of the Competent Authority, nor shall he absent himself in case of sickness or accident without submitting a requisite medical certificate.

Provided that, in the case of temporary indisposition, the production of a medical certificate may, at the discretion of the Competent Authority, be dispensed with.

- B) An employee who absents himself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances for the period of such absence or overstay, and shall further be liable to such disciplinary measures as the Competent Authority may think of imposing. The period of such absence or overstay may, if regulated by the Competent Authority shall be treated as period spent on extraordinary leave.
- C) An employee who is habitually late in attendance shall, in addition to such other penalty as the Competent Authority may deem fit to impose, have one day of casual leave forfeited for every three days delay in a month. Where such an employee has no casual leave due to him, the period of leave to be so forfeited may be deducted from balance compensatory offs or Earned Leave. If none of these are available for deduction, it may be treated as Leave Without Pay.
- D) Every employee shall mark his attendance everyday by the procedure laid down by the University from time to time. If an employee fails to follow the procedure on any day(s), he shall apply for leave for the day(s). If no application is made for the said day(s), it shall be treated as unauthorized absence from duty and shall result into loss of pay for the day(s).

### 1.12 Deserter

The employee, who has remained absent from duty without permission for a period of more than sixty days, shall be deemed to be deserter and his services shall stand terminated automatically from the date he failed to report for duty and he shall not be entitled to any benefits due to him for his past services.

### 1.13 Acceptance of gifts

- A) An employee shall not solicit or accept any gift or permit any member of his family or any person acting on his behalf to accept any gift from any person with whom the employee is likely to have official dealings either directly or indirectly or from any subordinate employee or students. Trivial gifts like small packets of sweets, diaries, calendars on the occasion of Diwali and New Year may, however, be exempted.



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**Explanation:** The expression “gift” shall include free transport, lodging or other such services 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 or with the University.

**Note 1:** A casual meal, lift or other social hospitality shall not be deemed to be a gift.

**Note 2:** An employee shall avoid acceptance of lavish or frequent hospitality from any individual or concern having official dealings with the employee or with the University.

- A) On occasions such as marriages, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an employee may accept gifts from his personal friends having no official dealing with the employee or with the University but he shall make a report to the Competent Authority in the University.

#### 1.14 Acceptance of Contribution

No employee shall, except with the previous sanction of the Competent Authority, ask for or accept a contribution to or otherwise associate himself with the raising of any funds or other collections in cash or in kind.

#### 1.15 Consumption of Intoxicating Drinks and Drugs

- a) An employee shall strictly abide by the law relating to the consumption or possession of intoxicating drinks or drugs in force in any area in which he may happen to be posted for the time being.
- b) An employee shall be liable for disciplinary or even legal action, if he is found under the influence of intoxicating drink or substance while on duty, or if he is reported to have misbehaved under such an influence in a public place.

**Explanation:** For the purpose of this Rule, the term “Public place” would include clubs (even exclusively meant for members where it is permissible for the members to invite non-members as guests), bars and restaurants, public conveyances and all other places to which the public have or are permitted to have access, whether on payment or otherwise.



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### 1.16 Employees in debt

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 proceedings to the Competent Authority.

An employee who applies for the protection of an insolvency court shall be liable for disciplinary action.

### 1.17 Employees arrested for any charge on him by the Police

a) An employee who is arrested on a criminal charge or for any reason or is detained in pursuance of any process of law may, if so directed by the Competent Authority, be considered as being or having been under suspension from the date of his arrest or of his detention, upto such date or during such other period as the Competent Authority may direct. In respect of the period in regard to which he is so treated, he shall be allowed the payment admissible to an employee under suspension under sub-Rule 7.32 of the Rules.

b) Any payment made to an employee under sub-Rule (a) shall be subject to adjustment of his pay and allowances which shall be made according to the circumstances of the case and in the light of the decision as to whether such period is to be accounted for as a period of duty or leave; Provided that, full pay and allowances will be admissible only if the employee –

b.1) is treated as on duty during such period; and

b.2) is acquitted of all charges or satisfies the Competent Authority, in the case of his release from detention being set aside by a competent court, that he had not been found guilty of improper conduct.

c) An employee shall be liable for dismissal or to any of the other penalties referred to in Rule, if he is committed to prison for debt or is convicted for an offence which, in the opinion of the Competent Authority, either involves gross moral turpitude or has a bearing on any of the affairs of the University or on the discharge by the employee of his duties with the University. The opinion in this respect of the Competent Authority shall be conclusive and binding on the employee.

d) Where an employee has been dismissed in pursuance of sub-Rule (c) if thereafter his conviction is set aside by a higher court and the employee is acquitted, he shall be reinstated in service.

**Explanation:** In this Rule, committal or conviction shall mean committal or conviction by the lowest court or any appellate court.

e) Where the absence of an employee from duty without leave or his overstay is due to his having been arrested for debt or on a criminal charge or to his having been detained in pursuance of any

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process of law, the provisions of Rule 7.12 shall also apply and for the purposes of that Rule as so applied, the employee shall be treated as having absented himself without leave or, as the case may be overstayed, otherwise than under circumstances beyond his control.

### **1.18 Vindication of acts and character of employee**

- a. No employee shall, except with the previous sanction of the Competent Authority, 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.
- b. Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in 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 Competent Authority regarding such an action.

### **1.19 Not to address appeals, representations, petitions to outside authority or person**

- a. The employee shall not address any appeal, representation or petition to any outside authority or person in respect of a matter pertaining to the employee's service in the University without a prior permission of a competent authority. Addressing such appeals, representations or petitions without proper permission shall be deemed a breach of discipline.
- b. The Registrar, with the approval of the Vice Chancellor, will set up a Staff Redressal Grievance Committee to deal with individual grievances of employees belonging to non-academic category. The guidelines for setting up and functioning of the Staff Redressal Grievance Committee will be as per **Annexure-V (A)**.

### **1.20 Criticism of University**

No employee shall through any media or any document publish in his own name or anonymously, pseudonymously or in the name of any other person or make any communication to the press or in any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any current or recent policy or action of the University.

### **1.21 Not to misuse residential accommodation or other facilities**

- a) An employee shall not make any improper use of the residential accommodation or any other facility or concession granted to him by the University.



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- b) Save as otherwise expressly permitted by the University, no employee shall, sub-let, lease or otherwise allow occupation by any other person of University's residential accommodation which has been allotted to him. He also shall not use it or allow it to be used for the purpose of business, trade or any other such purpose.
- c) An employee shall, after the determination / cancellation of his allotment of residential accommodation vacate the same within the time limit specified by the allotting authority.

## 1.22 Improper conduct on the part of employee

A breach of any of these Rules related to discipline, violation of any accepted patterns of behaviour, moral and ethical rules of society etc. and any one or more of the following acts on the part of an employee shall be deemed as misconduct calling for disciplinary action.

- a) An act or conduct prejudicial or likely to be prejudicial to the interests of the University or to the reputation of the University.
- b) An act or conduct inconsistent or incompatible with the due or peaceful discharge of his duty to the University.
- c) An act or conduct of an employee that makes it unsafe for the University to retain him in service.
- d) An act or conduct of the employee which is grossly immoral.
- e) An act or conduct of the employee which brings the employee's sincerity, honesty, integrity and loyalty to the University under the shadow of doubt, use of abusive indecent language which is likely to disturb harmony and peace in the place of work.
- f) An act of insult and/or insubordination to such a degree as to be incompatible with the continuance of his relation with the superiors.
- g) Habitual negligence in respect of the duties assigned to him.
- h) Willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior.
- i) Untrustworthiness, theft, fraud or any other act of dishonesty in connection with the University's activities and property.
- j) Strike, picketing, gherao, or inciting others to go on strike in contravention of the provisions of any law, or rule having the force of law.
- k) Riotous and disorderly behaviour during, before and after the office hours.
- l) Habitual late attendance, absence without permission and overstaying leave.



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- m) An act for which an employee is convicted by a criminal court or for which calls for such a conviction.
- n) Being in intoxicated condition while on duty.
- o) Resorting to media and legal measures against University, colleagues and administration without seeking redressal of grievances through proper procedures laid down by the rules of the University from time to time.
- p) Behaving with a mind prejudiced with caste, creed, religion, language, race or gender consideration with his colleagues or to use them for self interest.
- q) Refusal to execute the decisions or orders of appropriate administrative and academic bodies and/or functionaries of the University. This would not inhibit his right to express his/her difference of opinion with their policies or decisions on official level.
- r) Lodging unsubstantiated allegation against colleagues/authorities with higher authorities/police.
- s) Gross partiality in assessment of students, deliberately over-marking/under-marking or attempts at victimization on any ground and not to maintain secrecy with regard to examinations.
- t) Failure to perform his academic and other duties satisfactorily.
- u) Refusal to accept order, charge sheet or any other communication served on him.
- v) Falsification or tampering with the record.
- w) Conducting and/or teaching in tuition classes/coaching classes or engaging in any business or profession while in the employment of the University.

### 1.23 Penalties

Without prejudice to the other provisions of these Regulations, an employee who commits a breach of any regulation of the University or who displays negligence, inefficiency or indolence, or who knowingly does anything detrimental to the interests of the University or anything contrary to the orders, instructions given to him, or who commits a breach of discipline or he accepts the charge of any other act of misconduct, shall be liable to the following penalties:



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**a) Minor penalties**

- a.1) Censure;
- a.2) Recovery from pay of the whole or part of any pecuniary loss caused to the University by the employee by negligence in duty or breach of orders;
- a.3) Reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect;
- a.4) Withholding of increments of pay.

**b) Major penalties**

- b.1) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that scale of pay, grade, post or service.
- b.2) Compulsory retirement;
- b.3) Removal from service, which shall not be a disqualification for future employment;
- b.4) Dismissal from service, which shall ordinarily be a disqualification for future employment.

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

- b.4.1) Withholding of one or more increments of an employee on account of his failure to pass a specified departmental test or examination in accordance with the terms of appointment to the post which he holds.
- b.4.2) Stoppage of pay of an employee at the efficiency bar in a time scale, on the ground of his inability to cross the bar;
- b.4.3) Non-promotion whether in an officiating capacity or otherwise, of an employee, to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- b.4.4) 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;



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b.4.5) 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 or regulations or orders governing such probation

b.4.6) Termination of the service: -

- i) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment, or the regulations or orders governing such probation;
- ii) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
- iii) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
- iv) of an employee on abolition of post.

b.5) Termination of employment of an employee on medical grounds, if he is declared unfit to continue in the University's service by the University's Medical Officer;

b.6) Retirement of an employee in accordance with the provision to Rule 2.8(a).

#### 1.24 Procedure to be adopted for imposing major penalties

- a) No order imposing any of the major penalties specified in Rule 7.24(b) shall be made except after an inquiry is held in accordance with this Rule.
- b) Whenever the Competent Authority is convinced that there are adequate grounds to conduct an enquiry to find out the facts related to any imputation of misconduct or misbehaviour against an employee, it may itself inquire into or appoint any other officer (hereinafter referred to as the inquiry officer) to inquire into the truth thereof in **Form (a) of Annexure-V (B)**.

**Explanation:** A breach of any of the provisions of these Rules or actions classified as a misconduct, shall be deemed to constitute misconduct. The enquiry under this Rule shall be conducted, in case the employee against whom proceeding is taken is an officer, by any officer who is in a grade higher than such an employee and in the case of other employees by any officer.

**Explanation:** When the Competent Authority itself holds the inquiry any reference in sub-



Rule (h) to (u) to the term Inquiry Officer shall be construed as a reference to the Competent Authority

- c) When it is proposed to hold an inquiry, the Competent Authority shall frame definite and distinct charges on the basis of the allegation against the employee and the articles of charge, together with a statement of the allegations, on which they are based, shall be communicated in writing to the employee in **Form (b) of Annexure-V (C)**, who shall be required to submit within such time as may be specified by the Competent Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defense.
- d) On receipt of the written statement of the employee, or if no such a statement is received within the time specified, an inquiry may be held by the Competent Authority itself, or if it considers it necessary to do so appoint under sub-Rule (b) an Inquiry Officer for the purpose.

Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the employee in his written statement but it shall be necessary to record its findings on each of such charges.

e) The Competent Authority shall, where it is not the Inquiry Officer, forward to the Inquiry Officer;

- e.1) a copy of the articles of charge and statements of imputations of misconduct or misbehavior;
- e.2) a copy of the written statement of defense, if any, submitted by the employee;
- e.3) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;
- e.4) Copies of statements of the witnesses, if any;
- e.5) evidence providing the delivery of articles of charge under sub- Rule (c);
- e.6) a copy of the order appointing the 'Presenting Officer' in terms of sub-Rule (f).

f) Where the Competent Authority itself inquires or appoints an Inquiry Officer for holding an inquiry, it may, by an order, appoint an officer to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

g) The employee may take the assistance of any other employee but may not engage a legal practitioner, for the purpose of his defense, unless the presenting officer appointed by the Competent Authority, is a legal practitioner or Competent Authority having regard to the circumstances of the case, so permits.



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h)

- h.1) The Inquiry Officer shall by notice in writing specify the day on which the employee shall appear in person before the Inquiry Officer.
- h.2) On the date fixed by the Inquiry Officer, the employee shall appear before the Inquiry Officer at the time and place specified in the notice.
- h.3) The Inquiry Officer shall ask the employee whether he accepts the charge or has any defense to make and if he accepts the charge to any or all of the Articles of charge, the Inquiry Officer shall record his plea, sign the record and obtain the signature of the employee concerned thereon.
- h.4) The Inquiry Officer shall prepare and present a report in respect of those articles of charge to which the employee concerned accepts the charge.

i) If the employee does not accept the charge, the Inquiry Officer shall adjourn the case to a later date not exceeding 30 days.

j) j.1) The Inquiry Officer shall, where the employee does not admit all or any of the articles of charge, furnish to such employee a list of documents by which, and a list of witness by whom, the articles of charge are proposed to be proved.

j.2) The Inquiry Officer shall also issue an order that the employee may for the purpose of preparing his defense -

j.2.1) inspect within five days of the order or within such further time not exceeding five days as the inquiring officer may allow, the documents listed;

j.2.2) submit a list of documents and witnesses that he wants to be present on his behalf for the inquiry;

j.2.3) be supplied with copies of statements of witnesses to be relied upon, if any, recorded earlier and the Inquiry Officer shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the Inquiry Officer;

j.2.4) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring officer may allow for the discovery or production of the documents referred to in item (j.2.2).

j.2.5)

**Note :** The relevance of the documents and the examination of the witnesses referred to in sub-clause (j.2.2) shall be given by the employee concerned.



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k) The Inquiry Officer shall, on receipt of the notice for the discovery or production of the 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 documents on such date as may be specified.

l) On the receipt of the requisition under sub-regulation (k), the authority having the custody or possession of the requisitioned documents shall arrange to produce the same before the Inquiry Officer on the date, place and time specified in the requisition;

Provided that the authority 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 University. In that event, it shall inform the Inquiry Officer accordingly.

m) On the date fixed for the inquiry, the oral or documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Competent Authority.

The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the employee.

The Presenting Officer shall be entitled to reexamine his 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.

n) Before the close of the case, the Inquiry Officer may, in its discretion, allow the Presenting Officer to produce evidence not included in charge-sheet or may itself call for new evidence or recall or re-examine any witness in support of the charges. In such case the employee shall be given an opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The Inquiry Officer may also allow the employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

o) When the case in support of the charges is closed, the employee may be required to state his defense, orally or in writing, as he may prefer. If the defense 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 defense shall be given to the Presenting officer, if any, appointed.

p) 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 by the employee and may be cross-examined by the Presenting Officer. The employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the Inquiry Officer.



- q) The Inquiry Officer may, after the employee closes his evidence, and shall, if the employee has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- r) 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 of the production of evidence.
- s) If the employee does not submit the written statement of defense referred to in sub-regulation (c) 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 inquiry ex-parte.
- t) Whenever any Inquiry Officer, 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 Inquiry Officer who has, and who 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 himself:

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 herein before provided.

- u) u.1) On the conclusion of the inquiry, the Inquiry Officer shall prepare a report which shall contain the following:
- u.1.1) a gist of the articles of charge and the statement of the imputations of misconduct or misbehavior;
  - u.1.2) a gist of the defense of the employee in respect of each article of charge;
  - u.1.3) an assessment of the evidence in respect of each article of charge;
  - u.1.4) the findings on each article of charge and the reasons therefor.

**Explanation:** If, in the opinion of the Inquiry Officer, the proceedings of the inquiry establish any article of charge different from the original article of charge, he may record his findings on such an article of charge.

Provided that, the findings on such article 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



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opportunity of defending himself against such article of charge.

u.2) The Inquiry Officer, where he is not himself the Competent Authority, shall forward to the Competent Authority the records of inquiry which shall include –

- u.2.1) the report of the inquiry prepared by him under clause (u);
- u.2.2) the written statement of defense, if any, submitted by the employee referred to in sub-Rule (o);
- u.2.3) the oral and documentary evidence produced during the course of the inquiry;
- u.2.4) written briefs referred to in sub-regulation (r), if any, and
- u.2.5) the orders, if any, made by the Competent Authority and the Inquiry Officer in regard to the inquiry.

### 1.25 Action on the inquiry report

- a) The Competent Authority, if it is not itself the Inquiry Officer, may, if it so desires for reasons to be recorded by it in writing, remit the case to the Inquiry Officer for fresh or further inquiry and to report and the Inquiry Officer shall thereupon proceed to hold the further inquiry according to the provisions of Rule 7.25 as far as may be.
- b) The Competent Authority, shall, if it disagrees with the findings of the Inquiry Officer on any articles of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- c) If the Discipline Authority who initiated the case is competent to award only minor penalties and is of the opinion that major penalties is to be imposed, it should send the entire records and findings without recording any opinion with regard to the imposition of the penalty to the Competent Discipline Authority which will record its findings and pass orders as deemed fit.
- d) The Discipline Authority should forward a copy of the report of the enquiry officer together with its tentative reasons for disagreement, if any, with the findings to the employee giving him 15 days' time to make any representation / submission.
- e) The representation, if any, submitted by the employee should be considered before passing final orders.
- f) These orders should be communicated to the employee with a copy of the findings on each article of charge. The Disciplinary Authority should take a final decision on the inquiry report within three months.
- g) If the Competent Authority having regard to its findings on all or any of the articles of charge



is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

### 1.26 Procedure for imposing minor penalties

- a) Where it is proposed to impose any of the minor penalties specified in clauses (a.1) to (a.4) of Rule 7.24(a), the employee concerned shall be informed in writing of the imputations of lapses against him and shall be given an opportunity to submit his written explanation within a specified period of not exceeding 15 days or such extended period as may be granted by the Competent Authority and the reply / explanation, if any, submitted by the employee shall be taken into consideration by the Competent Authority before passing orders. No full-fledged and elaborate departmental enquiry will be necessary for imposing minor penalties.
- b) Where however, the Competent Authority is satisfied that a major penalty is necessary, it shall follow the procedure for imposing a major penalty as laid down in Rule 7.25.
- c) The record of the proceedings in such cases shall include:
- c.1) A copy of the statement of imputations of lapses furnished to the employee;
  - c.2) The reply / explanation, if any, of the employee; and
  - c.3) The orders of the Competent Authority together with the reasons therefor.

### 1.27 Communication of orders

Orders made by the Competent Authority under Rule 7.25 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

### 1.28 Common Proceedings

Where two or more employees are concerned in a case, the Competent Authority may make an order directing that the disciplinary proceedings against all of them may be taken as a common proceeding.

### 1.29 Special procedure in certain cases

Notwithstanding anything contained in Rule 7.25 or Rule 7.26 or Rule 7.27, the Competent Authority may impose any of the penalties specified in Rule 7.24 if the facts on the basis of which action is to be taken have been established in a Court of Law or Court Martial or where the employee has absconded or where it is for any other reason not possible to communicate with him or where there are other difficulties in observing the requirements contained in Rule 7.25, 7.26 and 7.27 and the requirements can be waived without injustice to the employee. In every case where all or any of the requirements of Rules 7.25, 7.26 and 7.27 are waived, the reasons for doing so shall be recorded in writing.



### 1.30 Suspension

a) An employee may be placed under suspension, by general or special order, in **Form (c) in Annexure-V (D)**, by the Competent Authority under the following circumstances: –

a.1) When preliminary enquiry supports a prima facie case for initiating criminal/departmental proceedings that are likely to lead to his conviction, and/or dismissal, removal or compulsory retirement from service or any other major penalty.

a.2) When his continuance in office will prejudice investigation, trial or inquiry, or is likely to seriously subvert discipline or be against the wider interest of the University.

a.3) When he is charged with misdemeanor of the following types:-

a.3.1) Offence or conduct involving moral turpitude;

a.3.2) Corruption, embezzlement or misappropriation of University's money; possession of disproportionate assets, misuse of official powers for personal gain;

a.3.3) Serious negligence and dereliction of duty resulting in considerable loss to the University, and

a.3.4) Refusal or deliberate failure to carry out written orders of superior officers.

b) An employee shall be deemed to have been placed under suspension by an order of the Competent Authority –

b.1) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours;

b.2) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment and is forthwith not dismissed or removed or compulsorily retired consequent to such conviction.

**Explanation:** - The period of 48 hours referred to in clause (b.1) of this sub-Rule shall be computed from the commencement of the imprisonment after the conviction and for that purpose, intermittent periods of imprisonment, if any, shall be taken into account.

c) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these Rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have been continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.



- d) Where a penalty of dismissal or removal or compulsory retirement 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 Competent Authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which a penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Competent Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.
- e) Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.
- f) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the Competent Authority, which made or is deemed to have made the order.
- g) Suspension should not ordinarily exceed six months. A Review Committee should be constituted and all cases of suspension should be reviewed by the Committee within 90 days from the effective date of the order of suspension. The suspension may be extended on the recommendation of the Committee and such extension shall not be more than 180 days at a time.

If an employee continues to be under detention at the time of completion of 90 days, no review is necessary.

Composition of Review Committee: Chief Administrative Officer, SVKM, Dean/HOD & Joint Director (HR). The Committee will submit a Report to the competent authority for further approval.

### 1.31 Subsistence Allowance

During such suspension, he shall receive subsistence allowance equal to (i) fifty percent of pay and allowances thereon, for the first six months of suspension; and (ii) seventy-five per cent of pay and allowances thereon for the period of suspension beyond six months.

Provided that the enhanced rate of subsistence allowance specified under sub-clause

(ii) shall be admissible only if the enquiry is not delayed for reasons attributable to the concerned employee or any of his representatives.

Provided further that if no penalty under Rule 7.24 is imposed, the employee shall be refunded



the difference between the subsistence allowance and the emoluments which he would have received but for such suspension, for the period he was under suspension, and that, if a penalty is imposed on him under Rule 7.24, no order shall be passed which shall have the effect of compelling him to refund such subsistence allowance. The period during which an employee is under suspension shall, if he is not dismissed or removed or compulsorily retired from service, be treated as period spent on duty or leave as the Competent Authority who passes the final order may direct.

### 1.32 Appeal

For all the employees of the University, the Appellate Authority is the Chancellor.

- a) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 7.24 or order of suspension under Rule 7.31. The appeal shall lie with the Appellate Authority.

For the purpose of this Rule "Appellate Authority" means the Chancellor.

- b) Every appeal shall comply with the following requirements:

- b.1) it shall be typed in Marathi or Hindi or English.
- b.2) it shall be couched in polite and respectful language and shall be free from unnecessary padding or superfluous verbiage.
- b.3) it shall contain all material statements and arguments relied on and shall be complete in itself.
- b.4) it shall specify the relief desired.

- c) An appeal shall be preferred to the appellate authority within 45 days from the date of receipt of the order appealed against. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an 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 –

- c.1) if the enhanced penalty which the Appellate Authority propose to impose is a major penalty specified in Rule 7.24(b) and if an inquiry as provided in Rule

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7.25 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 7.25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper.

- c.2) If the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 7.25, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the employee.

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