

### CHAPTER—XIII

*Statutes relating to the terms of employment and conditions of service of non-teaching employees of colleges affiliated to the University other than Government Colleges.*

1. These Statutes may be called the Statutes relating to the terms of employment and conditions of service of non-teaching employees of colleges affiliated to the University other than Government Colleges.

2. These Statutes shall apply to the non-teaching employees of colleges affiliated to the University other than Government colleges.

3. For the purposes of these Statutes, the employees concerned are classified as follows—

(a) Ministerial Staff comprising the posts of—

(i) Office Superintendent, Cashier, Accountant, Head Clerk., Senior Assistant and Senior Clerk and such other posts as may be approved by the State Government.

(ii) Assistant, Clerk, Library Assistant, Laboratory Assistant, Store Clerk, Store-keeper, Care-taker, Stenographer, Record Keeper, Collection Clerk and such other posts as may be approved by the State Government.

(b) Lower Subordinate Staff comprising the posts of—

(i) Skilled Driver, Laboratory Attendant, Skilled Bearer, Electrician, Mechanic and Carpenter ; and

(ii) Unskilled Bearer, Messenger Peon, Durwan, Night Guard and Sweeper.

4. (i) In these Statutes, unless there is anything repugnant to the subject or context —

(a) 'Compensatory allowance' means an allowance granted to meet the personal expenditure necessitated by special circumstances in which duty is performed.

(b) 'Duty' includes (i) service as a probationer provided that such service is followed by confirmation ; (ii) attendance in law courts in his official capacity as Juror or Assessor of appearance before any Court, Tribunal, Committee or Commission as witness in connection with any case, dispute of any other matter in which the college is a party ; (iii) duty in the Territorial Army ; (iv) periods of casual leave, quarantine and maternity leave and paid holidays (v) leave duly sanctioned by the authorities concerned.

(c) 'Holidays' means a holiday declared as such by the college concerned and includes a Sunday :

Provided that in relation to the college or any particular office or branch of it "Holiday" shall include a day on which such college, office or branch is ordered to be closed by the Principal of the college or in his absence by such person who performs the duties of the Principal.

(d) 'Lien' means the title of an employee to hold a permanent post substantively, either immediately or on the termination of a period or periods of authorised absence from the post.

(e) 'Medical Certificate' means a certificate from a registered medical practitioner, recognised by the State Government.

(f) 'Month' means a calendar month unless otherwise specified or made clear by the context. In calculating a period expressed in months and days, complete calendar month, irrespective of the number of days in each should first be calculated and the odd number of days calculated subsequently.

(g) 'Officiating in a post' means performing the duties of that post during temporary vacancy for any period caused by the non-availability of the permanent incumbent due to some reason or other.

(h) 'Pay' means the amount drawn monthly by an employee as pay including special pay and personal pay in terms of his employment and conditions of service.

(i) 'Permanent Post' means a post carrying a definite rate of pay sanctioned without limit of time and declared as such.

(j) 'Personal Pay' means additionat pay granted to the employee either to save him from loss of substantive pay or on the basis of individual and personal consideraton.

(k) 'Probationer' means a person appointed on probation against substantive vacancy or in a post involving work of a permanent nature.

(l) 'Special Pay' means an addition of the nature of pay to the emoluments of an employee in consideration of (i) the specially arduous nature of duties, or (ii) a specific addition to the work of responsibility.

(m) 'Subsistence Grant' means a monthly grant made to an employee who is not in receipt of pay or leave salary during a period of suspension.

(n) 'Substantive Pay' means the pay other than special pay and personal pay which an employee is entitled to an account of a permanent post to which he has been appointed substantively.

(o) 'Temporary Post' means a post declared as such and sanctioned for a limit period.

(ii) Words and expressions used but not otherwise defined will have the same meaning as in the Act.

#### 5. Appointing authority :

Appointments to all the posts referred to in Statute 3 shall be made by the Governing Body in accordance with such rules as may be framed for the purpose by the State Government.

### PROMOTION

6. (a) Whenever a permanent vacancy occurs in any of the posts referred to in Sub-Clause (i) of Clause (a) of Statute 3, such vacancy shall in the first instance be filled up by promotion from amongst the employees holding any of the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 3. In the matter of such promotion, efficiency, seniority including academic qualifications, character rolls and attendance shall have to be taken into consideration. In case no suitable candidate for such promotion is available, such permanent vacancy shall be filled, up by direct recruitment in accordance with the procedure laid down for the purpose :

Provided that the provision relating to recruitment of non-teaching employees of affiliated colleges as laid down in the foregoing Statutes shall not apply in cases where, on compassionate ground, a wife, son, daughter, or dependant of any employee—both teaching and non-teaching—dying in harness is to be offered a job consistent with his/her qualifications. He/She shall have precedence over others in the matter of appointment or placement, as the case may be ;

Provided further that the provision mentioned above shall also be applied in case of a college employee who is disabled permanently or otherwise incapacitated rendering him unfit to continue in service, provided this fact of disablement is certified by a medical officer authorised by the Director of Health Services.

(b) Whenever a permanent vacancy occurs in any of the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 3 in the matter of filling up of such vacancy, the procedure as laid down in these Statutes for direct recruitment shall be followed.

(c) In the case of filling up of vacancies in the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 3, efficient and experienced members of the lower subordinate staff having the requisite qualifications shall get preference over others.

*Explanation :* A dependant of an employee shall mean husband, wife, son, unmarried or widowed daughter, unmarried or widowed sister, brother or parent, provided such relation of the employee is solely dependant on him/her.

6A. In observing the procedure of filling up of the posts mentioned in Statute 3, either by direct recruitment or by promotion, the principle of reservation of posts for Scheduled Caste and Scheduled Tribe candidates should be followed as per the orders issued by the State Government from time to time.

#### 7. Pay and Allowance :

(a) An employee shall begin to draw the pay and allowance attached to a post to which he has been appointed with effect from the date he assumes the duties of that post and shall cease to draw the same when he ceases to discharge these duties.

(b) Unless otherwise provided in a contract, on first appointment to a post, pay is fixed at the minimum of the time-scale applicable to that post :

Provided that an employee of a college who, while having a lien on a permanent post, is as appointed to officiate in a higher post in that college shall be eligible to draw in that higher post as initial pay, pay at the stage of the time-scale of pay of the higher post next above his substantive pay in his substantive post :

Provided further that, if he has on any previous occasion or occasions held substantively or officiated in the same post or a post in the same or identical time-scale, his initial pay shall not be less than the pay, other than special pay or personal pay, which he drew on last such occasion.

(c) The holder of a post, whether he holds it in a substantive or officiating capacity, shall be treated as if he was transferred to a new post on the new pay :

Provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment in the old scale or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised shall be final.

(d) An increment shall ordinarily be drawn unless withheld as a punishment. When an efficiency bar has been prescribed in a time-scale the increment next above shall not be allowed without the specific sanction of the appointing authority.

(e) All duty in a post on a time-scale shall count for increment in that time-scale except in case of efficiency bar, if any.

(f) Officiating or temporary service in another post and leave other than extraordinary leave shall count for increments in the time-scale applicable to the post on which the person concerned holds a lien.

(g) Earned leave will count towards increment in the time-scale applicable to a post which an employee holds in an officiating or temporary capacity.

*(h)* Extraordinary leave will not count towards increment but the authorities concerned may, in any case in which they are satisfied that the extraordinary leave was taken on account of illness or for any other reason beyond the employees' control, direct that the whole or any portion of such leave may count for increment in the time-scale of the post on which that employee holds a lien.

*(i)* When an employee carries on, in addition to his own duties, the duties of a post belonging to a category higher than that on which he holds a substantive appointment, he will draw as additional pay one-fifth of the minimum of the scale of pay of that post, provided that he carries on such duties for a period not less than one month.

*(j)* A building owned or taken on lease by the college or any portion thereof may, by general or special order of the Governing Body, be allowed to be used as a residence of any employee on such terms and conditions as it may fix.

*(k)* An employee of a department or branch discharging the duties of another employee belonging to the same classification shall not be entitled to any remuneration for such duties.

*(l)* The employees of a college shall be entitled to such allowances as may be sanctioned by the Governing Body of the college from time to time.

8. Lien : An employee on substantive appointment to a permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

## 9. Leave and Leave Salary

*(a)* Leave cannot be claimed as of right. When the exigencies of service so require discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

*(b)* Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which duty is resumed. Holidays may be prefixed or affixed or both prefixed and affixed to Casual and Quarantine Leave.

*(c)* Leave (except casual and quarantine leave) may either be affixed or prefixed to holidays, but cannot both be prefixed and affixed to holidays. When leave (except casual and quarantine leave) is combined with a

holiday by both prefixing and affixing it to the holiday, the holidays shall be reckoned as leave in calculating the amount of leave on full pay that may be admissible at a time.

(d) An employee on leave shall not return to duty before the expiry of leave granted to him without permission of the authority which sanctioned the leave.

(e) No person who has been granted leave on medical certificate for infectious diseases shall return to duty without producing a medical certificate of fitness.

(f) Unless extension is granted, a person who remains absent after the end of his leave is entitled to no leave salary for the period of such absence. Wilful absence from duty after the expiry of leave may be treated as misconduct calling for disciplinary action.

(g) Subject to the foregoing general principles the following kinds of leave may be granted to the employees :-

- (i) Casual leave
- (ii) Earned leave
- (iii) Half-pay leave
- (iv) Commuted leave
- (v) Medical leave
- (vi) Leave in extraordinary circumstances
- (vii) Maternity leave
- (viii) Hospital leave
- (ix) Quarantine leave
- (x) Leave preparatory to retirement
- (xi) Special disability leave.

(h) Casual leave for short periods not exceeding five days at a time or twelve days in a financial year, may be granted to an employee. Casual leave cannot be combined with any other kind of leave or vacations and the balance will not be carried from one year to another. An employee on casual leave will be treated as on duty.

(i) Employees of a college shall be treated as working in non-vacation institutions and all whole-time employees shall earn as earned leave one-eleventh of the period spent on duty provided that a person shall cease to earn such leave, when the earned leave due amounts to 120 days.

(j) All whole-time employees may be granted leave on half-pay for twenty days for each completed year of service subject to a maximum period of 180 days during the entire period of service on medical grounds on production of medical certificate ;

Provided that a permanent employee will be entitled to commute the half-pay leave that he has earned to full-pay leave and such full pay leave shall not exceed 90 days in the whole period of service.

Provided that no commuted leave may be granted unless the authority competent to sanction the leave has reason to believe that the employee will return to duty on its expiry.

(k) If no leave is due on any account, an employee may be granted leave for a period not exceeding 180 days as special leave during the whole period of service for medical treatment of the employee concerned. Such leave may be debited against the half-pay leave which the employee may earn subsequently. Before sanctioning such leave, the appointing authority should satisfy himself that the employee concerned is likely to return from leave and continue in service for a sufficient period to earn the leave granted.

(l) When no other leave is by rule admissible, a permanent employee, in extraordinary circumstances may be granted leave without pay for such period as may be determined by the college authorities, but an employee shall not be allowed to enjoy such leave for more than 90 days at a time.

(m) An employee who is disabled by injury accidentally sustained in course of the due performance of his official duties or by illness resulting from the performance of any particular duty which has the effect of causing or aggravating his illness or causing injury beyond the ordinary risk attaching to the post may be allowed special disability leave for a maximum period of twenty four months.

(n) Maternity leave may be granted to a female whole time employee for a period not exceeding 135 days and the application of such leave shall be supported by a certificate from a registered medical practitioner.

(o) An employee may, on production of a certificate from hospital, be allowed hospital leave for a period up to three months during any period of three years, while undergoing treatment in hospital for illness or injury caused or sustained in course of his official duties if, such illness or injury be caused or sustained because of risks directly involved in the performance of such official duties.

(p) Quarantine leave may be granted on the basis of a medical certificate for a period not exceeding 21 days, or in exceptional circumstances, 30 days. Any leave necessary for quarantine in excess of these limits will be treated as ordinary leave. Quarantine leave is not debitable to leave account and may be combined with other kinds of leave. An employee on quarantine leave is not treated as absent from duty and his pay is not intermitted.

(q)(i) Leave at the credit of an employee in his leave account shall lapse on the date he compulsorily retires. An employee, if he applies at least six weeks before the date of proceeding on leave may be granted leave preparatory to retirement for a maximum period of 120 days provided that he has at his credit in his leave account earned leave for such a period.

(ii) An employee retained in service after the date of compulsory retirement shall earn 'earned' leave during the extended period at the rate as admissible under Clause (i).

(r)(i) An employee on earned leave is entitled to leave salary equal to the greater of the amounts specified below :

The substantive pay on the day before the leave commences, or in respect of the first sixty days of the earned leave the average monthly pay earned during the 12 completed months preceding the month in which the leave commences ; and thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

- (ii) An employee on half-pay leave will be entitled to leave salary equal to half the substantive pay as on the day before the leave commences.
- (iii) An employee on medical leave is entitled to leave salary at the same rate as admissible on half-pay leave.
- (iv) An employee on leave in extraordinary circumstances is not entitled to any leave salary. Such leave shall not count towards increment.
- (v) A female employee on maternity leave is entitled to draw full pay at the rate she was drawing at the time of proceeding on such leave and the said leave is not debitible against the leave account.
- (vi) An employee on hospital leave shall be allowed to draw leave salary equal to either the average monthly pay earned during the 12 complete months preceding the month in which the leave commences or half of such average monthly pay, as the authority granting it may consider proper.
- (vii) An employee on quarantine leave is not treated as absent from duty and his pay is not intermitted.
- (viii) If an employee applied for leave preparatory to retirement at least six weeks before the date of proceeding on leave and such leave is refused by the college authority he shall be granted, after the date of his retirement, leave salary for the period of leave applied for and refused.
- (ix) An employee on special disability leave shall be entitled to leave salary for the first four months at the average monthly pay earned during the 12 completed months preceding the month in which the leave commences and for the remaining period at half such average pay.
- (s) For each employee, a leave account in the prescribed form shall be maintained.
- (t) Compensatory allowance should ordinarily be drawn by an employee on duty but college authorities may prescribe the conditions under which an employee on leave may draw such allowance.

(u) Generally, the Principal of a college is competent to sanction leave and leave salary to any non-teaching employee. An employee not satisfied with the decision of the Principal in this regard, shall have a right to appeal to the Governing Body or its equivalent.

(v) The Governing Body or its equivalent may, for manifest reasons which it may consider to be adequate, vary, revise or cancel any other pertaining to any kind of leave issued by itself or by the Principal.

(w) Unless the Governing Body, in view of the special circumstances of a case, otherwise determines, a permanent employee, in the event of his continuous absence without leave, for a period of two years at a stretch shall be deemed to have resigned his post and shall accordingly cease to be in employment of the college.

#### 10. Working Hours and Attendance :

(a) The normal working period will be of 7 hours' duration 'with a recess of half-an-hour on weekdays and on Saturdays it will be of  $3\frac{1}{2}$  hours' duration without recess. The commencement of duty is to be based on fixed routine, but variations may occur if exigency arises.

(b) Each employee, while reporting for duty, shall sign the attendance register.

(c) Late attendance beyond 15 minutes, without previous permission, for *five* days within one month shall entail forfeiture of one day's leave. No one will be allowed to attend office if he is late by  $1\frac{1}{2}$  hours or more in a day, except without prior permission of the Principal or the Superior Officer concerned.

(d) No employee shall leave the place of work during working hours without permission from the person in charge of the office or department concerned except on official business.

(e) In special cases clauses (c) and (d) above may be relaxed by the appropriate authority.

(f) All absence from duty shall be covered by a prior application or intimation in writing. For absence under unavoidable circumstances, application for condonation of absence should be submitted as early as possible.

(g) If an employee being present at the place of his duty, abstains from work without permission or refuses to work at any time during the prescribed hours of work on any day, he shall, in addition to being liable to such disciplinary action as may be taken against him for dereliction of duty, be deemed to be absent without leave for such day and shall not be entitled to draw any pay or allowance for such day.

#### 11. Compulsory Retirement :

(a) An employee shall retire on completing the age of 60 years:

Provided that the college employees who are already in service on the date of the commencement of these Statutes, may, if they so opt, continue in service for such period as was admissible to them under their respective college rules or practice already in existence, but shall not do so after attaining the age of 60 years subject to existing contractual obligations, if any.

(b) The date on which an employee attains the age of compulsory retirement shall mean the last date of the month in which he attains such age.

(c) A permanent employee must be given at least three months' notice or three months' pay in lieu thereof, before his appointment is terminated by abolition of his post. Similarly, a college employee in permanent service must give the college at least three months' notice if he wants to resign from his appointment in the college.

(d) A temporary employee shall be given at least one months' notice or one month's pay in lieu thereof, therefore rendering termination of his appointment.

#### 12. Discipline and Conduct :

A. The following penalties may, for reason of :

- (a) neglect of duty,
- (b) want of due diligence in the performance of duties,
- (c) violation of orders regarding attendance and office discipline,
- (d) misappropriation and defalcation,
- (e) insubordination or disregard or violation of the orders of the superior authority,

(f) Commission of any offence involving moral turpitude.  
 (g) conviction by a criminal court for an offence involving moral turpitude,

(h) taking of illegal gratification,

(i) tampering with official records.

(j) any other misconduct unbecoming of an employee of the college and for other good and sufficient reasons be imposed upon the employee by the appointing authority or by any authority to which the appointing authority is subordinate, be imposed namely :

(i) Censure ;

(ii) Withholding of increments or promotion ;

(iii) Recovery from pay of the whole or part of any pecuniary loss caused to the college by the employee ;

(iv) Reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will earn increments or pay during the period of such reduction ;

(v) 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 of service from which he was reduced, with or without further directions regarding conditions of restoration to the grade, post or service from which the employee was reduced and his seniority and pay in such restoration to that grade, post or service ;

(vi) Compulsory Retirement ;

(vii) Removal or dismissal from service.

#### B. *Explanations* :

1. The termination of employment of—

(a) a person appointed on probation during or at the end of the period of probation in accordance with the terms of appointment, or

(b) a temporary employee on the expiry of the period of his appointment, or

- (c) a person engaged on contract in accordance with the terms of his contract, is not removal or dismissal from service.
- II. Compulsory retirement means that the appointing authority may get the employee retired compulsorily as a measure of punishment before he has attained the age of 60 years.
- III. Stoppage of any increment of an employee next above the efficiency bar in the time-scale of his pay on the ground of his unfitness to cross the bar does not amount to withholding of increments or promotion within the meaning of this Statute.

C. In all cases of imposition of penalties the grounds on which it is proposed to take action shall be reduced in the form of definite charge or charges and communicated to the employee concerned together with a statement of facts on which the charges are based and other circumstances, if any, which it is proposed to take into consideration in passing orders on the cases. The employee charged may put in a written statement of his defence for which he shall be given a minimum period of two weeks from the date of receipt of charge-sheet by him along with documentary evidence, if any. Upon receipt of the statement of defence from the employee, or at the expiry of the period allowed for submission of his statement of defence, the authority concerned may, after examination of relevant facts and circumstances, either drop the case or decide to proceed further. If it is decided to proceed further, a formal enquiry shall be held informing the employee concerned of the penalty provisionally proposed to be taken against him and asking him to be present at the enquiry thereafter, if he so desires, to produce further evidence in support of his defence. The authority concerned shall thereafter take decision on the findings of the enquiry. If however, it is decided to impose a penalty other than what was communicated to the employee at the state of the formal enquiry, another opportunity will be given to him to submit a written statement against imposition of the other penalty within two weeks from the date of receipt of the above communication by him in this respect and if considered necessary, a fresh enquiry will be made and the evidence of such enquiry shall be taken into account before final orders are passed. In all cases principles of natural justice shall be followed and the employee shall be given adequate opportunity to defend his case:

Provided that no pleader or agent shall be allowed to appear at the enquiry on behalf of the college or the employee concerned.

D. An employee who is removed or dismissed from service shall not draw any pay or Allowances from the date such removal or dismissal is ordered to be effective.

E. The order of removal or dismissal from service shall not be given retrospective effect with reference to the date of the order.

F. An employee under suspension shall be entitled to get a subsistence grant at one -half of the pay of the post held by him plus admissible allowances.

G. (a) When the suspension of an employee is held to have been unjustifiable or not wholly justifiable, or when an employee who had been removed or dismissed or suspended from service is reinstated, the authority shall grant to him for the period of his absence from duty:

- (i) If he is honourably acquitted the full pay and allowances to which he would have been entitled if he had not been dismissed, removed or suspended :
- (ii) If otherwise, such proportion of pay and allowances as the authority concerned may prescribe.

(b) In a case falling under item (1) of Clause (a) the entire period of absence from duty shall be treated as a period spent on duty. In a case falling under item (ii) of Clause (a) the period may be treated as duty or leave as the authority concerned may direct.

(c) The amount of subsistence grant, if any, already drawn shall be deducted from the pay and allowance or proportion thereof which may be granted under this Statute.

13.(a) Any employee aggrieved by an order imposing upon him any penalty or penalties specified in item (i) and (ii) under Statute 12A may prefer an appeal to the Governing Body within thirty days from receipt of the order imposing the penalty or penalties. The decision of the Governing Body on such appeal shall be final.

(b) An employee aggrieved by an order imposing upon him any penalty or penalties specified in items (iii) to (vii) under Statute 12A

may prefer an appeal to the Vice-Chancellor within thirty days from the receipt of the said order imposing the penalty or penalties. The appeal shall be decided and disposed of by the Vice-Chancellor in the manner as he will consider just on such appeal shall be final.

14. General :

(a) In any case not expressly provided for in those Statutes, the college authorities may obtain such directions from the University as may be necessary in the special circumstances of the case.

(b) The power of interpreting these Statutes is reserved to the University whose decision shall be binding on all concerned.

15. No employee of a college shall seek election to the Central or the State Legislature without previous sanction of the college authority concerned.

16. These Statutes when applied shall not adversely affect the terms of employment and conditions of service to the existing permanent employees of the colleges.

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