

SIES (Nerul) College of Arts, Science and Commerce

Sri. Chandrasekarendra Saraswathy Vidyapuram, Plot 1-C, Sector V, Nerul,
Navi Mumbai-400 706

CONDUCT, DISCIPLINE AND APPEALS

1. Conduct –

1. The employee of the University or the college shall be at the disposal of the University or College for full-time and shall serve in such capacity and at such place as he may, from time 'O' time, be so directed.
2. The employee shall conform and abide by the provisions of the Act, Statutes, Standard Code, Ordinances, Regulations and Rules and directives and decisions of the Competent Authority. The employees shall also observe, comply with and obey all orders and instructions which may from time to time be given to him by the officer under whose jurisdiction, superintendence or control, he has been placed, for the time being.
3. The employee shall at all time maintain absolute integrity, and show devotion to duty and shall do nothing which is unbecoming of an employee of the University or the College as the case may be. He shall ensure the integrity and devotion to duty of all employees under his control and authority for the time being.
4. The employee shall extend utmost courtesy and attention to all persons with whom he has to deal in the sphere of his duties. He shall strive hard to promote the interest of the University or the College, as the case may be.
5. No employee shall in the discharge of the official duties deal with any matter relating to award of any contract in favour of a Company or firm or any other body or person in which he or any member of his family is interested, except with the prior permission of the Competent Authority. After such a permission is granted, the employee shall refrain himself from extending any undue advantage or benefit to such Company, firm or body as the case may be.
6. (a) The employee, except in accordance with any general or special orders of the Competent Authority or in performance of his duties and in good faith, shall not communicate or cause to communicate directly or indirectly any official document or any part thereof or information to any person, within the University or the College or outsider, to whom he is



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ARTS, SCIENCE & COMMERCE
Sri Chandrasekarendra Saraswathy
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Nerul, Navi Mumbai - 400 706.



not authorized to communicate such document or information, or to make any use thereof.

- (b) The employee shall not contribute to the Press any matter connected with the University or the College without obtaining the previous sanction of the Competent Authority or without such sanction make use of any document, paper or information, which may have come in his possession in his official capacity. He shall also not try to obtain unauthorizedly any information, document, paper which may not come in his possession in his official capacity, in order to make any use thereof.
- (c) The employee shall not directly or indirectly take part in any activity or demonstration or movement which is considered by the Competent Authority to be prejudicial to the academic and administrative interests of the University or College or being the University or the College in dispute.
7. 1. Subject to the provisions of this rule, an employee may, with previous intimation to the Management in writing, contest elections to the University Senate in accordance with the provisions laid down in the respective Non-Agricultural University Acts.
2. Subject to the provisions of this rule, an employee may, with previous permission of the Management in writing, contest elections to public offices other than those mentioned in sub-rule (1) at the local, District, State or National level.
3. The permanent employee shall, immediately after filing the nomination form for contesting such elections and the same being declared as valid, proceed on leave due and admissible to him, and if there is no leave to his credit, he shall proceed on extraordinary leave, and shall continue to be on leave till the declaration of the election results. Provided that, the management may require a temporary employee contesting such elections to resign his post even during the election campaign, if in the opinion of the Management the election campaign is likely to adversely affect the duties of the employee.
4. The employee contesting such an election shall not involve the Management, employees or students of the Institution in which he is employed, in the election campaign.
5. (a) In the event of his being elected the permanent employee shall

apply for further extension of leave due and admissible to him and if there is no leave to his credit, the extraordinary leave for the period for which he is likely to continue to hold the office shall be granted by the Management in relaxation of the limit prescribed in sub-rule (2) of rule 35.

- (b) In case, however, if the sessions or meetings of the public office are held at intervals he may be allowed to avail of leave due and admissible to him or as the case may be, the extraordinary leave, for the actual period of the sessions or meetings including the period of journey and may be allowed to attend the school during the remaining periods.
- (c) The period of extraordinary leave availed of for the purpose, shall be counted for purposes of annual increments.
6. (a) In the event of a permanent employee who becomes an office bearer such as Chairman, President, Vice-President, Secretary, Joint Secretary etc. which requires full-time attendance or long-time absence from normal duties, then, he shall apply for keeping his lien on the post which he had held, and shall be granted by the Management.
- (b) In the case of temporary employee who is on leave till the declaration of election results, and in the event of his being elected he shall resign the post he had held immediately on his election to the public office.
7. Provisions of sub-rules (3), (4) and (5) shall mutatis mutandis also apply to the permanent employees elected to public offices being further elected on the University Senate.
8. The employee, except with the previous sanction of the Competent Authority, shall not give evidence in connection with any inquiry conducted by any person, committee, or authority and shall not criticize the policy or action of the Competent Authority.

Provided that the employee may give evidence at –

- (a) An inquiry before an authority appointed by the Competent Authority
- (b) A judicial inquiry or
- (c) A departmental inquiry ordered by the Competent Authority.



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9. The employee without the express sanction of the Competent Authority, shall not ask for or accept contribution to, or otherwise associate himself with the raising of funds or other collections in cash or otherwise for his own benefit.
10. The employee shall not accept or permit any member of his family or any person acting on his behalf to accept any gift in cash or in kind for his own benefit from any person including another employee for a work to be done in connection with the business of the University or College.

Provided, that the collection of monthly subscription of membership at the rate prescribed, collected by the office bearer of the Employees Union or the Club and in respect of which a due receipt is tendered shall not amount to gift or realization of other contribution for this purpose.

Explanation 1 –The expression “gift” include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.

Explanation 2–The employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, or any similar bodies.

11. The employee shall not accept, solicit, or seek except with the previous sanction of the Competent Authority any outside office, stipendiary or honorary work. He shall not engage in any trade or business or canvass in support of in any commercial or insurance owned or managed by any member of his family except co-operative consumers or housing or credit Society.

Every employee shall report to the Competent Authority if any member of his family is engaged in any trade or business or owns or manages an insurance agency or commission agency the Competent Authority may grant the permission if it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Competent Authority, while granting this sanction, may stipulate that any fees received by the employee for undertaking the work shall be paid in whole or in part to the University or College:


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Sr: Chandrasekarendra Saraswathy
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Nerul, Navi Mumbai - 400 706.



Provided that, this provision shall not be applicable to the honorary work of special charitable nature, or literary or artistic or scientific in character, including T.V./Radio talk without affecting his official duties.

12. The employee shall not apply for job, post or scholarship without the previous knowledge of the Competent Authority.
13. The employee shall not absent himself from his duties, without his first having obtained the permission of the Competent Authority. In case it is not possible for the employee to obtain such permission owing to circumstances or reasons beyond his control, he shall intimate to Competent Authority within 3 days from the first date of absence, failing which the absence may be treated as leave without pay, and he shall further be liable to such disciplinary action as the Competent Authority may deem fit :

Provided that, the Competent Authority may condone this condition in respect of an employee who for reason of his own physical state was unable to convey the cause of his absence.

14. The employees shall not bid either directly or indirectly, at any auction of any University or College property nor shall he submit any tender for any supply to the University or College.
15. The employee shall not, by writing, speech or deed, or otherwise, indulge in any activity which is likely to incite and create feeling of hatred or ill-will between different communities in India on religious, social, regional, communal or other grounds.
16. The employee shall not enter upon a course of studies or appear for any examination by University or other bodies without the previous permission of the Competent Authority.

2. Misconduct - Misconduct, shall include as follows, namely:-

- (a) Any action by the employee contrary to the provisions prescribed in the foregoing rules.
- (b) Going on illegal strike, abetting including instigation or action in furtherance thereof
- (c) Theft, fraud or dishonesty
- (d) Habitual break of any standing orders, rules,
- (e) Willful or negligent damage of the University or College property.

- (f) Refusal to accept charge-sheet, order or other communications served according to the rules,
- (g) Conviction in a court of law, involving moral turpitude.
- (h) Riotous or disorderly behavior, threatening, intimidating or coercing in connection with or relating to any duties or working of the University or College.
- (i) Neglect of work or negligence in discharging any duty or failure to give the day's out-turn,
- (j) Violence or inciting violence,
- (k) Stopping work either singly or with other employees or inciting anyone else not to work.
- (l) Allowing anyone within the prohibited premises of the University or allowing any person or persons whose entry is prohibited without the permission of the Competent Authority,
- (m) Falsification or tampering any paper or record of the University or College,
- (n) Obtaining employment under the University or College by misrepresentation of facts.
- (o) Making any false or exaggerated allegations against any officer, superior or a co-employee or Authority.
- (p) Committing nuisance during the working hours by being found intoxicated or otherwise,
- (q) Misappropriation of any amount, movable property, of the University or the College or late crediting the amount in the University or College account.
- (r) Committing any act involving moral turpitude.

3. Penalties –

- (1) Without prejudice to the provisions of any law for the time being in force, the following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on the University or the College employee found guilty of misconduct :-

- (a) Minor Penalties –


PRINCIPAL

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- (i) Censure,
 - (ii) Fine
 - (iii) Withholding of increment of pay,
 - (iv) Withholding of promotion
 - (v) Recovery from his pay, or such other amounts as may be due to him, of the whole or part of any pecuniary loss caused by him to the University or the College, by negligence or by breach of orders.
- (b) Major penalties –
- (i) 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 of pay during the period of such reduction and whether on the expiry of such period, the reduction shall or shall not have the effect of postponing the future increments of his pay.
 - (ii) Reduction to a lower time-scale of pay, grade, post or services 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 condition of restoration to the time-scale of pay, grade, post or service from which he was reduced, and his seniority and pay on such restoration.
 - (iii) Compulsory retirement,
 - (iv) Removal from service, which shall not be a disqualification for future employment under the University or the College,

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

- (i) Withholding of increment of pay of the employee for his failure to pass any departmental examination, in accordance with the rules or orders or the terms of his appointment, probation ;
- (ii) Stoppage of an employee, whether in substantiate or in officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible, on administrative ground not connected with his conduct;
- (iii) Non-promotion of the employee, whether in substantiate or in officiating capacity, after consideration of his case, to a service, grade or post for

- promotion to which he is eligible, on administrative ground not connected with his conduct;
- (iv) Reversion of the employee, officiating in higher service, grade or post to a lower grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post, or on any administrative ground not connected with his conduct;
- (v) Reversion of the employee, appointed on probation to any other service, grade or post; to his permanent service, grade or post held by him under the University or the same college, management, during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing such probation.
- (vi) Repatriation of the service of the employee whose services have been borrowed from outside authority or recalling the employee from the foreign employment to such authority.
- (vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ;
- (viii) Termination of the services (i) of the employee appointed on probation, during or at the end of his probation, in accordance with the terms of his appointment or rules or orders governing such probation; or (ii) of a temporary employee on grounds unconnected with his conduct or (iii) of the employee under an agreement, in accordance with the terms of such agreement.
- (2) Where a penalty mentioned in item (b) (i) or (b) (ii) in sub-rule (1) is imposed on the employee, the Authority imposing the penalty shall expressly state in the order imposing the penalty that the period for which the reduction is to be effective shall be exclusive of any interval spent on leave before the period is completed.
- 4. Procedure for Imposing Minor Penalty –** No full-fledged and elaborate departmental enquiry shall be necessary for inflicting minor penalty. In such cases, the employee shall be given intimation of the act of misconduct committed by him and he will be given a reasonable opportunity to furnish his explanation, before the penalty is imposed.
- 5. A. Disciplinary Authorities –**
- (1) The Competent Authority may impose any of the penalties laid down in rule 43 on any employee.
- (2) Without prejudice to the provisions of sub-rule (1) Appointing Authorities may impose any of the penalties specified in rule 43


PRINCIPAL

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ARTS, SCIENCE & COMMERCE
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upon members of class III and class IV services serving under them, whom they have power to appoint :

Provided that the Registrar of the University or the Principal of an affiliated college shall exercise the powers of imposing minor penalties on the Class III and Class IV employees under their respective administrative controls.

6. Suspension -

(1) The appointing Authority or any authority to which the Appointing Authority is subordinate or any other authority empowered in that behalf by the Competent Authority, by general or special order, in Form 8 in Appendix I appended to these rules may place an employee under suspension:-

- (a) Where disciplinary proceedings against him is contemplated or is pending and is likely to result into imposing any of the major penalties, or
- (b) Where in the opinion of the Authority he has engaged himself in activities prejudicial to the interest of the University or College.
- (c) Where case against him in respect of any criminal offence is under investigation, enquiry or trial :

Provided that, where the order of suspension is made by an Authority lower than the Appointing Authority, such Authority shall forthwith report to the Appointing Authority, the circumstances in which the order was made:

Provided further that, suspension of an employee shall not be ordered unless there is a prima-facie case against him for imposing one of the major penalties stated in these rules or there is reason to believe that his continuance in service is likely to cause embarrassment or to hamper the investigation of the case.

- (2) The employee shall be deemed to have been placed under suspension
 - (i) With effect from the date of his detention, if he is detained in police or judicial custody, on a criminal charge, for a period exceeding 48 hours.
 - (ii) 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 exceeding 48 hours and is not forthwith dismissed or

removed or compulsory retired, consequent to such conviction and shall remain under suspension until the order of suspension is modified or revoked by the Authority Competent to do so.

- (3) While under suspension, the employee shall not be allowed to resign nor shall he be granted leave by the Competent Authority.
- (4) The employee under suspension shall not accept any private or gainful employment.
- (5) The employee under suspension shall not leave the headquarters during the period of suspension without the prior approval of the Competent Authority.

7. Procedure for imposing major penalty –

- (1) The order imposing major penalty shall be made only after an enquiry is held. Whenever the Competent Authority is of the opinion that there are grounds for enquiry into the truth of imputation of misconduct or which may result in major penalty, misbehavior against another employee, it may itself enquire into, or appoint an authority to enquire into the truth thereof in form 9 of Appendix I appended to these rules.
- (2) Where it is proposed to hold enquiry against the employee, the Disciplinary Authority shall draw up or cause to be drawn up:
 - (a) The substance of imputation of misconduct or misbehavior into definite or distinct articles of charge.
 - (b) A statement of imputation of misconduct or misbehavior in support of each article of charge which shall contain:
 - (i) A statement of all relevant facts including any admission, or confession by the employee and
 - (ii) A list of documents by which, a list of witnesses by whom, the articles of charge are proposed to be sustained.
- (3) The Disciplinary Authority shall deliver or cause to be delivered to the employee, in Form 10 of Appendix I appended to these rules a copy of the articles of charge, the statement of imputation of misconduct and misbehavior and a list of documents and of the witnesses by which each article of charge is proposed to be sustained, and shall by a written notice require the employee to submit to it within such time as

may be specified in the notice, a written statement of his defence, and to state whether he desires to be heard in person.

- (4) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charges as are not admitted, or, if it considers it necessary to do so, appoint an Enquiring Authority for the purpose, and where all the articles of charge have been admitted by the employee, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think, and shall act in the manner laid down in these rules.
- (b) If no written statement of defence is submitted by the employee, the Disciplinary Authority may itself enquire into the articles of charge or may appoint Enquiring Authority,
- (c) Where the disciplinary authority appoints the Enquiring Authority, it may by an order appoint another employee or a legal practitioner as the Presenting Officer to present the case in support of the articles of charge before the Enquiring Authority, The employee may take assistance of any other employee to represent the case on his behalf, but may not engage a legal practitioner unless the Presenting Officer is a legal practitioner or the Disciplinary Authority having regard to the circumstances, so permits.
- (5) The Disciplinary Authority shall forward to the Enquiring Authority as follows, namely—
- (a) A copy of each of the articles of charge and the statement of imputation of misconduct or misbehavior.
- (b) A copy of the written statement of defence submitted by the employee.
- (c) Copies of the statements of witnesses.
- (d) Evidence proving the delivery of documents to the employee, and
- (e) A copy of the order appointing the Presenting Officer.
- (6) The employee shall appear in person before the Disciplinary Authority or the Enquiring Authority on such day and at such time within 10 working days from the date of receipt by the employee of the articles of charge and the statement of imputation of misconduct or misbehavior as the Disciplinary or the Enquiring Authority may by notice in writing

- specify, or such further time not exceeding 10 days as the Enquiring Authority may allow.
- (7) The Disciplinary Authority may suo moto or on being moved by the employee against whom enquiry is instituted, for just and sufficient reason, transfer the proceedings to another Enquiring Authority constituted for the purpose.
 - (8) 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 Disciplinary Authority or Enquiring Authority, it shall ask him whether he is guilty or has any defence to make and if he pleads guilty of any of the articles of charge, it shall be so recorded under the signature of the employee and of that Authority.
 - (9) The Enquiring Authority shall return to the Disciplinary Authority the findings of guilt in respect of those articles of charge to which the employee pleads guilty.
 - (10) If the employee fails to appear within the specified time or refuses to plead or admits to plead, the Enquiring Authority shall require the Presenting Officer to produce the evidence by which he proposes to prove articles of charge, and shall adjourn the case to a later date not exceeding 30 days; after recording the order that the employee may, for the purpose of preparing his defence-
 - (a) Inspect within 5 days of the order or within such further time not exceeding 5 days as the Enquiring Authority may allow, the documents specified in the list.
 - (b) Submit a list of witnesses to be examined on his behalf.
 - (c) Give a notice within 10 days of the order or within such further time not exceeding 10 days as the Enquiring Authority may allow, for the discovery or production of any documents, but not mentioned in the list, indicating the relevance of such documents.
 - (11) Whether the employee applies orally or in writing for the supply of copies of the statements of witness mentioned in the list, the Enquiring Authority shall furnish him such copies as early as possible, and in any case not later than 3 days before the commencement of the examination of the witness on behalf of the Disciplinary Authority.



PRINCIPAL

**S.I.E.S. (NERUL) COLLEGE OF
ARTS, SCIENCE & COMMERCE**
Sri Chandrasekarendra Saraswathy
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- (12) (a) Where the Enquiring Authority receives a notice from the employee for the discovery of production of documents, the Enquiring Authority, shall 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 a specified date:

Provided that, the Enquiring Authority may for reasons to be recorded in writing, refuse to requisition any of such documents as are not relevant in the case:

- (b) On receipt of the requisition, the Authority having the custody or possession of the requisitioned documents, shall produce the same before the Enquiring Authority.

Provided that, if the authorities having the custody or possession of the requisitioned documents, is satisfied for the reasons to be recorded in writing that the production of all or any of such documents would be against the public interest, it shall inform the Enquiring Authority, and the Enquiring Authority shall on being so informed, communicate the information to the employee and withdraw the requisition.

- (13) (a) The enquiry shall be commenced on the date fixed by the Enquiring Authority and shall continue thereafter on the dates as may be fixed from time to time.
- (b) The oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by the Disciplinary Authority. The witnesses may be examined by the Disciplinary Authority and cross-examined by the employee. The Disciplinary Authority shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter without the permission of the Enquiring Authority. The Enquiring Authority may also put questions to the witnesses.
- (c) Before the close of the case by the Disciplinary Authority, the enquiring Authority may allow the Presenting Officer to produce fresh evidence, not included in the list, or may itself call for new evidence or re-call and re-examine any witnesses, and in such cases, the employee shall be entitled to a copy of the list of further evidence. The Enquiring Authority shall give the employee an opportunity of inspection of documents before they are taken on record. The Enquiring Authority may also allow the employee to produce new evidence, if it is necessary in the interest of justice:

- (d) When the case of the Disciplinary Authority is closed, the employee shall be required to state his defence orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the employee shall sign the same. A copy of the statement of defence, shall be given to the Disciplinary Authority, the employee may examine himself, and the witnesses. They may be cross-examined by the Disciplinary Authority, re-examined by the employee and examined by the Enquiring Authority.
- (e) After the employee close his case and if the employee has not examined himself, the Enquiring Authority may generally question him on the circumstances appearing against him, for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (f) The Enquiring Authority may, after the completion of production of evidence, hear the Disciplinary Authority or the Presenting Officer and the employee or permit them to file written briefs of their respective case.
- (g) If the employee to whom a copy of the articles of charge has been delivered does not submit a written statement of defense on or before the date specified or does not appear in person before the Enquiring Authority or otherwise fails or refuses to comply with the provision of this rule, the Enquiring Authority may hold the enquiry ex-parte.
- (14) (a) Where the Disciplinary Authority is competent to impose any of the minor penalties, but not competent to impose any of the major penalties, has itself enquired into or causes to be enquired into any of the articles of charge and that Authority having regard to its own findings or having regard to its decision on any of the findings of the Enquiring Authority appointed by it, is of the opinion that any of the major penalties should be imposed on the employee, that Authority shall forward the record of the enquiry to the Authority competent to impose major penalty.
- (b) The Disciplinary Authority to which the records are forwarded may act on the evidence of the record or may, if it is of the opinion that further examination of any of the witnesses is necessary, recall the witnesses and examine, cross-examine and re-examine the witnesses, and impose on the employee such penalty as it may deem fit in accordance with these rules:

Provided that, if any witness is recalled, he may be cross-examined by the employee.

- (15) Whenever any Enquiring Authority, after having heard and recorded the whole or in part of the evidence in an enquiry, ceases to exercise jurisdiction therein and is succeeded by another Enquiring Authority, which has such jurisdiction, the Enquiring Authority so succeeding him, shall act on the evidence so recorded by its predecessor and partly recorded by itself:

Provided that, if the succeeding Enquiring Authority is of the opinion that further examination of any of the witnesses, already recorded, is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine him;

Provided further that, if the witnesses is recalled, he may be cross examined by the employee.

- (16) (a) After the conclusion of the enquiry, a report shall be prepared by the Enquiring Authority. Such report shall contain-
- (i) Articles of charge and the statement of imputation of misconduct and misbehavior:
 - (ii) The defence of the employee in respect of each article of charge:
 - (iii) An assessment of the evidence in respect of each article of charge and
 - (iv) The findings one ach article of charge and the reasons therefore.
 - (v) Recommendation regarding quantum of punishment.
- (b) Where in the opinion of the Enquiring Authority, the proceedings of the enquiry establish any article of charge different from original article of charge, it may 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 the facts on which such article of charge is based or has been provided a reasonable opportunity of defending himself against such article of charge.

- (c) The Enquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the record of enquiry which shall include –
- (i) The report prepared by it
 - (ii) The written statement of defence submitted by the employee.
 - (iii) The oral and documentary evidence produced in the enquiry
 - (iv) Written briefs filed by the Presenting Officer and the employee and

- (v) The orders, if any, made by the Disciplinary Authority and Enquiring Authority in regard to the enquiry.

8. Action on Enquiry Report -

- (1) The Disciplinary Authority, if it is not itself Enquiring Authority, shall consider the report and record its findings on each charge.
- (2) (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 major penalties shall be imposed on the employee, then 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 enquiring Authority appointed by it, a copy of the report of such Authority and a statement of its findings on each article of charge expressly stating whether or not it agrees with the findings of the Enquiring Authority, together with brief reasons for its disagreement, if any, with the findings of the Enquiring Authority : and
- (b) Give to 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 representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry.
- (ii) The Disciplinary Authority shall consider the representation, if any, made by the employee and determine the quantum of penalty, if any, that should be imposed on him on the basis of the evidence adduced.
- (3) If the Disciplinary Authority, having regard to the finding, is of the opinion that any of the minor penalties shall be imposed on the employee, it shall notwithstanding anything contained in these rules, determine what penalty shall be imposed on the employee and make an order imposing such penalty.
- (4) If the Disciplinary Authority, having regard to the findings on the charges, is of the opinion that no penalty shall be imposed or that the employee be honorably acquitted, the Disciplinary Authority shall inform the employee accordingly.
- (5) The Disciplinary Authority, itself not being the Enquiring Authority, shall consider the enquiry report and if it disagrees with the Enquiring


PRINCIPAL

**S.I.E.S. (NERUL) COLLEGE OF
ARTS, SCIENCE & COMMERCE**
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Authority on any article of charge, it shall record its reasons for such disagreement, and refer the case back to the Enquiring Authority for further enquiry and report. The Enquiring Authority shall thereon proceed to hold further enquiry according to the provisions of the proceeding rule as far as may be.

- (6) The orders made by the Disciplinary Authority under this rule shall be communicated to the employee and the Enquiring Authority.

9. Common Proceeding -

Where two or more employees are concerned in any case, the Competent Authority, who is the Appointing Authority for the highest ranking employee amongst those concerned, shall take all actions, Disciplinary Authority and proceed as per the provisions hereto before provided in respect of the employees concerned and direct disciplinary action against all of them in a common proceeding.

10. Appeals and Review -

- (1) Notwithstanding anything contained in this rule no appeal shall lie against-

(a) Any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension:

(b) Any order passed by an Enquiring Authority in the case of an enquiry under these rules.

- (2) Subject to the provisions of sub-rule –

(1) Employee may prefer an, appeal against all or any of the following orders, namely: -

(a) An order of suspension or deemed suspension made under rule 45.

(b) An order imposing any of the penalties, whether made by the Disciplinary Authority or by any Appellate, or by Reviewing Authority;

(c) An order enhancing any penalty, imposed under these rules.

(d) An order which –

(i) Denies or varies to his disadvantage his pay, allowances or any other conditions of service:

- (ii) Denies promotion to which he is otherwise eligible according to the recruitment and promotion rules and which is due to him according to seniority :
- (iii) Interpret to his disadvantage the provisions of any such rules :
- (iv) An order –
 - (i) Stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar :
 - (ii) Reverting him while officiating in a higher service, grade of post to a lower service, grade or post, otherwise than as a penalty :
 - (iii) Reducing or withholding the post retirement benefits, if any :
 - (iv) 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 :
- (v) Determining his pay and allowances
 - (1) For the period of suspension or
 - (2) For the period of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade, or post, or
 - (vi) Determining nature of the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post.
- (3) Appellate Authorities - Subject to the provisions of any law for the time being in force.
 - (i) The employee in Class I and Class II shall appeal to the executive council or the Management of the College against the order passed by the Vice-Chancellor or the Chairman of the Trust or Society.

- (ii) The employee in Class III to the Vice-Chancellor or the Chairman or the Management of the College against the orders of the Registrar or the Principal or the College.
- (iii) The employee in Class IV appeal to the Registrar/Principal of the college against the orders passed by the authorities subordinate to the Registrar/the Principal of the College.
- (4) Period of Limitations for Appeals – No appeal preferred under these rules shall be entertained unless it is preferred within a period of 30 days from the date of the order:
- Provided that, the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.
- (5) Mode, Form and Contents of Appeal – (a) Every employee preferring an appeal shall do so separately and in his own name and shall address it to the Authority to which the appeal lies.
- (b) The appeal shall be complete in itself and shall contain all material statement and arguments on which the appellant relies, but shall not contain any disrespectful or improper language.
- (6) Submission of Appeals - (a) Every appeal shall be submitted to the Appellate Authority through the proper channel.
- (b) An advance copy may be submitted direct to the Appellate Authority.
- (7) Transmission of Appeals –The Authority which made the order Appealed against shall, on receipt of a copy of the appeal, without any avoidable delay and without waiting for any direction from the Appellate Authority, transmit to the Appellate Authority every appeal together with its comments thereon and the relevant records.
- (8) Consideration of Appeal –(a) In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether the order of suspension is justified or not and confirm or revoke the order accordingly.
- (b) In the case of an appeal against an order in these penalties specified in the rule or enhancing any penalty imposed under the rule, the Appellate Authority shall consider –

(i) Whether the procedure laid down in these rules has been followed, if not whether such non-compliance has resulted in the violation of any provisions of the Acts or in the failure of justice;

(ii) Whether the findings of the Disciplinary Authority are warranted by the evidence on the record; and

(iii) Whether the penalty imposed is adequate, inadequate or severe; and pass orders-

- (i) Confirming, enhancing, reducing or setting aside the penalty; or
- (ii) Remitting the case to the Authority which had passed the order appealed against, with such directions as it may deem fit in the circumstances of the case:

Provided that-

(i) The Appellate Authority shall not impose any enhanced penalty which neither such Authority nor the Authority, which made the order appealed against is competent to impose;

(ii) If the enhanced penalty which the Appellate Authority proposes to impose is one of the major penalties and an enquiry under the rules has not already been held in the case, the Appellate Authority shall itself hold such enquiry or cause it to be held as per the prescribed provisions and thereafter on consideration of the proceedings of such enquiry and after giving the employee a notice stating the enhanced penalty to be imposed on him and calling upon him to submit within 15 days of receipt of the notice or such further time not exceeding 15 days as may be allowed, such representation as he may wish to make on the proposed enhanced penalty.

(iii) If the enhanced penalty which the Appellate Authority proposes to impose is one of the major penalties and an enquiry under these rules has already been hold in the case, the Appellate Authority shall give to the employee a notice stating the enhanced penalty proposed to be imposed on him, and calling upon him to submit within 15 days of receipt of the notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the enhanced penalty and make orders as it may deem fit; and

(iv) No order imposing an enhanced penalty shall be made in any other case unless the Appellants has been served with a notice

(c) The Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.


PRINCIPAL

S.I.E.S. (NERUL) COLLEGE OF
ARTS, SCIENCE & COMMERCE
Sri Chandrasekarendra Saraswathy
Vidyapuram, Plot No. 1-C, Sector-V,
Nerul, Navi Mumbai - 400 706.



- (9) Implementation of orders- The Authority which made the order Appealed against shall give effect to the orders passed by the Appellate Authority.
- (10) Review – (a) Notwithstanding anything contained in these rules the Reviewing Authority may at any time either on his own or on being moved, call for the records of an enquiry and review any order made under these rules; and
- (i) Confirm, or set aside the order; or
- (ii) Direct the Competent Authority to reduce or to enhance the penalty imposed by the orders or impose any penalty where no penalty has been imposed;
- (iii) 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;

Provided that, the Competent Authority shall not enhance the penalty and give such directives, unless the employee is given an opportunity to represent as to why the penalty should not be enhanced.

- (b) No proceeding for review shall be commenced until after –
- (i) The expiry of the period of limitation for an appeal
- (ii) The disposal of the appeal, if any such appeal has been preferred.
- (c) An application for review shall be dealt with in the same manner as if it were an appeal under these rules except that the period of limitation for its consideration shall be six months commencing from the date on which a copy of the order under review is delivered to the applicant.
- (11) Miscellaneous – (a) 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 shall be communicated to him by registered post.
- (b) Power to relax time-limit and condone delay-Save as otherwise expressly provided in these rules, the Authority competent under these rules to make any order may, for good and sufficient reasons, or , if sufficient cause is shown, extend the time specified in these rules for anything required be done under these rules or condone any delay.

11. **Deserter** – The employee who absents from duty without permission for a period of more than thirty days, shall be deemed to be deserter and his

services shall stand terminated automatically on the expiry of the period of thirty days.

Provided that, whenever the employee is not able to attend the duties as prescribed and not able to communicate reasons of his absence for the reasons beyond his control, the Competent Authority may, by a special order condone his absence.

12. Discontinuation and Termination –

- (1) The employee shall not leave or discontinue his service in the University or the College without giving a prior notice in writing to the Registrar or the Principal of the College, as the case may be of his intention to leave or discontinue the service. The period of notice shall be,
 - (a) Three calendar months in the case of employee in Class I, Class II and Class III.
 - (b) One calendar month in the case of employee in Class IV
 - (c) In case of breach of these provisions, the employee shall pay to the University or the College an amount equal to his pay for the notice period required to be given by him. In case he fails to pay the amount, it shall be recovered from the dues payable to him.
- (2) The competent Authority after completing the procedure of departmental enquiry, comes to the conclusion that the employee should be compulsory retired or removed from service, it shall give three month's notice in case of employee in Class I, Class II or Class III, service and one month's notice in case of an employee in Class IV service.
- (3) The employee on probation shall not leave or discontinue his service without first giving prior one month's notice in writing or one month's salary in lieu thereof.
- (4) The Competent Authority shall not terminate the service of the employee on probation without giving one month's prior notice in writing to the employee or one month's salary in Lieu thereof.
- (5) No notice of resignation or termination of service shall be necessary in case of the employee,-
 - (i) On work charged establishment and
 - (ii) Appointed purely on temporary basis with or without definite period prescribed in the appointment order.


PRINCIPAL

**S I.E.S. (NERUL) COLLEGE OF
ARTS, SCIENCE & COMMERCE**
Sri Chandrasekarendra Saraswathy
Vidyapuram, Plot No. 1-C, Sector-V,
Nerul, Navi Mumbai - 400 706.



- (6) The employee shall cease to be in the service of the University or the College in case he absents himself continuously for a period of five years:

Provided that the period spent by the employee on Study Leave shall not be counted as absence for this purpose.

- (7) The employee suffering from contagious or infectious disease and is declared unfit for the service by the Medical Authority shall be discharged from the service of the University or the College.

13. Retirement – (1) The employee after confirmation, shall continue in the service of the University or the College till he completes the age of Superannuation.

Non-Teaching Staff working in the Colleges

- Duties, Responsibilities and Powers of Non-teaching staff in Non-Government Affiliated Colleges.

(1) Registrar (Head of the Non-Teaching Staff)

1. The Registrar shall regulate the work and conduct of the staff in accordance with the Act, Statutes, Ordinances, Rules and Regulations. It shall be the duty of the Registrar to assess and evaluate the performance of Non-Teaching employees and sections and take such measures as he deems fit to regularize and to improve the working of the College.
2. The Registrar shall have the power to issue warnings, reprimands, memos to the non-teaching employees subject to the approval of the Principal.
3. The Registrar shall be the custodian of the records, the common seal and such other property of the College as the Principal may commit to his charge.
4. The Registrar shall keep the minutes of all the meetings, and records of such meetings attended by him as ex-officio member secretary.
5. The Registrar shall co-ordinate the work of the college amongst the teaching and the non-teaching staff.
6. The Registrar shall bring to the notice of the Principal any of the act of the staff or the students, if prejudicial to the College and / or is not in the interest of the Institution/ College.
7. The Registrar shall maintain the enquiry service for students, staff and also for visitors to the college regarding courses, bring conducted, examination and admission rules and such other allied matters of important nature.
8. The Registrar shall sign letters issued from the College office of routine nature
9. The Registrar shall watch over the work of college affiliation, staff recognition and follow procedure for appointments, He shall also watch

Accounts, Audit, Assessment work of Maintenance and other Grants and to keep the check on Accounts of the College.

10. The Registrar shall look after the Examination work (College/Board/University) and shall ensure for the smooth conduct of the examination and prepare necessary work distribution chart in this connection.
11. The Registrar shall exercise such other powers and perform such other duties as are prescribed or are required from time to time by the Principal of the College and Management of the Society.

(2) Superintendent –

1. The Superintendent shall be in charge of the college office and should be personally responsible for the smooth conduct and working for the work to his subordinates who shall be directly responsible to him with the past approval of Registrar.
2. He shall convene the regular meetings of the office staff and Laboratory Assistants and shall determine the time dimensions of each of the task assigned and supervise the overall working as per the prescribed norms if any
3. He shall issue Memos, reprimands to earning employee. He shall inspect attendance register of the non-teaching staff and take such action as he may deem fit in case of habitual late comes or those who habitually remain absent by issuing warnings in writing and recommending to the Registrar/Principal to take the disciplinary action in case the same employee shows no improvement.
4. It shall be the duty of the Superintendent to maintain cordial public relations and to attend to the queries of the members of the public and students and supply information through Registrar/Principal to Government, University, University grants Commission, Managements and Superior authorities as per requirements. It shall also be the duty to help the members of the public to solve their difficulties concerning office to entertain complaints, if any, against the staff subordinate to him, in the college.
5. He shall carry out the duties and responsibilities in a just manner without any discrimination and motivate his staff to take their work seriously and willingly and shall pay personal attention to their welfare.
6. He shall be responsible for the work of the highly confidential nature that may be undertaken by his section. He shall be responsible for preserving of the documents, etc. concerning his section.


PRINCIPAL

**S.I.E.S. (NERUL) COLLEGE OF
ARTS, SCIENCE & COMMERCE**
Sri Chandrasekarendra Saraswathy
Vidyapuram, Plot No. 1-C, Sector-V,
Nerul, Navi Mumbai - 400 706.



7. The Superintendent shall personally look into the court cases concerning the college and obtain orders from Registrar/Principal wherever necessary.

The Superintendent shall mark and distribute the letters in the name of dealing Assistant or the Heads of Departments in the College. He shall exercise check and follow up letters received from the Government, University Grant Commission, University, Management etc.

8. He shall draft notes and deal independently cases which are of routine nature. He shall also draft notes, essentially with reference to relevant rules, regulations, precedence and implications etc. or special cases and submit to higher authority i.e. Registrar or the Principal and give interim replies.

9. The Superintendent shall point out mistakes or mis-statements, if any and draw attention wherever necessary to the Statutory or customary practice and point out rules where they are concerned.

10. The Superintendent shall scrutinize notes or cases submitted by the lower staff, put his own remarks or suggestions, if any and submit the same to the Registrar or the Principal. He shall sign letters issued from the college office of routine nature.

11. The Superintendent shall be responsible of examination work pertaining to Degree College in the overall supervision of Registrar or the Principal.

12. In case the post of Registrar does not exist in a college, the Superintendent shall perform duties and shall be used with the powers of the Registrar.

13. Any other work assigned to the Superintendent by the Principal or Registrar from time to time.

(3) Accountant-

1. The Accountant shall inform periodically the financial position of the college to the Registrar or the Principal of the College, examine and ensure that the code and financial norms are followed by the section or department. He shall prepare and present budget estimates, with the help of Heads of Department in the College. Prepare the budget and income and expenditure statements, maintain all accounts and get them audited.

2. He shall attend to all the Government scrutiny, inspections and audit.

3. He shall be responsible for the proper implementation of the financial transactions as per rules, Accounts Code, Statutes, Ordinances, Rules and Regulations made in that behalf and monitor the finances of the College as

per direction of the Registrar and place before the Committee the financial position of the college such as its receipts, payments, government grants and balance from time to time.

4. He shall scrutinize all bills of expenditure before recommending for payment, maintain cash-book, ledger, bank pass-books. He shall watch the progress of the expenditure and receipts of fees, Government grants in time.

5. If there is no post of Superintendent in the College or if the Superintendent proceeds on leave, the Accountant shall carry out the duties of the Superintendent in addition to his own duties.

6. The Accountant shall carry out any other work entrusted to him by the Principal or Registrar from time to time

(4) Head Clerk or Deputy Accountant

1. Head Clerk shall perform the duties as may be assigned to him from time to time, by the Principal, the Registrar or the Superintendent.

2. He shall be incharge of the unit or section and shall be responsible for its normal and smooth working. He shall assist the Superintendent in the disposal of his duties and shall look after the day to day work in the office of which he is incharge as per the instructions received from the higher authorities from time to time.

3. He shall ensure and maintain proper co-ordination and follow up with the other departments or sections of the College.

4. He shall be responsible for smooth, efficient and effective working of the office and timely disposal of cases, letters, bills reports, return etc. and decide and maintain proper filing procedure. He shall also ensure that the cases or letters requiring immediate and urgent disposal are dealt with immediately.

5. He shall train the members of his department and provide guidance to all.

6. He shall dispose of important cases where relevant regulations are clearly applicable and forward otherwise the same to Superintendent or the Registrar with clear and specific comments.

7. He shall keep exhaustive and self-contained notes of important papers passed down and keep their movements till final disposal and also consider the proceeding of the work.

8. He shall exercise constant vigilance on expenditure, quantitative disposal of work, safety of the records, furniture, fittings of the College, regular and

orderly behavior of the staff under him. He shall record verbal discussions, order and instructions which shall be attested by the superior officials present.

9. He shall attend meetings, issue notice of meetings, prepare agenda and draft minutes of the meetings and take follow up actions.

10. He shall inspect the racks and tables of Assistants working under him and satisfy himself that no paper or files have been overlooked and that there are no old receipts or bills laying undisposed off.

11. He shall submit notes or drafts for approval of the authorities through the Superintendent.

12. He shall attend to audit queries and reply to audit report, and also submit necessary statement of accounts.

13. He shall recover grants due to the Government etc. and shall prepare the requirement of furniture, office equipments, stationery etc. with the consultation of the Higher Authority.

14. He shall responsible for the examination work of Junior College unit with overall supervision of Registrar.

15. If the post of Accountant does not exist in the College, the Head Clerk or Deputy Accountant shall also perform the duties of the Superintendent or the Accountant as the case may be.

16. He shall attend to any other work assigned to him from time to time by the Higher Authorities.

(5) All other non-teaching staff-

The Principal shall also assign duties as per needs or requirements of the concerned colleges from time to time in respect of any other non-teaching staff.

Not withstanding anything contained above, the Vice Chancëllor shall direct the Principals to assign duties to the employees in respect of conduct of University examination/admissions etc. during the time of exigencies and the work related to Seminars, Conferences etc. undertaken at the University level.



PRINCIPAL

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