

Service Conduct Rule

Teacher, Officer, Non-Teaching



THE UNIVERSITY OF BURDWAN

Rajbati, Burdwan-713 104

THE UNIVERSITY OF BURDWAN

The exercise of the power conferred by Section 49, read with clause (i) Section 21, and Section 50 of the Burdwan University Act, 1981 (West Bengal Act XXIII of 1981), the Executive Council of the University of Burdwan hereby makes the following Ordinances relating to the conduct of Service (Rules of Discipline) of the Officers of the University :-

CHAPTER-I

Ord. 1 (SR) (Off) : (i) These Ordinances may be called the University Ordinance relating to Conduct of Service (Rules of discipline) of the officers of the University.

CHAPTER-II

Ord. 2 (SR) (Off) : (i) In these Ordinances, unless the context otherwise requires—

Interpretation and Definition (i) 'the Act' means the Burdwan University Act, 1981 (West Bengal Act XXIII of 1981);

(ii) 'Appointing authority' means the authority empowered under the provisions of the Act, the Statutes and the Ordinances for making appointments to a cadre or to different cadres of services of posts order the University, but shall not include any delegated authority of the purpose of these Ordinances;

(iii) 'Basic Pay' means the pay, other than special pay and any other emoluments which may be specially classed as pay or pay granted in view of personal considerations of qualifications, which has been sanctioned for a post held by an officer substantively or in any officiating capacity, or to which he/she is entitled by reason of his/her position in a cadre;

(iv) 'cadre' means the strength of a service or a part of a service sanctioned as a separate unit;

(v) 'compensatory allowance' means an allowance including travelling allowance granted to an officer to meet personal expenditure necessitated by special circumstances in which duty is performed;

(vi) 'competent authority' means the authority or body or an other person authorised specifically for the purpose of the Ordinances;

(vii) 'day' means a calendar day beginning and ending at midnight, but in absence from headquarters which does not exceed twenty four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends;

(viii) 'Disciplinary authority' in relation to the imposition of a penalty on an Officer means an authority competent to impose any of the penalties specified in these Ordinances;

(ix) 'duty' means and includes what an Officer is required to do by the terms of his/her appointment as may be assigned to him/her befitting his/her post by the competent authority, from time to time;

(x) 'holiday' means (a) a Sunday, or (b) holiday prescribed and notified as such by the Executive Council in relation to any office or department of the University, or (c) a day on which such office, department is ordered by the Vice-Chancellor to be closed by a notice in writing;

(xi) 'honorarium' means a recurring or non-recurring payment granted to an officer from revenues as remuneration for special work of an occasional character;

(xii) 'leave' means the privilege allowed to an Officer of being absent from duty in terms of the University leave rules;

(xiii) 'lien' means the title of an Officer to hold substantively either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which i.e. has been appointed substantively;

(xiv) 'medical certificate' means a certificate from a registered medical practitioner recognised by the State Government;

(xv) 'officiating to a post' means performing the duties of a post by an Officer on which another person holds a lien, or which he/she is appointed by the authority competent to make a substantive appointment to the post to officiate in vacant post on which no other person holds a lien;

(xvi) 'the Ordinances' means the Ordinances framed under the Budwan University Act. 1981;

(xvii) 'pay' means the amount drawn monthly by an Officer as pay, special pay, dearness pay and personal pay, in terms of his/her employment and conditions of services;

(xviii) 'permanent post' means a post declared as such carrying a definite time scale of pay and sanctioned without limit of time;

(xix) 'personal pay' means an additional pay granted to an Officer either to save him from loss of substantive pay or on the basis of individual and personal consideration as merits the grant of such pay;

(xx) 'probation' means employment on trial in or against a substantive vacancy in the cadre or post of department for determining his fitness of an officer for eventual substantive appointment;

(xxi) 'special pay' means an addition, of the nature of pay, to the emoluments of an officer in consideration of (a) the specially arduous nature of duties, or (b) a specific addition to the work of responsibility;

(xxii) 'subsistence grant' means a monthly grant payable to an Officer who is not in receipt of pay or leave salary during the period of suspension;

(xxiii) 'substantive pay' means the pay of the permanent post which an Officer holds substantively but does not include special pay, personal pay or dearness pay which an Officer is entitled to for his/her serving in a permanent post on being appointed there substantively;

(xxiv) 'temporary post' means a post declared as such carrying a definite time scale of pay and sanctioned for a limited period of time;

(xxv) 'tenure post' means a permanent post which an Officer may not hold for more than a limited period.

(2) Words and expressions used in these ordinances and not defined but defined in this Act shall be interpreted to have the same meaning as they have in the Act.

These Ordinances shall apply to all Officers whose conditions of service the University is competent to regulate. In respect of Officers appointed on to regulate. In respect of Officers appointed on contractual basis,

the contractual terms shall prevail; but these Ordinances, in so far as they are not inconsistent with any provision of the contract, shall apply.

CHAPTER-III

At the time of entry into the services of the University, an applicant

U. Ord. 4 (SR) (Off) : shall make a declaration of his/her age which shall
Record of age always be verified with reference to the school final or equivalent examination pass certificate.

The Executive Council may, as and when it deems fit, direct an Officer

U. Ord. 5 (SR) (Off) : to the University of Chief Medical Officer of Health,
Medical Check-up Burdwan or Superintendent, Burdwan Medical College and Hospital.

The services of a whole-time Officer may be utilised, as and when

U. Ord. 6 (SR) (Off) : required in the interest of the University, in such
Utilisation of Services manner as may be prescribed by the appropriate authority, provided that such engagement is not inconsistent with the nature of duties normally performed by him/her.

U. Ord. 7 (SR) (Off) : An Officer shall not be appointed
Substantive substantively to a post on which another Officer
Appointment holds a lien.

Unless in any case it be otherwise provided in these Ordinances, an

U. Ord. 8 (SR) (Off) : Officer on substantive appointment to any
Lien on substantive permanent post shall acquire a lien on that post
appointment and shall cease to hold any lien previously acquired by him/her on any other post.

The Headquarters of an Officer shall be the station where the

U. Ord. 9 (SR) (Off) : University Office is situated and where its records
Headquarters are kept.

CHAPTER-IV

U. Ord. 10 (SR) (Off)
Duty and discipline

- (1) Every Officer shall—
(a) be devoted to his/her duties;

(b) maintain absolute integrity to the discharge of his/her duties; and

(c) refrain from doing anything which is prejudicial to the interests of the University

(2) (i) The Head of the Departments including teaching Departments, shall indicate by issuing office orders the respective duties and role of the Officers working under their control so that the responsibility for any lapses could be fixed by the authorities of the University.

(ii) An Officer shall take all possible steps to ensure the integrity and devotion to duty of all the non-teaching staff placed under his/her administrative control.

(iii) In the performance of his/her official duties or in the exercise of the powers conferred on him/her, an Officer shall always act according to what is best in his/her judgement and best calculated to serve the interest of the University. When he/she is acting under the direction of his/her superior and no question of exercising his/her own judgement arises, he/she shall obtain the prior direction in writing from his/her superior, when ever practicable, and when it is not, shall obtain confirmation in writing of such directions as soon thereafter possible.

Explanation-I : The above provision shall not be construed as authorizing an Officer to evade his/her responsibilities by way of seeking instructions from or approval of his/her superior Officer or authority when such instructions are not necessary under delegation of power and responsibilities as may be in force, or in the case of routine nature of work which an Officer is required to perform ordinarily on his/her own.

(iv) Unless otherwise specified in the terms of appointment, every whole-time Officer may if the exigencies of services so require, be called upon to perform such duties as may be assigned to him/her by the superior officer authority, whether within the scheduled working hours or beyond them or on holidays.

(v) An Officer, when not on leave, shall be present at the place of duty during the scheduled working hours as decided by the Executive Council to perform the duties allotted to him.

(vi) Except for valid reasons and/or unforeseen contingencies, no

Officer shall be absent from duties without prior permission or leave the headquarters.

(vii) Every Officer of the University shall record his/her attendance in office in the register as may be determined by the Vice-Chancellor in this behalf and he/she shall not leave office without permission of the controlling Officer.

(viii) No Officer of the University shall join or continue to be a member of a body or an association the objects of which are prejudicial to the interest of the University or public order or morality. If a question arises whether the provisions of this Ordinance has been contravened in a particular case, the matter shall be referred to the Executive Council whose decision on the point shall be final.

(ix) No Officer of the University shall serve in, or give evidence before any Committee or Commission without obtaining prior permission of the Executive Council other than the cases mentioned hereunder :

- (a) Committee or Commission appointed by the Central Government, the State Government, the Parliament or the State Legislature;
- (b) Judicial enquiry;
- (c) Departmental enquiry ordered by the Chancellor, the Vice-Chancellor or any authority of the University.

(x) No Officer of the University shall divulge, either directly or indirectly, any official secret concerning the University to the press or to an outsider.

(xi) An Officer of the University shall so manage his/her private affairs as to avoid habitual indebtedness or insolvency. An Officer against whom any legal proceeding is instituted for the recovery of any debt due from him/her or for adjudging him/her as an insolvent shall forthwith report the full facts to the Vice-Chancellor.

Provided that the burden of proving that the insolvency or indebtedness was the result of the circumstances which, with the exercise of ordinary prudence, the officer could not have foreseen, or over which he/she had no control, and had not proceeded for extravagant or dissipated habit, shall be upon the Officer himself/herself.

(xii) No Officer of the University, shall, except with the previous permission of the Executive Council, have recourse to the Court of Law or to the Press for the vindication of any Official act undone in official capacity which may appear to the Officer so concerned prejudicial to his/her interest.

(xiii) No Officer shall bring or attempt to put any pressure or influence in any manner, whatsoever, to bear upon any superior authority to further any personal interest or the interest of relatives in respect of any confidential matters or in respect of service under the University or in respect of financial transactions, contracts or the like.

(1) (a) Every Officer of the University shall be subject to disciplinary measure(s) for reason(s) of

U. Ord. 11 (SR)(Off) :
Disciplines and conduct
of the Officer
Punishment

(i) violation of any term of conditions of service;

(ii) want of due diligence in the performance of duties;

(iii) neglect of duties;

(iv) violation of orders regarding attendance and office discipline;

(v) misappropriation and defalcation of funds;

(vi) insubordination or disregard or violation of the order of superior Officers or authority;

(vii) moral turpitude or offences like theft;

(viii) taking of illegal gratification;

(ix) tampering with official records; and any other misconduct which in the opinion of the Executive Council calls for disciplinary action.

(b) The Executive Council shall be competent to impose penalties upon an Officer as it may deem fit in consideration of the gravity of the case mentioned in sub-clause (a) with any or more of the following :

(i) censure;

(ii) withholding of increment(s) or promotion;

(iii) recovery from pay of any pecuniary loss caused to the University by the Officer;

(iv) reduction to a lower time scale of pay, grade, post of service with or without further directions regarding conditions of restoration including protection of his/her seniority and pay on such restoration to the grade, post of service from which the Officer was reduced;

(v) suspension;

(vi) premature retirement; and

(vii) removal or dismissal from service.

Explanation-I : The termination of employment shall not in the following cases be treated as removal or dismissal from service of -

(a) an Officer appointed on probation during or at the end of the period of probation in accordance with the terms of appointment; or

(b) a temporary Officer on the expiry of the period of the appointment;

or

(c) an Officer engaged on contract in accordance with the terms of his/her contract.

Explanation-II : Premature retirement means that the competent authority may get the Officer retired compulsorily as a measure of punishment before he/she has attained the age of superannuation.

(2) Prior to proposed imposition of penalties by the Executive Council or competent authority by way of premature retirement, removal or dismissal from service, the grounds on which it is proposed shall be reduced in the form of definite charge or charges and shall be communicated to the Officer concerned together with a statement of the facts considered while passing order on the case. The Officer charged with may put in a written statement for his/her defence for which he/she shall be given time not less than 30 days from the date of receipt of chargesheet along with the documentary evidence, if any.

Upon receipt of the statement of defence from the Officer, or at the expiry of the period allowed for submission of his/her statement of defence, the authority concerned may, after examination of relevant facts and consideration of the circumstances, may for reasons to be recorded in writing either drop the case or decide to proceed further. If it is decided to proceed further, a formal enquiry shall be held informing the Officer concerned of the penal measure provisionally proposed to be taken against

him/her and asking him/her to be present at the enquiry thereof, and if he/she so desires, he/she may produce further evidence in support of his/her defence. The competent authority shall thereafter take decision on the findings of the enquiry, If, however, it is decided to impose penalty/penalties within 15 days from the date of receipt of the above communication by him/her in this respect, and if considered necessary, a fresh enquiry will be made and evidence of such enquiry shall be taken into account before final orders are passed. In all cases, the principles of natural justice shall be followed and the officer shall be given adequate opportunities to defend his/her case;

Provided that no pleader shall be allowed to appear at any enquiry on behalf of the Officer concerned.

Provided, further that the entire process of enquiry as aforesaid shall be completed within a period of six months from the date of communication of the charges against the Officer.

CHAPTER-V

The 'appointing authority' shall issue orders relating to any

U. Ord. 12 (SR)(Off) : punishment that may be inflicted on any officer in
Issue of order of terms of the provision of U. Ord. 11 (SR) (Off).
Punishment.

(i) An order of suspension shall continue to remain in force until it

U. Ord. 13 (SR)(Off) : is modified, revoked or annulled by an order of the
Pay and allowances Court of Law or the authority which passed the
During suspension, order of suspension or until it merges in the final
Removal, dismissal or order of penalty or acquittal.
on retirement

(ii) Where the order of penalty is set aside or declared or rendered void by the decision of a Court, the order of suspension or penalty shall automatically lapse and the Officer shall be reinstated with effect from the date such penalty was imposed on him/her.

(iii) An officer who is removed or dismissed from services shall not draw any pay or allowances from the date such removal or dismissal is ordered to be effective.

(iv) The order of removal or dismissal from services shall not be given retrospective effect with reference to the date of the orders.

(v) An Officer under suspension shall be entitled to get the subsistence grant as prescribed by the State Government in this behalf:

Provided that recoveries shall be made on the following from the subsistence grant payable to the suspended Officer in the same way as from his/her salary.

(a) Income Tax dues, House Rent, etc.;

(b) Co-operative dues, loans and advances;

(c) Provident Fund Advances, LIC dues;

(d) Loss to the University for which the officer has been held responsible.

Provided further that the total amount of recovery shall not exceed one third of the subsistence grant.

(vi) When the suspension of an Officer is held to have been unjustifiable or not wholly justifiable, or when an Officer who had been suspended, removed or dismissed from services is reinstated, the competent authority shall grant him/her the period of his/her absence from duty : -

(a) If he/she is honorably acquitted, all financial benefits including promotion due, if any, as if he/she had not been suspended, dismissed or removed;

(b) if otherwise, such proportion of pay and allowances as the competent authority may determine.

(vii) In a case falling under sub-clause (vi), the entire period of absence from duty shall be treated as the period spent on duty. In a case falling under sub-clause (b) of clause (vi), the relevant period may be treated as on duty or on leave as the competent authority may direct.

(viii) The amount of subsistence grant or portion thereof, if any, already drawn by the officer shall be deducted from his/her pay and allowance which may be granted under this Ordinance.

The date on which an Officer attains the age of compulsory retirement as prescribed by the Act, Statutes or Ordinance shall

U. Ord. 14 (SR) (Off):
compulsory retirement

mean the afternoon of the last date of the month in which he/she attains such age.

A permanent officer must give the University at least three months

U. Ord. 15 (SR) (Off): notice, unless a shorter notice is accepted by the
Office for termination/ Executive Council. If he/she wants to resign from
resignation the post he/she holds in the University.

(i) An Officer shall draw pay and allowances attached to the post to

U. Ord. 16 (SR) (Off): which he/she has been appointed with effect from
Pay and allowances the date he/she assumes the duties of the post and
shall cease to draw the same when he/she ceases to
discharge these duties.

The holder of a post, the scale of pay of which is changed, shall be treated as if he/she has been transferred to the new scale of pay.

Unless otherwise decided by the competent

U. Ord. 17 (SR) (Off): authority, on first appointment to a post, the pay of
Office on first an Officer shall be fixed at the minimum of the time
appointment scale applicable to the post.

(i) An increment shall ordinarily be payable

U. Ord. 18 (SR) (Off): as a matter of source, unless withheld as a measure
Treatment of punishment.

(ii) An officiating or temporary service in another post and leave per than Extraordinary Leave without pay shall be counted for increment in the time scale of pay applicable to the post in which the Officer concerned holds a lien.

(iii) All kinds of leave other than Extraordinary Leave without pay shall be counted towards increment in the time scale of pay applicable to a post which the person concerned holds in an officiating or in a temporary capacity.

When an Officer is permitted to perform, in addition to his/her own duties, the duties of a post belonging to an

U. Ord. 19 (SR) (Off): equivalent of a higher category of pay scales he/she
Officiating or may be allowed to draw an additional allowance at
additional assignment the rate of 1/5th of his/her existing basic pay subject to a maximum as may be fixed by the Executive Council from time to time when he/she carries on such duties, under the orders of the Vice Chancellor, for a period of not less than one month:

Provided that for a period exceeding three months, approval of the Executive Council shall be necessary.

Provided further that such additional assignment shall ordinarily be permitted for more than a year.

CHAPTER-VI

U. Ord. 20 (SR) (Off): Appointment
 Appointment to all posts in the University shall be made by the appropriate authority as per provisions contained in the Act, the Statutes and the Ordinances framed for the purpose.

U. Ord. 21 (SR) (Off): Vacancies to be notified
 Subject to the provisions of the Act, the Statutes and the Ordinances, all vacancies other than the promotional vacancies in the Officers' cadre, shall be duly notified or advertised in the manner as may be determined by the Executive Council and appointment to such shall be made by the competent authority on the recommendation of the Standing Committee constituted for the purpose.

U. Ord. 22 (SR) (Off): Verification of original certificate etc.
 All certificates, degrees diplomas and other records of examination of an Officer shall be verified with reference to the originals before he/she is allowed to join the University services.

U. Ord. 23 (SR) (Off): Service Book and Character Roll
 The University shall maintain a Service Book, in duplicate, in Form No. 1 in respect of every Officer. The duplicate copy of the said Service Book, duly filled in, will be supplied to the Officer concerned. There shall also be a Character Roll maintained in Form No. 2 for the purpose of confirmation of an Officer on completion of Probationary period, if any.

CHAPTER-VII

U. Ord. 24 (SR) (Off): Probation
 An Officer appointed to a permanent post either by promotion or as a direct recruitment shall be on probation in terms of sub-section (2) of section 31 of the Act :

Provided that the Executive Council may consider the temporary or officiating services rendered by an Officer against a permanent post as part of the period of his/her probation.

When an officer appointed on probation is, at any time during the period of probation including the extended period, if any, found unsuitable for the post, the appointing authority may terminate the services of the Officer after giving him/her one month's notice in writing.

U. Ord. 25 (SR) (Off):
Reversion or termination
while on probation

An Officer appointed against a permanent post shall be confirmed to his/her post in terms of sub-section (4) of section 31 of the Act.

U. Ord. 26 (SR) (Off):
Confirmation

The services of an Officer appointed on a temporary basis may be terminated by the appointing authority at any time by a notice of one month in writing or without notice on payment of one month's salary.

U. Ord. 27 (SR) (Off):
Termination of services
of a temporary Officer

The retirement of every Officer shall be governed by the relevant provisions of the Statutes or the Ordinances of the University, as the case may be.

U. Ord. 28 (SR) (Off):
Retirement

The seniority of an Officer of the University borne in the same scale of pay shall be determined by the length of service rendered in that scale of pay. When the length of service as such of two or more Officers is the same, seniority shall be determined on the basis of the total length of service rendered as an Officer of the University. If seniority cannot be determined even then, it shall be determined on the basis of seniority in age.

U. Ord. 29 (SR) (Off):
Determination of
seniority

(i) The normal hours of duty in the office shall be from 10 a.m. to 5 p.m. with recess for half an hour from 1-30 p.m. to 2 p.m. on all full working days, and from 10 a.m. to 2 p.m. on half holidays.

U. Ord. 30 (SR) (Off):
Hours of duty

(ii) The total hours of duty in a day shall not be normally more than eight hours. However an Officer shall have to work beyond eight hours when called upon to do so by the appropriate authority.

(iii) The duty hours of an Officer may be staggered and the services may be regulated by prescribing different spells of duty at different hours in the interest of the University.

An Officer may apply in writing seeking permission to retire voluntarily on completion of fifteen years of service on condition that there are no dues pending against him/her or that there are no charges against him/her.

U. Ord. 31 (SR) (Off):
Hours of duty

Such an Officer may be permitted to retire voluntarily only after a careful

check up of his/her records of service. All retirement benefits shall be given to such an Officer retiring voluntarily, subject to the provisions of the relevant Statutes, Ordinances, Regulations, Rules, etc. of the University as in the case of normal compulsory retirement.

Provided that in the case of an Officer who has been rendered physically incapacitated in the opinion of a Medical Board constituted by the Executive Council for the purpose, the requirement of fifteen years of service may be waived.

CHAPTER-IX

In any case not expressly provided for in these Ordinances, the Executive Council shall give such directions as may be considered necessary and have the power to interpret these Ordinances.

U. Ord. 32 (SR) (Off):
Interpretation

SERVICE BOOK

Form No. 1

Part-I

1. Name of the Officer :
2. Department :
3. Designation :
4. Address :
 - (a) Permanent :
 - (b) Present :
5. Father's/Husband's name
with residential address :
6. Date of commencement of
service :
7. Date of Birth by Christian era
as entered into the Age
Register (the document on the
basis whereof the age has
been admitted should be
recorded) :
8. Date of attaining the age of
retirement :
9. Educational Qualifications :
10. Exact height by measurement :
11. Personal marks for
Identification, if any :
12. Signature of the Officer :
13. Signature of the
Appointing Authority :

Self signed
passport sized
photograph of
the Officer to
be affixed here

Signature.....

Date.....

Signature.....

Date.....

Part II

History of Service

Name of the post	Scale of pay with stages of increment	Whether post is permanent or temporary	Nature of appointment permanent/ Temporary/ Officiating	Date of appointment	Pay, Special Pay, personal pay, if any	Date of termination of appointment	Reason for termination of appointment (such as promotion, resignation, dismissal etc.)	Nature and duration of Leave taken	Record of appreciation/reward/praise/punishment, if any	Signature (with date) of the Officer	Signature (with date) of the Appointing Authority
1	2	3	4	5	6	7	8	9	10	11	12

Form No.-2
[vide U.Ord. 23(SR)(off)]

CONFIDENTIAL

Annual Report of the Officer for the year.....
....., Department/Branch.

Name :
Designation :
Scale of Pay : Rs.....
Date of joining : Date of birth.....

Report of the Controlling Officer/Dean of the Faculty

Assessment on	Remarks (only the following terms as may be applicable should be used-Very good; Good; Average; Poor)
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- Sec. A. 1. Knowledge
 (a) of Branch/Section/Unit.....
 (b) of Department.....
2. Personality & force of Character.....
3. Power of taking responsibility.....
4. Power of supervising staff.....
5. Judgement.....
6. Initiative.....
7. Efficiency.....
8. Attendance.....
9. Devotion to duty.....
10. Conduct & amenability to discipline.....
- Sec. B. 1. General remarks, if any, on outstanding
 nature of work done by the Officer or
 special qualification not included above.....
2. Confirmation of the officer (only
 recommended, not recommended as may
 be applicable, should be written)

I hereby certify that in my opinion and to the best of my knowledge and belief the performance reports of the officer is as stated above.

Date :

Signature of the Controlling
Officer/Dean of the Faculty
initiating the Report

Designation.....

General

Decision of the Executive Council/Remarks of the Appointing Authority

Date.....

Signature

(Office Seal)

NOTES

Section-A

1. Insert in this column any of the following markings as may be deemed fit against each item : Very good; Good; Average; Poor.
2. This report is to be regarded as confidential; but a poor marking against any item must be communicated in duplicate by the Registrar to the Officer concerned. The Officer should be required to sign and return to the Registrar one copy of intimation of poor markings as evidence that he/she has been notified.
3. Every effort should be made to arrive at a just estimate of the qualities of the Officer at the time the report is made. The person authorised to initiate report should rely on his/her own judgement and experience, and should, in no circumstances have access to previous reports, if any, on the same officer.
4. The report shall be based on the work of the Officer during the year under review and should contain no reference to matters unconnected with such work. The observations made should have a basis on facts which may or may not be specified in the report.

Sd/-S. N. Ghosh
Secretary to the Chancellor,
Burdwan University

Sd/- Viren J. Shah
Chancellor
Burdwan University

**Extract minutes of the meeting of the Executive Council
held on 23.07.2002**

Item No. 52

To note the contents of the Ordinances relating to Conduct of Service (Rules and Discipline) of the Officers of the University as received from the Chancellor's Secretariat duly signed by the Hon'ble Chancellor of the University of Burdwan.

Resolution

The Council noted that the Chancellor had indicated his assent on the Ordinances relating to 'Conduct of Service (Rules of Discipline) of the Officers of the University' and directed that the same be implemented.

CHANCELLOR'S SECRETARIAT

Bikash Bhavan, Bidhannagar, Calcutta-700 091

No. 812-Edu(U)

Dated Kolkata the 5th July : 2002

BU-4/97

From : The Secretary to the Chancellor
University of Burdwan
Burdwan
Pin-713104

To : The Registrar,
University of Burdwan,
Burdwan
Pin-713104

Sub : Ordinances relating to the Conduct of
Service (Rules of Discipline) of the Officers
of the University.

Sir,

I am directed to refer to your office letter No. R/Const./Ord. (S.R.) (Off)/21 dated 11.07.97 on the subject mentioned above and to forward herewith a copy of the aforesaid Ordinances, duly assented to by the Hon'ble Chancellor, for further necessary action at your end.

Receipt of the same may please be acknowledged.

Yours faithfully

for Secretary to the Chancellor

Enclo : As above

THE UNIVESITY OF BURDWAN

Service Conduct Rules Relating to the Teachers of the University

In exercise of the powers conferred by sub-section (19) of Section 4, Clause (X) of Section 21 of the Burdwan University Act, 1981 as amended up-to-date read with the provisions of U. Ord. 9 (T.U.) of the relevant First Ordinances of the University, the University makes the following rules, namely,-

The Service Conduct Rules Relating to the Teachers of the Unviersity.

CHAPTER -I

U. Rule 1 (SR) :
Short Title &
Commencement

1. These Rules may be called the Service Conduct Rules for University Teachers,
2. They shall come into force from such date as may be appointed for the purpose.

CHAPTER-II

U. Rule 2 (SR) :
Interpretation &
definition

In these rules, unless the context otherwise requires- (a) Words and expressions used shall be interpreted to have the same meaning as they have in the Act.

(i) 'the Act' means the Burdwan University Act, 1981 (West Bengal Act XXIII of 1981) read with the up-to-date amendments;

(ii) 'the First Ordinances' mean the Ordinances framed under the Burdwan University Act, 1981 and as amended from time to time;

(iii) 'appointing authority' means the authority empowered under the provisions of the Act, the Statutes and the Ordinances to make appointments to a Cadre or to different Cadres of services or posts under the University, but shall not include any delegated authority for the purposes of these rules.

(iv) 'cadre' means the strength of a service or a part of a service sanctioned as a sepearte unit;

(v) 'competent authority' means the authority or body or any other person authorised specifically for the purposes of these rules;

(vi) 'duty' means and includes what a teacher is bound or required to do by the terms of his/her appointment and as may be assigned to him/her by the competent authority from time to time; provided that, such assigned duties should be of academic nature and consistent with the duties ordinarily performed by him/her.

(vii) 'disciplinary authority' in relation to the imposition of a penalty on a teacher means an authority competent to impose any of the penalties specified in these rules.

(viii) 'day' means a calendar day beginning and ending at midnight.

(ix) '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 be calculated subsequently;

(x) 'year' means the period commencing from the first day of June and ending on the thirty first day of May following;

(xi) 'pay' means the amount drawn monthly by a teacher as pay, special pay, dearness pay and personal pay in terms of his/her employment and conditions of service;

(xii) 'basic pay' means the pay, other than special pay any other emoluments which may be specially classed as pay or pay granted in view of personal considerations or qualifications, which has been sanctioned for a post held by a teacher substantively or in an officiating capacity, or to which he/she is entitled by reason of his/her position in a cadre;

(xiii) 'substantive pay' means the pay of the permanent post which teacher holds substantively but does not include special pay, personal pay or dearness pay which a teacher is entitled to for his/her serving in a permanent post on being appointed there substantively;

(xiv) 'special pay' means an addition, of the nature of pay, to the emoluments of the teacher in consideration of (a) the specially arduous nature of duties, or (b) a specific addition to the work or responsibility;

(xv) 'personal pay' means an additional pay granted to a teacher either to save him/her from loss of substantive pay or on the basis of individual and personal consideration as merits the grant of such pay;

(xvi) 'honorarium' means a recurring or non-recurring payment granted to a teacher from revenues as remuneration for special work of an occasional character;

(xvii) 'subsistence grant' means a monthly grant payable to a teacher who is not in receipt of pay or leave salary during the period of suspension;

(xviii) 'compensatory allowances' means an allowance including travelling allowance granted to a teacher to meet personal expenditure necessitated by special circumstances in which duty is performed;

(xix) 'permanent post' means a post declared as such by the competent authority and carrying a definite time scale of pay and sanctioned without limit of time;

(xx) 'temporary post' means a post declared as such by the competent authority and carrying a definite time scale pay and sanctioned for a limited period of time;

(xxi) 'tenure of post' means a permanent post which a teacher may not hold for more than a limited period;

(xxii) 'probationer' means a teacher employed on trial in or against a substantive vacancy in the cadre of a department for determining his/her fitness for eventual substantive appointment;

(xxiii) 'officiating to a post' means performing the duties of a post by a teacher on which another person holds a lien or when he/she is appointed by the authority competent to make substantive appointment to the post to officiate in a vacant post on which no other teacher holds a lien;

(xxiv) 'holiday' means (a) a Sunday, or (b) a holiday prescribed and notified as such by the Executive Council in relation to any office or department of the University, or (c) a day on which such office, department is ordered by the Vice-Chancellor to be closed by notice in writing;

(xxv) 'leave' means the privilege allowed to a teacher of being absent from duty in terms of the University Leave Rules;

(xxvi) 'lien' means the title of a teacher to hold substantively, either immediately or on the termination of a period or periods of absence, a

permanent post, including a tenure post, to which he/she has been appointed substantively;

(xxvii) 'medical certificate' means a certificate from a registered medical practitioner recognised by the State Government.

These rules shall apply to all the teachers of the University. In respect of the teachers appointed on contractual basis, the contractual terms shall prevail, but these rules in so far as they are not inconsistent with any provision of the contract, shall apply.

U. Rule 3 (SR) :
Application

of the teachers appointed on contractual basis, the contractual terms shall prevail, but these rules in so far as they are not inconsistent with any provision

of the contract, shall apply.

CHAPTER-III

At the time of entry into the services of the University an applicant shall make a declaration of his/her age which shall always be verified with reference to the School Final or equivalent examination pass certificate. No revision of age once recorded in the Age Register on the above basis shall ever be made on any ground, whatsoever.

U. Rule 4 (SR) :
Record of Age

shall make a declaration of his/her age which shall always be verified with reference to the School Final or equivalent examination pass certificate. No

revision of age once recorded in the Age Register on the above basis shall ever be made on any ground, whatsoever.

The services of a whole-time teacher may be utilised, as and when required in the interest of the University, in such manner as may be prescribed by the appropriate authority, provided that, such engagement is not inconsistent with the nature of duties normally performed by him/her.

U. Rule 5 (SR) :
Utilisation of Service

required in the interest of the University, in such manner as may be prescribed by the appropriate authority, provided that, such engagement is not

inconsistent with the nature of duties normally performed by him/her.

U. Rule 6 (SR) :
Substantive Appointment

A teacher shall not be appointed substantively to a post on which another teacher holds a lien.

Unless in any case it be otherwise provided in these rules, a teacher on substantive appointment to any permanent post shall acquire a lien on that post and shall cease to hold any lien previously acquired by him/her on any other post.

U. Rule 7 (SR) :
Lien on substantive appointment

on substantive appointment to any permanent post shall acquire a lien on that post and shall cease to hold any lien previously acquired by him/her on any

other post.

U. Rule 8 (SR) :
Headquarters

The Headquarters of a teacher shall be the station where the University office is situated and where his/her records of office are kept.

CHAPTER - IV

(1) Every teacher shall-

- U. Rule 9 (SR) :
Duty and discipline
- (a) be devoted to his/her duties;
 - (b) maintain absolute integrity in the discharge of his/her duties; and
 - (c) refrain from doing anything which is prejudicial to the interests of the University.

(2) (i) The Heads of the departments shall assign, in accordance with the decision of the committee of the concerned department of studies, respective duties and role of teachers and other employees working under their control so that the responsibility for any lapses could be fixed by the authorities of the University.

(ii) A teacher, when not on leave, shall be present at his/her place of duty during the scheduled working hours as decided by the Executive Council to carry on the duties allotted to him/her.

(iii) Except for valid reasons, and/or unforeseen contingencies, no teacher shall be absent from duties without prior intimation.

(iv) No teacher of the University shall join or continue to be a member of a body or an association the objectives whereof are prejudicial to the interest of the University or public order or morality. If a question arises whether the provision of this rule has been contravened in particular case the matter shall be referred to the Executive Council whose decision on the point shall be final;

Provided that, nothing in this rule shall affect the Trade Union rights of a teacher.

(v) No teacher of the University shall divulge, either directly or indirectly, any official secrecy when secrecy is required by normal performance of duty concerning the University to the Press or to an outsider.

(vi) No teacher shall bring or attempt to bring any pressure or influence in any manner, whatsoever, to bear upon any superior authority to further any personal interest or the interests of relatives in respect of any confidential matters.

(1) (a) Every teacher of the University shall be subject to disciplinary measure(s) for reason(s) of : -

U. Rule 10 (SR) :
Discipline & conduct
of the teacher;
punishment

(i) violation of any term of condition of service.

(ii) neglect of duties including examination assignments;

(iii) violation of orders regarding discipline;

(iv) misappropriation and defalcation of funds;

(v) moral turpitude;

(vi) taking of illegal gratification;

(vii) tampering with official records; or

(viii) any other misconduct which in the opinion of the Executive Council calls for disciplinary action.

(b) The Executive Council shall be competent to impose such penalties upon a teacher as it may deem fit in consideration of the gravity of the case mentioned in the above paragraph (a) with any or more of the following :

(i) censure;

(ii) withholding of increment(s) or promotion;

(iii) recovery from pay or any pecuniary loss caused to the University by the teacher;

(iv) suspension;

(v) premature retirement; and

(vi) removal or dismissal from services;

Examination :

I. The termination of employment shall not in the following cases be treated as removal or dismissal from services of-

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

(b) a temporary teacher on the expiry of the period of his/her appointment; or

(c) a teacher engaged on contract in accordance with the terms of his/her contract.

Premature retirement means that the competent authority may get a teacher retired compulsorily as a measure of punishment before he/she has attained the age of superannuation.

(i) Prior to proposed imposition of penalties by the Executive Council/competent authority by way of premature retirement, removal or dismissal from services, the grounds on which it is proposed shall be reduced in the form of definite charge or charges and communicated to the teacher concerned together with a statement of the facts considered while passing orders on the cases. The teacher charged may put in a written statement of the defence for which he/she shall be given time not less than 30 days from the date of receipt of charge-sheet alongwith the documentary evidence, if any.

(ii) Upon receipt of the statement of defence from the teacher, or at expiry of the period allowed for submission of his/her statement of defence, the authority concerned may, after examination of relevant facts and consideration of the 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 teacher concerned of the penal measures provisionally proposed to be taken against him/her and asking him/her to be present at the enquiry thereof, if he/she so desires to produce further evidence in support of his/her defence. The competent authority shall there-after take decision on the findings of the enquiry. If, however, it is decided to impose penalty/penalties other than what was communicated to the teacher at the stage of the formal enquiry, another opportunity will be given to him/her to submit a written statement against imposition of the other penalty/penalties within 15 days from the date of receipt of the 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 to natural justice shall be followed and the teacher shall be given adequate opportunities to defend his/her case;

Provided that no pleader shall be allowed to appear at any enquiry on behalf of the teacher concerned;

Provided further that the entire process of enquiry as aforesaid shall be completed within a period of six months from the date of communication of the charges against the teacher.

U. Rule 11 (SR) :
Issue of order and
punishment

The 'appointing authority' shall issue orders relating to any punishment that may be inflicted on any teacher in terms of the provision of U. Rule 10 (SR).

U. Rule 12 (SR) :
Pay and allowances
during suspension,
removal dismissal or
on reinstatement

(a) An order of suspension shall continue to remain in force until it is modified, revoked or annulled by an order of the authority which passed the order of suspension or by the Court of Law until it merges in the final order of penalty or

acquittal.

(b) Where the order of penalty is set aside or declared or rendered void by the decision of a Court, the order of suspension or penalty will automatically lapse and the teacher shall be reinstated with effect from the date such penalty was imposed on him/her.

(c) A teacher who is removed or dismissed from services shall not draw any pay or allowances from the date such removal or dismissal is ordered to be effective.

(d) The order of removal or dismissal from services shall not be given retrospective effect with reference to the date of the orders.

(e) A teacher under suspension shall be entitled to get subsistence grant as prescribed by the State Government in this behalf;

Provided that, recoveries be made on the following from the subsistence grant payable to the suspended teacher in the same way as from his/her salary-

(i) Income Tax dues, House Rent, etc.;

(ii) Co-operative dues, loans and advances;

(iii) Provident Fund Advances, LIC dues;

(iv) Loss to the University for which the teacher has been held responsible, and

(v) Any other dues.

Provided further that, the total amount of recovery shall not exceed one third of the subsistence grant.

(f) When the suspension of a teacher is held to have been unjustifiable or not wholly justifiable, or when a teacher who had been suspended, removed or dismissed from services is reinstated, the competent authority shall grant to him/her for the period of his/her absence from duty :-

(i) If he/she is honourably acquitted, all financial benefits including promotion due, if any, as if he/she had not been suspended, dismissed or removed;

(ii) if otherwise, such proportion of pay and allowance as the competent authority may prescribe.

In a case falling under sub-paragraph (i) of above paragraph (f), the entire period of absence from duty shall be treated as the period not on duty. In a case falling under sub-paragraph (ii) of the said paragraph, the relevant period may be treated as on duty or on leave as the competent authority may direct.

(iii) The amount of subsistence grant or portion thereof, if any, already drawn by the teacher shall be deducted from his/her pay and allowances which may be granted under this rule.

The date on which a teacher attains the age of compulsory retirement as prescribed by the Act, Statutes or Ordinances shall mean the afternoon of the last date of the month in which he/she attains such age.

A permanent teacher must give the University three months' notice, unless a shorter notice is accepted by the Executive Council, if he/she wants to resign from his/her post held in the University.

CHAPTER - V

(a) A teacher shall begin to draw pay and allowances attached to the post to which he/she has been appointed with effect from the date he/she assumes the duties of the post and shall cease to draw the same when he/she ceases to discharge those duties.

(b) The holder of a post, the scale of pay of which is changed, shall be treated as if he/she has been transferred to the new scale of pay.

U. Rule 16 (SR) :
Pay on first
appointment

Unless otherwise decided by the competent authority, on first appointment to a post, the pay of a teacher shall be fixed at the minimum of the time scale applicable to that post.

U. Rule 17 (SR) :
Increment

(i) An increment shall ordinarily be drawn as a matter of course, unless withheld as a measure of punishment.

(ii) Officiating or temporary service in another post and leave other than extraordinary leave without pay shall count for increment in the time scale of pay applicable to the post in which the teacher concerned holds a lien.

(iii) All kinds of leave other than extraordinary leave without pay shall count towards increment in the time scale of pay applicable to a post which the teacher concerned holds in an officiating or in a temporary capacity.

When a teacher is permitted to perform, in addition to his/her own duties, the duties of a post belonging to an equivalent or a higher scale of pay, he/she may be allowed to draw an additional allowance at the rate of 1/5th of his/her existing basic pay subject to a maximum as may be fixed by the Executive Council from time to time when he/she carries on such duties, under the orders of the Vice-Chancellor, for a period of not less than one month;

U. Rule 18 (SR) :
Officiating

Provided that, for a period exceeding three months, approval of the Executive Council shall be necessary.

CHAPTER - VI

Appointment to all teaching posts in the University shall be made by

U. Rule 19 (SR) :
Appointment

the appropriate appointing authority as per provision(s) contained in the Act, Statutes and Ordinance framed for the purpose

Subject to the provisions of the Act, Statutes and Ordinances, all

U. Rule 20 (SR) :
Vacancies to be notified

vacancies of teaching posts shall be duly notified/ advertised in the manner as may be determined by

the Executive Council and appointment to such posts shall be made by the competent authority on the recommendation of the Selection Committee/ Standing Committee/Screening Committee constituted for the purpose.

There shall be seniority lists of teachers for each of the University

Rule 21` (SR) : Departments of Studies prepared and published by
 Senirioty List the University;

Provided that, the seniority of a teacher of the University shall be determined as per provisions of Explanation (ii) of paragraph (2) of St. 5 (UDS) of the Statutes relating to the Constitution, Function and Management of the University Departments of Studies.

Rule 22 (SR) : All certificates, degrees, diplomas and other
 Verification of original records of examination of a teacher shall be verified
 certificates etc. with reference to the originals before he/she is
 allowed to join the University services.

Rule 23 (SR) : The University shall maintain a Service Book
 Service Book and (in duplicate), in Form No. 1 in respect of every
 Character Roll teacher.

CHAPTER - VII

A teacher appointed to a permanent post either by promotion or by

U. Rule 24 (SR) : direct recruitment shall be on probation in terms of
 Probation sub-section (2) of section 31 of the Act;

Provided that, the Excutive Council may consider the temporary officiating service rendered by a teacher against a permanent post as a part of the period of his/her probation.

When a teacher appointed on probation is, at any time during the period of probation including the extended period, if

Rule 25 (SR) : any, found unsuitable for the post, the appointing
 Reversion/ authority may (i) in the case of a promotee, revert
 termination while on him/her to the post held by him/her immeadiately
 probation before such promotion; and (ii)in the case of direct recruit, terminate the
 services of the teacher after giving him/her one month's notice in writing.

U. Rule 26 (SR) :
confirmation

A teacher appointed against a permanent post shall be confirmed to his/her post in terms of Sub-section (4) of Section 31 of the Act.

Rule 27 (SR) :
Termination of
services of a
temporary teacher

The services of a teacher appointed on a temporary basis may be terminated by the appointing authority at any time by a notice of one month in writing or without notice on payment of one month's salary.

U. Rule 28 (SR) :
Retirement

The retirement of a teacher shall be governed by the relevant provisions of the Statutes or the Ordinances of the University, as the case may be.

Rule 29 (SR) :
Voluntary
Retirement

A teacher may apply in writing seeking permission to retire voluntarily on completion of fifteen years of service on condition that there are no dues pending against him/her. Such a teacher may be permitted to retire voluntarily only after a careful and thorough check-up of his/her records of service. All retirement benefits shall be given to such a teacher subject to the provisions of the Act, the Statutes, Ordinances, Regulations, Rules of the University as in the case of a teacher on normal compulsory retirement;

Provided that, in the case of a teacher who has been rendered physically incapacitated in the opinion of a Medical Board constituted by the Executive Council for the purpose, the requirement of fifteen years of service may be waived.

CHAPTER -IX

U. Rule 30 (SR) :
Interpretation

In any case not expressly provided for in these Rules, the Executive Council shall give such directions as may be necessary and have the power to interpret these rules.

THE UNIVERSITY OF BURDWAN

Assented by the Hon'ble Chancellor on 27/06/2000

In exercise of the power conferred by Section 49, read with clause (1) of Section 21, and Section 50 of the Burdwan University Act., 1981 (West Bengal Act XXIII of 1981), the Executive Council of the University of Burdwan hereby makes the following ordinances relating to the conduct of service (rules of discipline) of the non-teaching staff of the University :

Ordinances relating to the conduct of service (Rules of Discipline) of the non-teaching staff of the University.

CHAPTER I

These Ordinances may be called the University Ordinances relating to the conduct of service rules of discipline of the non-teaching staff of the University.

U.Ord. 1 (SR) (NTU) :
Short title

CHAPTER II

(1) Words and expressions used in these Ordinances and not defined but defined in this Act, shall be interpreted to have the same meaning as they have in the Act.

U.Ord. 2 (SR) (NTU) :
Interpretation and
definition

(a) In these Ordinances, unless the context otherwise requires-

(i) 'the Act' means the Burdwan University Act, 1981 (West Bengal Act XXIII of 1981), read with the up-to-date amendments;

(ii) 'the First Ordinances' means the Ordinances framed under the Burdwan University Act., 1981 and as amended from time to time;

(iii) 'appointing authority' means the authority empowered under the provisions of the Act, the Statutes and the Ordinances for making appointments to a Cadre or to different Cadres of services of posts under the University, but shall not include any delegated authority for the purposes of these Ordinances;

(iv) 'cadre' means the strength of service or a part of a service sanctioned as a separate unit;

(v) 'competent authority' means the authority or body or any other person authorised specifically for the purposes of these Ordinances;

(vi) 'duty' means and includes what a non-teaching staff is bound or required to do by the terms of his/her appointment and as may be assigned to him/her befitting his/her post by the competent authority, from time to time;

Provided that such assigned duties shall be consistent with the duties ordinarily performed by the non-teaching staff.

(vii) 'disciplinary authority' in relating to the imposition of a penalty on a non-teaching staff means an authority competent to impose any of the penalties specified in these ordinances;

(viii) 'day' means calendar day beginning and ending at midnight;

(ix) '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 shall first be calculated and the odd number of days be calculated subsequently;

(x) 'year' means the period commencing from the first day of June and ending on the thirty first day of May following;

(xi) 'pay' means the amount drawn monthly by a non-teaching staff as pay, special pay, dearness pay and personal pay in terms of his/her employment and conditions of service;

(xii) 'basic pay' means the pay, other than special pay and any other emoluments which may be specially classed as pay or pay granted in view of personal considerations of qualifications, which has been sanctioned for a post held by a non-teaching staff substantively or in an officiating capacity, or to which he/she is entitled by reason of his/her position in a cadre;

(xiii) 'substantive pay' means the pay of the permanent post which a non-teaching staff holds substantively but does not include special pay, personal pay or dearness pay which a non-teaching staff is entitled to for his/her serving in a permanent post on being appointed there substantively.

(xiv) 'special pay' means an addition, of the nature of pay, to the emoluments of the non-teaching staff in consideration of (a) the specially arduous nature of duties, or (b) a specific addition to the work or responsibility;

(xv) 'personal pay' means an additional pay granted to a non-teaching staff either to save him/her from loss of substantive pay or on the basis of individual and personal consideration as merits the grant of such pay;

(xvi) 'honorarium' means a recurring or non-recurring payment granted to a non-teaching staff from revenue as remuneration for special work of an occasional character;

(xvii) 'subsistence grant' means a monthly grant payable to a non-teaching staff who is not in receipt of pay or leave salary during the period of suspension;

(xviii) 'compensatory allowance' means an allowance including travelling allowance granted to a non-teaching staff to meet personal expenditure necessitated by special circumstances in which duty is performed;

(xix) 'permanent post' means a post declared as such carrying a definite time scale of pay and sanctioned without limit of time;

(xx) 'temporary post' means a post declared as such carrying a definite time scale of pay and sanctioned for a limited period of time;

(xxi) 'tenure post' means a permanent post which a non-teaching staff may not hold for more than a limited period;

(xxii) 'probation' means employment on trial basis in or against a substantive vacancy in the cadre/post of department for determining the fitness of a non-teaching staff for eventual substantive appointment;

(xxiii) 'officiating to a post' means performing the duties of a post by non-teaching staff on which another person holds a lien or when he/she is appointed by the authority competent to make a substantive appointment to the post to officiate in a vacant post on which no other person holds a lien;

(xxiv) 'holiday' means (a) a sunday, or (b) a holiday prescribed and notified as such by the Executive Council in relation to any office or department of the University, or (c) a day on which such office, department is ordered by the Vice-Chancellor to be closed by a notice in writing;

(xxv) 'leave' means the privilege allowed to a non-teaching staff of being absent from duty in terms of the University leave rules;

(xxvi) 'lien' means the title of a non-teaching staff to hold substantively either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he/she has been appointed substantively;

(xxvii) 'medical certificate' means a certificate from a registered medical practitioner recognised by the State Government.

These Ordinances shall apply to all non-teaching staff whose conditions of service the University is competent to regulate. In respect of non-teaching staff appointed on contractual basis, the contractual terms shall prevail but these Ordinances in so far as they are not inconsistent with any provision of the contract, shall apply.

U.Ord. 3 (SR) (NTU) :
Application

CHAPTER-III

(a) No person who is below 18 years of age shall be appointed to the services of the University

U.Ord. 4 (SR) (NTU) :
Minimum age of entry
into services and
Record of age

(b) At the time of entry into the services of the University an applicant shall make a declaration of his/her age which shall always be verified with reference to the School Final or equivalent examination pass certificate or in the absence thereof on the basis of records of school leaving certificate or on such basis as may be determined by the Vice-Chancellor. No revision of age once recorded in the age register on the above basis shall ever be made on any ground, whatsoever.

The Executive Council may, as when it deems fit, direct a non-teaching

U.Ord. 5 (SR) (NTU) :
Medical Check-up

staff to undergo medical check-up by the Medical Officer of the University/Chief Medical Officer of Health, Burdwan/Superintendent, Burdwan Medical College and Hospital.

The services of a whole-time non-teaching staff may be utilised, as

U.Ord. 6 (SR) (NTU) :
Utilisation of
Services

and when required in the interest of the University, in such manner as may be prescribed by the appropriate authority : provided that, such

engagement is not inconsistent with the nature of duties normally performed by him/her.

U.Ord. 7 (SR) (NTU) : A Non-teaching staff shall not be appointed
Substantive substantively to a post on which another non-
Appointment teaching staff holds a lien.

Unless in any case it be otherwise provided in these ordinances, a
U.Ord. 8 (SR) (NTU) : non-teaching staff on substantive appointment to
Lien on Substantive any permanent post shall acquire a lien on that post
Appointment and shall cease to hold any lien previously acquired
by him/her on any other post.

The Executive Council may, after considering all relevant aspects as
U.Ord. 9 (SR) (NTU) : it may deem necessary in any particular case, order
Transfer the transfer of a non-teaching staff from one post
to another as a measure of discipline.

U.Ord. 10 (SR) (NTU) : The headquarters of a non-teaching staff
Headquarters shall be the station where the University office is
situated and where his/her records of office are kept.

CHAPTER IV

U.Ord. 11 (SR) (NTU) : (1) Every non-teaching staff shall-
Duty and discipline (a) be devoted to his/her duties;
b) maintain absolute integrity in the discharge of his/her duties; and;
(c) refrain from doing anything which is prejudicial to the interests of
the University.

(2) (i) The heads of the Departments, including teaching departments,
shall indicate by issuing office orders the respective duties and role of the
non-teaching staff working under their control so that the responsibility for
any lapses could be fixed by the authorities of the University.

(ii) A non-teaching staff holding a supervisory post shall take all
possible steps to ensure the integrity and devotion to duty of all other
employees placed under his/her control.

(iii) In the performance of his/her official duties or in the exercise of the powers conferred on him/her, a non—teaching staff shall always act according to what is best in his/her judgement and best calculated to serve the interest of the University. When he/she is acting under the direction of official superior and no question of exercising his/her own judgement arises, he/she shall obtain the prior direction in writing from his/her superior, whenever practicable, and when it is not, take steps to obtain confirmation in writing of the directions as soon, thereafter as possible.

Explanation : The above provision of clause (iii) of paragraph (2) shall not be construed as authorizing a non-teaching staff to evade his/her responsibilities by way of seeking instructions from or approval of a supervisory-staff or officer or authority when such' instructions are not necessary under delegation of power and responsibilities as may be in force, or in the case of routine, nature of work which a non-teaching staff is required to perform ordinarily on his/her own.

(iv) Unless otherwise specified in the terms of appointment every whole-time non-teaching staff may, if the exigencies of services so require, be called upon to perform such duties as may be assigned to him/her by the Head of the Department, whether within the scheduled working hours, or beyond them or on holidays.

(v) A non-teaching staff when not on leave, shall be present at his/her place of duties during the scheduled working hours as decided by the Executive Council, to carry on the duties allotted to him/her.

(vi) Except for valid reasons, and/or unforeseen contingencies, no non-teaching staff shall be absent from duties without prior permission-or leave or be away from the Headquarters.

(vii.) (a) Every non-teaching staff of the University must sign his/her attendance in the attendance register maintained for the purpose.

(b) The attendance of every non-teaching staff as well as fixing of working hours shall be regulated by office orders as may be issued in this regard with the approval of the Vice-Chancellor.

(c) If any non-teaching staff is found- leaving office within office hours after signing the attendance register without obtaining necessary

permission from his/her Controlling Officer, he/she shall be marked as absent for the day.

(d) A non-teaching staff found to be loitering about unnecessarily in different premises or found to be engaged in affairs other than those relating to the duties of his/her offices. may be subjected to disciplinary measures as may be called for.

(viii) No non-teaching staff of the-univeraity shall join-or continue to be a member of a body or an association the objectives, of which are prejudicial to the interest of the University or public order or morality. If a question arises whether the provision of this Ordinance has been contravened in a particular case, the matter shall be referred to the Executive Council whose decision on the point shall be final:

Provided that, nothing in this Ordinance shall affect the Trade Union rights of a non-teaching staff.

(ix) No non-teaching staff of the University shall serve in or give evidence before any Committee or Commission without obtaining prior permission of the Executive Council other than the cases mentioned hereunder:

(a) Committee or Commission appointed by the Central Government, the State Government, the Parliament or the State Legislature;

(b) a judicial enquiry; or

(c) a departmental enquiry ordered by the Chancellor, the Vice-Chancellor or any authority of the University.

(x) No non-teaching staff of the University shall divulge either directly or indirectly, any official secrecy concerning the University to the Press or to an outsider.

(xi) A non-teaching staff of the University shall-so manage his/her private affairs as to avoid habitual indebtedness or insolvency. A non-teaching staff, against whom any legal proceeding is instituted for the recovery of any debt due from him/her or for adjudging him/her as an insolvent shall forthwith report the full facts to the Vice-Chancellor:

Provided that the burden of proving that the insolvency or indebtedness was the result of the circumstances which, with the exercise of ordinary prudence, the non-teaching staff could not have foreseen, or over which he/she had no control, and had not proceeded for extravagant or

dissipated habit, shall be upon the non-teaching staff himself/herself.

(xii) No non-teaching staff of the University, if not compelled, shall except with the previous permission of the Executive Council, have recourse to the Court of Law or to the Press for the vindication of any official act which has been the subject matter of adverse criticism or attack of a defamatory character on him/her:

Provided that, nothing in this ordinance prohibits a non-teaching staff from vindicating his/her private character or act done in his/her private capacity; Where any action taken in a such a case by the non-teaching staff, he/she shall forthwith report the same to the Executive Council.

(xiii) No non-teaching staff shall bring or attempt to bring any pressure or influence in any manner, whatsoever, to bear any superior authority to further any personal interest or the interests of relatives in respect of any confidential matters or in respect of service under University or in respect of financial transaction, contracts or the like.

(1) (a) Every non-teaching staff of the University shall be subject to disciplinary measure(s) for reason(s) of-

U.Ord. 12 (SR) (NTU) : Discipline and conduct of non-teaching staff, punishment

(i) violation of any term of conditions of service;

(ii) want of due diligence in the performance of duties;

(iii) neglect of duties;

(iv) violation of orders regarding attendance and office discipline;

(v) misappropriation and defalcation of funds;

(vi) insubordination or disregard or violation of the order of superior officer/authority;

(vii) moral turpitude or offences like theft;

(viii) taking of illegal gratification;

(ix) tampering with official records; and

(x) any other misconduct which in the opinion of the Executive Council calls for disciplinary action.

(b) The Executive Council shall be competent to impose such penalties upon a non-teaching staff as it may deem fit in consideration of the gravity

of the case mentioned in the above paragraph (a) with any or more of the following :

(i) censure;

(ii) withholding of increment(s) or promotion;

(iii) recovery from pay of any pecuniary loss caused to the University by the non-teaching staff;

(iv) reduction to a lower time scale of pay, grade, post or service with or without further direction regarding conditions of restoration including protection of his/her seniority and pay on such restoration to the grade, post or service from which the non-teaching staff was reduced;

(v) suspension;

(vi) premature retirement; and

(vii) removal or dismissal from services.

Explanation : I

The termination or employment shall not in the following cases be treated as removal or dismissal from services of-

(a) a non-teaching staff appointed on probation during or at the end of the period of probation in accordance with the terms of appointment; or

(b) a temporary non-teaching staff on the expiry of the period of the appointment; or

(c) a non-teaching staff engaged on contract in accordance with the terms of his/her contract.

Explanation : II

Premature retirement means that the competent authority may get the non-teaching staff retired compulsorily as a measure of punishment before he/she has attained the age of superannuation. (2) Prior to proposed imposition of penalties by the Executive Council/competent authority by way of premature retirement, removal or dismissal from services, the grounds on which it is proposed shall be reduced in the form of definite charge or charges and shall be communicated to the non-teaching staff concerned together with a statement of the facts considered while passing orders on the cases. The non-teaching staff charged with may put in a written

statement of his/her defence for which he/she shall be given time not less than thirty days from the date of receipt of charge-sheet alongwith the documentary evidence, if any.

Upon receipt of the statement of defence from the non-teaching staff, or at the expiry of the period allowed for submission of his/her statement of defence, the authority concerned may, after examination of relevant facts and consideration of the 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 non-teaching staff concerned of the penal measures provisionally proposed to be taken against him/her and asking him/her to be present at the enquiry thereof, if he/she so desires. to produce further evidence in support of his/her defence. The competent authority shall thereafter take decision on the findings of the enquiry. If however, it is decided to impose penalty/penalties other than what was communicated to the non-teaching staff at the stage of the former enquiry, another opportunity shall be given to him/her to submit a written statement against imposition of the other penalty/penalties within fifteen days from the date of receipt of the above communication by him/her in this respect, and if considered necessary, a fresh enquiry will be made and 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 non-teaching staff shall be given adequate opportunities to defend his/her case :

Provided that, no pleader shall be allowed to appear at any enquiry on behalf of the non-teaching staff concerned :

Provided further that, the entire process of enquiry as aforesaid shall be completed within a period of six months from the date of communication of the charges against the non-teaching staff.

The 'appointing authority' shall issue orders relating to any punishment that may be inflicted on any non-teaching staff in terms of the provision of U.ord. 12 (SR)(NTU).

U.Ord. 13 (SR) (NTU) :
Issue of order
punishment

(a) An order of suspension shall continue to remain in force until it is modified revoked or annulled by an order of the Court of Law or the authority which passed the order of suspension or until it merges in the final order of penalty or acquittal.

U.Ord. 14 (SR) (NTU) :
Pay and allowances
during suspension,
removal, dismissal or
on reinstatement

(b) Whether the order of penalty is set aside or declared or rendered void by the decision of a Court of Law, the order of suspension of penalty shall automatically lapse and the non-teaching staff shall be reinstated with effect from the date such penalty was imposed on him/her.

(c) A non-teaching staff who is removed or dismissed from services shall not draw any pay or allowances from the date such removal or dismissal is ordered to be effective.

(d) The order of removal or dismissal from services shall not be given retrospective effect with reference to the date of the orders.

(e) A non-teaching staff under suspension shall be entitled to get subsistence grant as perscribed by the State Government in this behalf;

Provided that, recoveries shall be made on the following from the subsistence grant payable to the suspended non-teaching staff in the same way as from his/her salary :

(i) Income Tax dues, House Rent, etc.;

(ii) Co-operative dues, loans and advances;

(iii) Provident fund advance, LIC dues;

(iv) Loss to the University for which the non-teaching staff has been held responsible and

(v) any other dues.

Provided further that, the total amount of recovery shall not exceed one third of the subsistence grant.

(f) When the suspension of non-teaching staff is held to have been unjustifiable or not wholly justifiable, or when a non-teaching staff who had been suspended, removed or dismissed from services is reinstated, the competent authority shall grant him/her the period of his/her absence from duty:

(i) if he/she is honorably acquitted, all financial benefits including promotion due, if any, as if he/she had not been suspended, dismissed or received;

(ii) If otherwise, such proportion of pay and allowances as the competent authority may prescribe.

(g) In a case falling under sub-paragraph (1) of above paragraph (f), the entire period of absence from duty shall be treated as the period spent

on duty. In a case falling under sub-paragraph (ii) of the said paragraph, the relevant period may be treated as on duty or on leave as the competent authority may direct.

(h) The amount of subsistence grant or portion thereof, if any, already drawn by the non-teaching staff, shall be deducted from his/her pay and allowances which may be granted under this ordinance.

The date on which a non-teaching staff attains the age of compulsory retirement as prescribed by the Act, Statutes, or Ordinances shall mean the afternoon of the last date of the month in which he/she attains such age.

A permanent non-teaching staff must give the University at least three months' notice, unless a shorter notice is accepted by the Executive Council if he/she wants to resign from his/her post held in the University.

CHAPTER -V

(a) A non-teaching staff shall begin to draw pay and allowances attached to the post to which he/she has been appointed with effect from the date he/she assumes the duties of the post and shall cease to draw the same when he/she ceases to discharge those duties.

(b) The holder of a post, the scale of pay which is changed, shall-treated as if he/she has been transferred to the new scale of pay.

Unless otherwise decided by the competent authority, on first appointment to a post; the pay of a non-teaching staff shall be fixed at the minimum of the time scale applicable to the post.

(a) An increment shall ordinarily be drawn as matter of course, unless withheld as a measure of punishment.

(b) Officiating or temporary service in another post and leave other than Extraordinary Leave without pay shall count for increment in the time scale of pay applicable to the post in which the non-teaching staff holds a lien.

(c) All kinds of leave other than Extraordinary Leave without pay shall count towards increment in the time scale of pay applicable to a post which the non-teaching staff holds in an officiating or in a temporary capacity :

When a non-teaching staff is permitted to perform in addition to his/ her own duties, the duties of a post belonging to an U.Ord. 20 (SR)(NTU) : Officiating/additional assignment equivalent or a high category of pay scale, he/she may be allowed to draw an additional allowance at the rate of 1/5th of his/her existing basic pay subject to a maximum as may be fixed by the Executive Council, from time to time when he/she carries on such duties, under the orders of the Vice-Chancellor, for a period of not less than one month :

Provided that, for a period exceeding three months, approval of the Executive Council shall be necessary:

Provided further that, such an additional assignment shall not ordinarily be permitted for more than a year.

CHAPTER-VI

(a) Every non-teaching staff of the University finish his/her allotted duties within office hours. Overtime or working on U. Ord. 21 (SR)(NTU) : Working beyond office hours of on holidays holidays shall not be resorted to except under special circumstances to be recorded in writing by the Head of the Department concerned with the approval of the Vice-Chancellor thereon.

(b) Normally, no non-teaching staff shall be allowed to work beyond office hours for more than three hours a day and seven hours on a holiday:

Provided that, the Vice-Chancellor shall have the power to restrict or relax this ordinance in any particular case or cases keeping in view the exigencies of the situation and the budgetary provision.

(c) The rate of overtime/holiday allowance shall be fixed by the Executive Council from time to time.

CHAPTER-VII

Appointment to all posts in the University shall be made by the appropriate authority as per provision(s) contained U. Ord. 22(SR)(NTU) : Appointment in the Act, Statutes and Ordinances framed for the purpose.

Subject to the provisions of the Act, Statutes and Ordinances, all vacancies other than the promotional vacancies in the non-teaching cadre of posts, shall be duly notified/advertised in the manner prescribed under the University Ordinances relating to the Procedure and Method of selection of persons for appointment to non-teaching posts of the University and appointment to such posts shall be made by the competent authority on the recommendation of the standing committee constituted for the purpose.

U. Ord. 23(SR)(NTU) : Vacancies to be notified

(a) There shall be a seniority list of the non-teaching staff prepared and published by the University.

U. Ord. 24(SR)(NTU) : Seniority List, Appoint on Seniority/test

(b) For the purpose of making appointment to higher post, a percentage of the vacancies as may be determined by the Executive Council, be kept reserved to be filled up on the basis of seniority of the eligible non-teaching staff.:

Provided that, written and/or other kinds of tests may be held, if necessary, in respect of any promotional or general vacancies, as may be directed by the Executive Council.

U. Ord. 25(SR)(NTU) : Verification of Original Certificates etc.

All certificates, degrees, diplomas and other records of examination of a non-teaching staff shall be verified with reference to the originals before he/she is allowed to join the University services.

U. Ord. 26(SR)(NTU) : Service Book and Chatacter Roll

The University shall maintain a Service Book, in duplicate, in Form No.1, in respect of every non-teaching staff. The duplicate copy of the said Service Book, duly filled in, will be supplied to the non-teaching staff concerned. There shall also be a Chatacter Roll maintained in Form No. 2 for the purpose of confirmation of a non-teaching staff on completion of probationary period, if any.

CHAPTER-VIII

U. Ord. 27(SR)(NTU): Probation

A non-teaching staff appointed to a permanent post either by promotion. or as a direct recruit shall be on probation in terms of sub-section(2) of Section 81 of the Act:

Provided that, the Executive Council may consider the temporary or officiating services rendered by a non-teaching staff against a permanent post, as part of the period of his/her probation.

When a non-teaching staff appointed on probation is at any time during the period of probation including the extended period, if any, found unsuitable for the post the appointing authority may (i) in the case of a promotee revert him/her to the post held by him/her immediately before such promotion and (ii) in the case of direct recruit, terminate his/her services after giving him/her one month's notice in writing.

U. Ord. 28(SR)(NTU) : Reservation/termination while on probation.

U. Ord. 29(SR)(NTU) : Confirmation

A non-teaching staff appointed against a permanent post shall be confirmed to his/her post in terms of sub-section (1) of section 31 of the Act.

U. Ord. 30(SR)(NTU) : Termination of services of a temporary non-teaching staff

The services of a non-teaching staff appointed on a temporary basis may be terminated by the appointing authority at any time by a notice of one month in writing or without notice on payment of one month's salary.

The retirement of every non-teaching staff shall be governed by the relevant provisions of the Statutes or the Ordinances of the University, as the case may be.

U. Ord. 31(SR)(NTU) : Retirement

The seniority of a non-teaching staff of the University, shall be determined by the Burdwan University non-teaching. Employees (Determination of Seniority) rules as prescribed by the Burdwan University Council at its meeting dated 4th December, 1981 and as may be prescribed and amended by the Executive Council from time-to-time.

U. Ord. 32(SR)(NTU) : Determination of seniority.

CHAPTER-IX

In consideration of the nature of duties involved, the services of the following categories of non-teaching posts be termed as Emergency Services :

U. Ord. 33(SR)(NTU) : Emergency Services

Durwan, Guard, Gateman, Night Watchman, Sweeper, Driver, Pumpman, Electrical Helper, Telephone Operator, Electrician, H.T.Wireman, all posts attached to the University Health Centre, the University Guest House, the University Press, Conduct of Examination jobs

and the services of such other non-teaching posts or units as may be determined by the Executive Council from time to time.

CHAPTER-X

(i) The normal hours of duty in the office shall be from 10 a.m. to 5 p.m. with recess for half an hour from 1.30 p.m. to 2 p.m. on all full working days, and from 10 a.m. to 2 p.m. on half holidays:

U. Ord. 34(SR)(NTU) :
Hours of duty

Provided that, the duty hours of certain categories of non-teaching posts which do not conform to the normal office hours may be determined in the manner as may be deemed fit by the appropriate authority:

(ii) The total hours of duty in a day shall not be more than eight hours. A non-teaching staff, however, shall have to work beyond eight hours when called upon to do so on the payment of usual allowances.

(iii) The duty hours of a non-teaching staff may be staggered and the services may be regulated by prescribing different spells of duty at different hours, in the interest of the University.

CHAPTER- XI

A non-teaching staff may apply in writing seeking permission to retire voluntarily on completion of fifteen years of service on condition that there are no dues pending against him/her or that there are no charges against him/her. Such a non-teaching staff may be permitted to retire voluntarily only after a careful and thorough check-up of his/her records of services. All retirement benefits shall be given to such a non-teaching staff retiring, voluntarily, subject to the provisions of the relevant Statutes, Ordinances, Regulations, Rule etc. of the University as in the case of normal compulsory retirement:

U. Ord. 35(SR)(NTU) :
Voluntary
Retirement

Provided that, in the case of non-teaching staff who has been rendered physically incapacitated in the opinion of a Medical Board constituted by the Executive Council for the purpose, the requirement of fifteen years of services may be waived.

CHAPTER-XII

The Head of the Department or the office shall specify the duties of different non-teaching posts under different cadres of services under his/her administrative control issuing orders as regards the duty or duties to be performed:

U. Ord. 36(SR)(NTU) :
Specification of
duties

CHAPTER-XIII

In any case, not expressly provided for in these Ordinances the Executive Council shall give such direction as may be considered necessary and have the power to interpret these Ordinances.

U. Ord. 37(SR)(NTU) :
Interpretation

SERVICE BOOK

Form No. 1

[vide U. Ord. 26(SR)(NTU)]

Self signed Passport size photograph of the non-teaching staff to be affixed here

Part I

1. Name of the Non-teaching staff :
2. Department :
3. Designation :
4. Address : (a) Permanent :
(b) Present :
5. Father's/Husband's name with residential address :
6. Date of commencement of service:
7. Date of Birth by Christian era, as entered into the Age Register (the document on the basis whereof the age has been admitted should be recorded) :
8. Date of attaining the age of retirement :
9. Educational Qualification :
10. Exact height by measurement :
11. Personal marks for identification, if any :
12. Signature of the non-teaching staff (in the case of an illiterate non-teaching staff, Left thumb impression should be affixed and the same be duly certified by the appointing authority) :
Signature.....
FullName.....
Date.....
13. Signature of the appointing Authority :
Signature.....
FullName.....
Date.....

Part II

History of Service

Name of the post	Scale of pay with stages of increment	Whether post is permanent or temporary	Nature of appointment/ Temporary/ Officiating	Date of appointment	Pay, Special Pay, personal pay, if any	Date of termination of appointment	Reason for termination of appointment (such as promotion, resignation, dismissal etc.)	Nature and duration of Leave taken	Record of appreciation/ reward/ praise/ punishment, if any	Signature (with date) of the Officer	Signature (with date) of the Appointing Authority
1	2	3	4	5	6	7	8	9	10	11	12

Form No. 2

[Vide U. Ord. 26 (SR) (NTU)]

C O N F I D E N T I A L

Annual Report of the Non Teaching Staff

for the year

.....Department /Branch

Name :

Designation :

Scale of Pay : Rs.

Date of Joining : Date of Birth

Report of the Section-in-Charge/Controlling Officer/Dean of the Faculty

Assessment on

Remarks

(only the following terms as may be applicable should be used-Very good; Good; Average; Poor)

- Section A.
1. Knowledge- ...
 - (a) of Branch/Section/Unit ...
 - (b) of Department ...
 2. Personality and force of Character ...
 3. Power of taking responsibility ...
 4. Power of supervising staff ...
 5. Judgement ...
 6. Initiative ...
 7. Efficiency ...
 8. Attendance ...
 9. Devotion to duty ...
 10. Conduct and amenability to discipline ...
- Section B.
1. General remarks, if any on outstanding nature of work done by the non-teaching staff or special qualification not included above ...
 2. Degree of fitness for promotion (only qualified/not yet qualified, as may be applicable, should be written) ...
 3. Confirmation of the not-teaching staff (only recommended/not recommended, as may be applicable, should be written) ...

I hereby certify that in my opinion and to the best of my knowledge and belief the standard of efficiency, conduct and fitness for promotion of the non-teaching staff named hereon are as stated above.

Date : Signature of the Controlling Officer/Dean
of the Faculty initiating the Report
Designation.....

General

Decision of the Executive Council/Remarks of the Appointing Authority

Date.....

Signature

(Office Seal)

NOTES

Section-A

1. Insert in this column any of the following markings as may be deemed fit against each item : Very good; Good; Average; Poor.
2. This report is to be regarded as confidential, but a poor marking against any item must be communicated in duplicate by the Registrar to the non-teaching staff concerned. The non-teaching employee shall sign the same and return to the Registrar one copy of intimation of Poor markings as evidence that he/she has been notified.

Section-B

3. The estimate of fitness for promotion should be noted to the non-teaching staff's capacity for the performance of the duties of the grade above. If he/she is marked 'Not Yet Qualified' the reasons for the marking should be stated.

General

4. Every effort shall be made to arrive at a just estimate of the qualities of the non-teaching at the time the report is made. The person authorised to initiate report should rely on his/her own judgement and experience, and should, in no circumstances have access to previous reports, if any, on the same employee.
5. The report shall be based on the work of the General non-teaching staff during the year under review and should contain no reference to matters unconnected with such work. The observations made should have a basis on facts which may or may not be specified in the report.

Sd/- S. N. Ghosh
Secretary to the Chancellor
Burdwan University

Sd/- Viren J. Shah
Chancellor
Burdwan University

THE UNIVERSITY OF BURDWAN

"50 YEARS OF ACADEMIC EXCELLENCE"

DRAFT

Minutes of the 1st Meeting (2010-11) of the Executive Council held on Tuesday, the 17th June, 2010 at 12.00 noon in the Office Chamber of the Vice-Chancellor, Rajbati, Burdwan.

MEMBERS PRESENT

- | | | |
|-----|--------------------------------|--------------|
| 1. | Prof. Subrata Pal | In the Chair |
| | Vice-Chancellor | |
| 2. | Prof. Padmanabha Chakraborti | |
| 3. | Prof. Arup Kumar Chattopadhyay | |
| 4. | Sri Subhrajyoti Roy | |
| 5. | Prof. Pinaki Chakraborty | |
| 6. | Dr. Tridib Tripathi | |
| 7. | Prof. Sarit Kumar Sadhu | |
| 8. | Dr. Giasuddin Siddique | |
| 9. | Dr. Subikash Chowdhury | |
| 10. | Sri Pradip Kumar Ray | |
| 11. | Dr. Sambaran Pramanik | |
| 12. | Sri Deb Narayan Chattopadhyay | |
| 13. | Dr. Md. Alauddin | |
| 14. | Sri Prabir Roy | |
| 15. | Sri Swapan Chatterjee | |
| 16. | Sri Ranjit Roy | |

ITEM NO-1

To elect one teacher on the Constitution & Management of the Sports Board, being the representative of affiliated colleges and having knowledge of sports activities.

Resolution

The Council considered the question of electing one teacher on the Constitution & Management of the Sports Board from the affiliated colleges

consequent upon the retirement of Sri Bibhuti Ghosh, Physical Instructor, Chandernagore College from the services of the college and elected Dr. Gorachand Nandi, Teacher-in-Charge, Govt. Physical Education College for Women, Hooghly to act as member on the above Sports Board.

ITEM NO-2

To note and approve the action taken by the Vice-Chancellor in releasing Shri Soumitra Biswas, Assistant Librarian Grade-II, Burdwan University from the services of this University to enable him to join the post of Assistant Librarian at the University B.T. & Evening College, Cooch Behar with effect from 12/04/2010(A.N.) with permission to retain lien to his post here for a period of one year with effect from 13/04/2010(F.N.).

Resolution

The Council noted the action taken by the Vice-Chancellor in releasing Sri Soumitra Biswas, Assistant Librarian Grade-II of this University from the services of the University to enable him to join the post of Assistant Librarian at the University B.T. & Evening College, Cooch Behar with effect from 12/04/2010(A.N.) with permission to retain lien to his post here for a period of one year with effect from 13/04/2010(F.N.) and approved the same.

Resolution

The Council, while approving the action taken by the Vice-Chancellor for purchasing the above items, sanctioned Rs. 17,60,007.10 (Rupees seventeen lakh sixty thousand seven and ten paise) only for the purpose.

ITEM NO-30

To consider G.O.No.281 (12)-Edn (U)-20/04(Pt.) dated 19/05/2010 and No. 291(12)- Edn(U)-20/04(Pt.II) dt. 25/05/2010 regarding grant of Dearness Relief on Pension/Family Pension to the Pensioners/Family Pensioners of the state-aided Universities @ 64% with effect from 01/12/2009 and @ 73% with effect from 01/04/2010.

Resolution

The Council noted the G.O. No. 281(12)-Edn (U)-20/04(Pt.II) dated 19.05.2010 & No. 291(12)-Edn (U)-20/04(Pt.1) dated 25.05.2010 regarding grant of Dear

ness Relief on Pension/Family Pension to the Pensioners/Family Pensioners of the State-aided Universities @ 64% w.e.f. 01.12.2009 and @ 73% w.e.f. 01.04.2010 and resolved to implement the said Government Orders. It was further resolved that the arrear of the Dearness Relief be paid to the Pensioners/Family Pensioners in the month of June, 2010 and sanctioned a sum of Rs.47,45,524/- (Rupees forty seven lakh forty five thousand five hundred twenty four) only towards arrear payment.

ITEM NO-31

To consider Minutes of the meeting of the Mediclaim Sub-Committee held on 04/06/2010 in the office chamber of the Vice-Chancellor, Rajbati, Burdwan.

Resolution

The Council considered the minutes of the meeting of the Mediclaim Sub-Committee held on 04.06.2010 and approved the same as at Annexure - II.

ITEM NO-32

To consider and approve the draft Rules relating to Service (Service Rules) of the non- teaching staff of the Directorate of Distance Education.

Resolution

The Council considered the draft Rules relating to the Conditions and Conduct of Service (Rules of Discipline) of the non-teaching staff of the Directorate of Distance Education and approved the same as at Annexure-I with the following correction in the recording therein:

Chapter - VI

Rules 21(SR) (NTDDE): Working beyond office Hours or on holidays	(a) Every non-teaching staff with the approval of the Competent Authority thereon.
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(b) In this connection, the Council authorized the Registrar to issue office order accordingly.

DIRECTORATE OF DISTANCE EDUCATION

THE UNIVESITY OF BURDWAN

In exercise of the powers conferred upon it by Section 53 and Sub-section (xxxv) of Section 21 of the Burdwan University Act, 1981 (West Bengal Act XXIII of 1981) read with the upto date amendments, the Executive Council makes the following Rules, namely Rules relating to the Conduct of Service (Rules of Discipline) of the non-teaching staff of the Directorate of Distance Education.

CHAPTER I

Rules 1 (SR)(NTDDE) : These rules may be called the Rules relating to the Conditions and Conduct of Service (Rules of Discipline) of the non-teaching staff of the Directorate of Distance Education and shall come into force from such date as may be appointed for the purpose.

Rules 1 (SR)(NTDDE) :
Short title

CHAPTER — II

Rules 2 (SR)(NTDDE) : In these rules, unless the context otherwise requires—

(i) ‘the Rules’ mean the rules framed under the authority of the Executive Council as may be amended from time to time;

(ii) ‘appointing authority’ means the authority empowered by the Executive Council for making appointments to a Cadre or to different Cadres of service or posts under the Directorate of Distance Education and shall include any delegated authority for the purpose of these Rules ;

(iii) ‘Cadre’ means the strength of a service or part of a service sanctioned as a separate unit ;

(iv) ‘competent authority’ means the Executive Council or Advisory Committee of the Directorate of Distance Education or any other body or person authorized specifically for the purpose of these rules empowered by the Executive Council.

(v) ‘duty’ means and includes what a non teaching staff is bound or

required to do by the terms of his/her appointment and as may be assigned to him/her befitting his/her post by the competent authority from time to time :

Provided that such assigned duties shall be consistent with the duties ordinarily performed by the non-teaching staff;

(vi) 'disciplinary authority' in relation to the imposition of a penalty on a non-teaching staff means an authority competent to impose any of the penalties specified in these Rules ;

(vii) 'day' means a calendar day beginning and ending at midnight;

(viii) '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 shall first be calculated and the odd number of days be calculated subsequently;

(ix) 'year' means the period commencing from the first day of June and ending on the thirty first day of May following ;

(x) 'pay' means the amount drawn monthly by a non-teaching staff as pay, special pay, dearness pay and personal pay in terms of his/her employment and conditions of service;

(xi) 'basic pay' means the pay, other than special pay and any other emoluments which may be specially classed as pay or pay granted in view of personal considerations or qualifications, which has been sanctioned for a post held by a non-teaching staff substantively or in an officiating capacity, or to which he/she is entitled by reason of his/her position in a cadre;

(xii) 'substantive pay' means the pay.admissible to a permanent post which a non-teaching staff holds substantively but does not include special pay, personal pay or dearness pay which a non-teaching staff is entitled to for his/her serving in a permanent post on being appointed there substantively;

(xiii) 'special pay' means an addition, of the nature of pay, to the emoluments of the non-teaching staff in consideration of (a) the specially : arduous nature of duties, or

(b) a specific addition to the work or responsibility;

(xiv) 'personal pay' means an additional pay granted to a non-teaching staff either to save him/her from loss of substantive pay or on the basis of individual and personal consideration as merits the grant of such pay;

(xv) 'honorarium' means a recurring or non-recurring payment granted to all non-teaching staff from revenues as remuneration for special work of an occasional character;

(xvi) 'subsistence grant allowance' means a monthly grant allowance payable to a non-teaching staff who is not in receipt of regular pay or leave salary during the period of suspension;

(xvii) 'compensatory allowance' means an allowance including travelling allowance granted to a non-teaching staff to meet personal expenditure necessitated by special circumstances in which duty is performed;

(xviii) 'permanent post' means a post declared as such carrying a definite pay and sanctioned without limit of time;

(xix) 'temporary post' means a post declared as such carrying a definite pay and sanctioned for a limited period of time;

(xx) 'tenure post' means a permanent post which a non-teaching staff may not hold for more than a limited period;

(xxi) 'probation' means employment on trial basis in or against a substantive vacancy in the cadre/post of a department for determining the fitness of a non-teaching staff for eventual substantive appointment;

(xxii) 'officiating to a post' means performing the duties of a post by a non-teaching staff on which another person holds a lien, or when he/she is appointed by the authority competent to make a substantive appointment to the post to officiate in a vacant post on which no other person holds a lien ;

(xxiii) 'holiday' means (a) a Sunday, or (b) a holiday prescribed and notified as such by the Competent Authority in relation to any office or department of the D.D.E, or (c) a day on which such office, department is ordered by the Vice-Chancellor to be closed by a notice in writing;

(xxiv) 'leave' means the privilege allowed to a non-teaching staff of being absent from duty in terms of the prescribed leave rules;

(xxv) 'lien' means the title of a non-teaching staff to hold substantively either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he/she has been appointed substantively;

(xxvi) 'medical certificate' means a certificate from a registered medical practitioner recognised by the State Government.

These Rules shall apply to all non-teaching staff attached to the D.D.E and whose conditions of service the D.D.E is competent to regulate. In respect of non-teaching staff appointed on contractual basis, the contractual terms shall prevail but these Rules in so far as they are not inconsistent with any provision of the contract, shall apply.

CHAPTER - III

(a) No person who is below 18 years of age shall be appointed to the services of the D.D.E.

Rules 4 (SR)(NTDDE) :
Minimum age of entry
into services and Record
of age

(b) At the time of entry into the services of the D.D.E an applicant shall make a declaration of his/her age which shall always be verified with reference to the School Final or equivalent examination pass certificate or in the absence thereof, on the basis of records of school leaving certificate or on such basis as may be determined by the Competent Authority. No revision of age once recorded in the age register on the above basis shall ever be made on any ground, whatsoever.

The Competent Authority may, as and when it deems fit, direct a non-teaching staff to undergo medical check-up by the

Rules 5 (SR)(NTDDE) :
Medical Check-up

Medical Officer of the University, Burdwan/
Superintendent, Burdwan Medical College and
Hospital, for ascertaining his/her physical fitness or for any other purpose.

The Services of a whole-time non-teaching staff irrespective of his/her official duty, may be utilised, as and when

Rules 6 (SR)(NTDDE) :
Utilisation of Service

required in the interest of the D.D.E, in such manner as may be prescribed by the appropriate authority.

Rules 7 (SR)(NTDDE) :
Substantive appointment

A non-teaching staff shall not be appointed substantively to a post on which another non-teaching staff holds a lien.

Unless in any case it be otherwise provided in these Rules, a non-

Rules 8 (SR)(NTDDE) : teaching staff on substantive appointment to any
Lien of substantive permanent post shall acquire a lien on that post and
appointment shall cease to hold any lien previously acquired by
him/her on any other post.

The Competent Authority may, after considering all relevant aspects
as it may deem necessary in any particular case,
Rules 9 (SR)(NTDDE) : order the transfer of a non-teaching staff from one
Transfer post to another and perform all duties attached to
such transferred post within the administrative limit of D.D.E.

Rules 10 (SR)(NTDDE) : The headquarters of a non-teaching staff
Headquarters shall be the station where the D.D.E office is situated
and where his/her records of service are kept.

CHAPTER-IV

(1) Every non-teaching staff shall —

Rules 11 (SR)(NTDDE) : (a) be devoted to his/her duties;
Duty and Discipline (b) maintain absolute integrity in the
discharge of his/her duties; and

(c) refrain from doing anything which is prejudicial to the interests of
the D.D.E.

(2) (i) The Director/Asstt. Directors of the D.D.E shall indicate by
issuing office orders the respective duties and role of the non-teaching staff
working under their control so that the responsibility for any lapses could
be fixed by the authorities of the D.D.E. Assignment of any duty to a non-
teaching staff, whether working on permanent/temporary or casual basis, by
Director or Asstt. Directors of D.D.E or certification thereof by the Director
or Asstt. Directors of the D.D.E. concerned shall not create any further right
in favour of such employee except those to which he/she is entitled by virtue
of his/her original appointment.

(ii) A non-teaching staff holding a supervisory post shall take all
possible steps to ensure the integrity and devotion to duty of all other
employees placed under his/her control.

(iii) In the performance of his/her official duties or in the exercise of
the powers conferred upon him/her, a non-teaching staff shall always act

according to what is best in his/her judgement and best calculated to serve the interest of the D.D.E. When he/she is acting under the direction of official superior and no question of exercising his/her own judgement arises, he/she shall obtain the prior direction in writing from his/her superior, whenever practicable, and when it is not, take steps to obtain confirmation in writing of the directions as soon thereafter as possible.

Explanation: The above provision of clause (iii) of paragraph (2) shall not be construed as authorising a non-teaching staff to evade his/her responsibilities by way of seeking instructions from or approval of a supervisory staff or officer or authority when such instructions are not necessary under delegation of power and responsibilities as may be in force, or in the case of routine nature of work which a non-teaching staff is required to perform ordinarily on his/her own.

(iv) Unless otherwise specified in the terms of appointment, every whole-time non-teaching staff may, if the exigencies of services so require, be called upon to perform such duties as may be assigned to him/her by the Director/Asstt. Director of the D.D.E , whether within the scheduled working hours or beyond them or on holidays.

(v) A non teaching staff when not on leave, shall be present at his/her place of duties during the scheduled working hours as decided by the Competent Authority to carry on the duties allotted to him/her.

(vi) Except for valid reasons, and/or unforeseen contingencies, no non-teaching staff shall be absent from duties without prior permission or leave or be away from the Headquarters.

(vii) (a) Every non-teaching staff of the D.D.E must sign his/her attendance in the Attendance Register maintained for the purpose.

(b) The attendance of every non-teaching staff as well as fixing of working hours shall be regulated by office orders as may be issued in this regard with the approval of the competent authority.

(c) If any non-teaching staff is found leaving office within office hours after signing the Attendance Register without obtaining necessary permission from his/her Controlling Officer, he/she shall be marked as absent for the day.

(d) A non-teaching staff found to be loitering unnecessarily in different premises or found to be engaged in affairs other than those relating

to the duties of his/her offices may be subjected to disciplinary measures as may be called for.

(viii) No Non-teaching staff of the D.D.E shall join or continue to be a member of a body or an association the objectives of which are prejudicial to the interest of the D.D.E or public order or morality. If a question arises whether any provision of these Rules has been contravened or not in a particular case the matter shall be referred to the Competent Authority whose decision on the point shall be final:

Provided that nothing in this Rule shall affect the Trade Union rights of a non-teaching staff.

(ix) No non-teaching staff of the D.D.E shall serve in or give evidence before any Committee or Commission without obtaining prior permission of the authority other than the cases mentioned hereunder:

(a) Committee or Commission appointed by the Central Government, the State Government, the Parliament or the State Legislature;

(b) a judicial enquiry; or

(c) a departmental enquiry ordered by the Chancellor, the Vice-Chancellor or by the Competent Authority .

(x) No non-teaching staff of the D.D.E shall divulge, either directly or indirectly, any official secrecy concerning the D.D.E to the Press or to an outsider.

(xi) A non-teaching staff of the D.D.E shall so manage his/her private affairs as to avoid habitual indebtedness or insolvency. A non-teaching staff, against whom any legal proceeding is instituted for the recovery of any debt due from him/her or for adjudging him/her as an insolvent shall forthwith report the full facts to the authority :

Provided that, the burden of proving that the insolvency or indebtedness was the result of the circumstances which, with the exercise of ordinary prudence, the non-teaching staff could not have foreseen, or over which he/she had no control, and had not proceeded for extravagant or dissipated habit, shall be upon the non-teaching staff himself.

(xii) No non-teaching staff of the D.D.E , if not compelled, shall except with the previous permission of the Competent Authority, have recourse to the Court of Law or to the Press for the vindication of any official act which

has been the subject matter of adverse criticism or attack of a defamatory character on him/her:

Provided that, nothing in this Rule prohibits a non-teaching staff from vindicating his/her private character or act done in his/her private capacity. Where any action is taken in such a case by the non-teaching staff, he/she shall forthwith report the same to the Competent Authority.

(xiii) No non-teaching staff shall bring or attempt to bring any pressure or influence in any manner, whatsoever, to bear upon any superior authority to further any personal interest or the interests of relatives in respect of any confidential matters or in respect of service under D.D.E or in respect of financial transaction, contracts or the like.

(1) (a) Every non-teaching staff of the D.D.E shall be subject to Rules 12 (SR)(NTDDE) : disciplinary measure(s) for reason(s) of Discipline and conduct of Non-teaching staff; punishment

(i) violation of any term of conditions of service;

(ii) want of due diligence in the performance of duties;

(iii) negligence of duties;

(iv) violation of orders regarding attendance and office discipline;

(v) misappropriation and defalcation of funds;

(vi) insubordination or disregard or violation of the order of superior officers/authority;

(vii) moral turpitude or offences like theft;

(viii) taking of illegal gratification;

(ix) tampering with official records; and

(x) any other misconduct which in the opinion of the Competent Authority calls for disciplinary action.

(b) The Competent Authority shall be competent to impose such penalties upon a non-teaching staff as it may deem fit in consideration of the gravity of the case mentioned in the above paragraph with any or more of the following :-

(i) censure

(ii) withholding of increment(s) or promotion;

(iii) recovery from pay of any pecuniary loss caused to the D.D.E / University by the non-teaching staff;

(iv) reduction to a lower time scale of pay, grade, post or service with or without further direction regarding conditions of restoration including protection of his/her seniority and pay on such restoration to the grade, post or service from which the non-teaching staff was reduced;

(v) suspension : However, a non-teaching staff may also be placed under suspension, but not as a measure of punishment, in order to facilitate an enquiry proceeding contemplated or initiated against him/her to be properly and fairly conducted.

(vi) premature retirement ; and

(vii) removal or dismissal from services.

Explanation : The termination of employment shall not in the following cases be treated as removal on dismissal from services of -

a) teaching staff appointed on probation during or at the end of the period of probation in accordance with the terms of appointment ; or

b) a temporary non-teaching staff on the expiry of the period of the appointment ; or

e) a non-teaching staff engaged on contract in accordance with the terms of his/her contract.

Explanation — II Premature retirement means that the competent authority may get the non-teaching staff retired compulsorily as measure of punishment before he/she has attained the age of superannuation.

No punishment shall be awarded or penalties will be imposed upon a confirmed staff of the D.D.E. without following the Principle of Natural Justice and without giving adequate opportunity to the non-teaching staff to defend his/her case. The grounds on which the authority proposes to proceed against the non-teaching staff shall be reduced in the form of definite charge or charges and shall be communicated to the non-teaching staff concerned together with a statement of relevant facts. The non-teaching staff shall be given opportunity to put in a written statement of his/her defence within thirty days from the date of receipt of the charge sheet.

Upon receipt of the statement of defence from the non-teaching staff or at the expiry of the period allowed for submission of his/her statement of defence, the authority concerned may, after examination of the relevant facts, charge sheet and the statement of defence, either drop the charge or

decide to proceed further. If it is decided to proceed further a formal enquiry shall be held informing the non-teaching staff and asking him/her to be present at the enquiry and also to produce evidence in support of his/her defence, if he/she so desires. The non-teaching staff shall be given opportunity to examine any witness and to inspect the relevant documents upon which the complainant side will rely. The Competent Authority shall thereafter take decision on the findings of the enquiring authority. If the non-teaching employee is prima facie found to be guilty of the charge or charges leveled against him/her, another opportunity shall be given to him/her to submit a representation against impositions of the penalty or penalties proposed by the Disciplinary Authority within fifteen days from the date of receipt of the communication in this regard. Upon receipt of such information, if any and considering all evidence adduced in the enquiry the Competent Authority shall pass appropriate orders and shall forthwith communicate the same to the non-teaching staff.

Provided that no pleader shall be allowed to appear at any enquiry on behalf of the non-teaching staff but the on-teaching staff may take assistance of any non-teaching employee of the same institution.

Provided further that the entire process of enquiry shall be completed within a period of six months from the date of communication of the charges against the non-teaching staff.

The 'appointing authority' shall issue orders relating to any Rules 13 (SR)(NTDDE) : punishment that may be imposed on any non-teaching staff in terms of the provision of Rules 12 (SR)(NTDDE).
Issue of Order of Punishment

(a) An order of suspension shall continue to remain in force until it is withdrawn modified, revoked or annulled by an order of the Court of Law or the authority which passed the order of suspension or until it merges in the final order of penalty or acquittal.
Rules 14 (SR)(NTDDE) :
Pay & allowances during suspension removal, dismissal or on reinstatement

(b) Where the order of penalty is set aside or declared or rendered void by the decision of a Court the order of suspension shall automatically lapse and the non-teaching staff shall be reinstated with effect from the date such penalty was imposed on him/her.

(c) A non-teaching staff who is removed or dismissed from services shall not draw any pay or allowances from the date such removal or dismissal is ordered to be effective.

(d) The Order of removal or dismissal from services shall not be given retrospective effect with reference to the date of the orders.

(e) A non-teaching staff under suspension shall be entitled to get subsistence grant allowance at such rate as is admissible to the State Government employees under the West Bengal Service Rules.

Provided that, recoveries shall be made on the following heads from the subsistence grant payable to the suspended non-teaching staff in the same way as from his/her salary :

i) Income Tax, dues, House Rent, etc.;

ii) Co-operative dues, loans and advances;

iii) Provident Fund advances, LIC dues ;

iv) Loss to the D.D.E/University for Which the non-teaching staff has been held responsible, and

v) Any other dues

Provided further that, the total amount of recovery shall not exceed one third of the subsistence grant payable to the non-teaching staff on monthly basis.

(f) When the suspension of a non-teaching staff is held to have been unjustifiable or not wholly justifiable, or when a non-teaching staff who had been suspended, removed or dismissed from services is reinstated, the competent authority shall grant him/her for the period of his/her absence from duty :-

(i) if he/she is honorably acquitted, all financial benefits as if he/she had not been suspended, dismissed or removed. In such case the competent authority in its discretion and as far as practicable may also consider grant of promotional benefits due to the non-teaching employee which could accrue in his/her favour had he/she not been placed under suspension.

(ii) if otherwise, such proportion of pay and allowances as the competent authority may prescribe.

(g) In a case falling under sub-paragraph (i) of above paragraph (f) the entire period of absence from duty shall be treated as the period spent on duty. In a case falling under sub-paragraph (ii) of the said paragraph, the relevant period may be treated as on duty or on leave as the competent authority may direct.

(h) The amount of subsistence grant or portion thereof, if any, already drawn by the non-teaching staff all be deducted from his/her pay & allowances which may be granted under this Rule.

The date of retirement of a non-teaching staff under the D.D.E shall
 Rules 15 (SR)(NTDDE) : be sixty years or as may be decided by the
 Retirement appropriate authority from time to time.

A permanent non-teaching staff must give the D.D.E at least three
 Rules 16 (SR)(NTDDE) : months' notice, unless a shorter notice is accepted
 Notice for termination/ by the Competant Authority, if he/she wants to
 Resignation resign from his/her post held in the D.D.E.

CHAPTER - V

a) A non-teaching staff shall begin to draw pay and allowances
 Rules 17 (SR)(NTDDE) : attached to the post to which he/she has been
 Pay and allowances appointed with effect from the date he/she assumes
 the duties of the post and shall cease to draw the
 same when he/she ceases to discharge those duties.

(b) The holder of a post, the scale of pay which is changed, shall be treated as if he/she has been transferred to the new scale of pay.

Unless otherwise decided by the competent authority, on first
 Rules 18 (SR)(NTDDE) : appointment to a post, the pay of a non-teaching
 Pay on first staff shall be fixed at the minimum of the time scale
 appointment applicable to the post.

(a) An increment shall ordinarily be drawn as a matter of course,
 Rules 19 (SR)(NTDDE) : unless withheld as a measure of punishment or
 Increment inadmissible in a contract service.

(b) Officiating or temporary service in another post and leave other than Extraordinary Leave without pay shall count for increment in the time scale of pay applicable to the post in which the non-teaching staff holds a lien.

(c) All kinds of leave other than Extraordinary Leave without pay shall count towards increment in the time scale of pay applicable to a post which the non- teaching staff holds in an officiating or in a temporary capacity.

When a non-teaching staff is required to perform officiating/additional in addition to his/her own duties, the duties of a post belonging to an equivalent or a higher category of pay scale, he/she may be allowed to draw an additional allowance at the rate of 1/5th of his/her existing basic pay subject to a maximum as may be fixed by the Competant Authority from time to time when he/she carries on such duties, under the orders of the authority, for a period of not less than one month :

Rules 20 (SR)(NTDDE) : Officiating/additional Assignment

Provided that, for a period exceeding three months, approval of the competent Authority shall be necessary :

Provided further that, such an additional assignment shall not ordinarily be allowed for more than a year, but may continue beyond such period of one year if directed by the Executive Council by way of adopting a resolution on to that effect with reasons.

CHAPTER-VI

(a) Every non-teaching staff of the D.D.E shall finish his/her allotted duties within office hours. Overtime or working on holidays shall not be resorted to except under special circumstances to be recorded in writing by the Director, D.D.E with the approval of the Competent Authority therean.

Rules 21 (SR)(NTDDE) : Working beyond office hours or on holidays

Provided that, the Competent Authority shall have the power to restrict or relax this Rule in any particular case or cases keeping in view the exigencies of the situation and the budgetary provision.

(b) The rate of overtime/holiday allowance shall be fixed by the Competent Authority from time to time.

CHAPTER-VII

Appointment to all posts in the D.D.E shall be made by the appropriate authority as per provision(s) contained in the Rule framed for the purpose.

Rules 22 (SR)(NTDDE) : Appointment

Subject to the provisions of this Rule all vacancies, other than the promotional vacancies in the non-teaching cadre of posts, shall be duly notified/advertised in the manner prescribed by the competent authority relating to the Procedure and Method of selection of Persons for appointment to non-teaching posts of the D.D.E and appointment to such

Rules 23 (SR)(NTDDE) : Vacancies to be notified

posts shall be made by the competent authority on the recommendation of the standing committee constituted for the purpose.

(a) There shall be a seniority list of the non-teaching staff prepared and published by the D.D.E.

Rules 24 (SR)(NTDDE) :

Seniority list,

Appointment on

seniority/test

(b) For the purpose of making appointment to higher posts in Grade-III vacancies, 25 percent of the total vacancies may be filled up from amongst

the eligible non-teaching staff of Grade-IV .

Provided that, written and/or other kinds of tests may be held in respect of any promotional or general vacancies, as may be directed by the Competent Authority.

All certificates, degrees, diplomas and other records of examination of

Rules 25 (SR)(NTDDE) :

Verification of original certificates, etc

a non-teaching staff shall be verified with reference to the originals before he/she is allowed to join the D.D.E services.

The D.D.E shall maintain a Service Book, in duplicate, in Form No.1, in respect of every non-teaching staff. The duplicate copy of the said Service

Rules 26 (SR)(NTDDE) :

Service Book and

Character Roll

Book, duly filled in, will be supplied to the non-teaching staff concerned. There shall also be a Character Roll maintained in Form No.2 for the purpose of confirmation of a non-teaching staff on

completion of probationary period, if any.

CHAPTER-VIII

A non-teaching staff appointed to a permanent post either by promotion or as a direct recruit shall be on probation

Rules 27 (SR)(NTDDE) :

Probation

ordinarily for a period of one year from the date of such appointment and such a period of probation may, at the discretion of the Competent Authority,

be extended for further period not exceeding one year.

Provided that, the Competent Authority may consider the temporary or officiating services rendered by a non-teaching staff against a permanent post, as part of the period of his/her probation.

When a non-teaching staff appointed on probation is, at any time during the period of probation including the extended period, if any, found

Rules 28 (SR)(NTDDE) :

Reversion/termination while on probation

unsuitable for the post, the appointing authority may (i) in the case of a promotee, revert him/her to the post held by him/her immediately before such promotion and (ii) in the case of direct recruit, terminate his/her services after giving him/her one month's notice in writing.

A non-teaching staff appointed against a permanent post on satisfactory completion of the period of probation; Rules 29 (SR)(NTDDE) : shall be confirmed with effect from the date of his/ Confirmation her appointment on probation by an order in writing made by the Competent Authority in this behalf.

Provided that if, on completion of the period of probation, no order of confirmation is made or any communication in this regard is made to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his/her appointment on probation.

The services of a non-teaching staff appointed on a temporary basis may be terminated Rules 30 (SR)(NTDDE) : by the appointing authority at any time by a notice of one month in writing or without notice on payment of one month's salary. Termination of services of a temporary non-teaching staff

The seniority of a non-teaching staff of the D.D.E shall be determined by the rules as prepared, Rules 31 (SR)(NTDDE) : prescribed and amended by the Competant Authority from time to time. Determination of seniority

CHAPTER - IX

In consideration of the nature of duties involved, the services of the non-teaching posts under D.D.E. is considered as Emergency Services. Rules 32 (SR)(NTDDE) : Emergency Services

CHAPTER-X

(i) The normal hours of duty in the office shall be from 10 a.m. to 5-30 p.m. with recess for half an hour from on 1.30 p.m. to 2 p.m. on all full working days. Rules 33 (SR)(NTDDE) : Hours of duty

Provided that, the duty hours of non-teaching posts may be re-scheduled in the manner as may be deemed fit by the appropriate authority.

(ii) The total hours of duty in a day shall not be more than eight hours. A non-teaching staff however, shall have to work beyond eight hours when called upon to do so on the payment of extra allowances as may be prescribed by the Competent Authority from time to time.

(iii) The duty hours of a non-teaching staff may be staggered and his/her services may be regulated by prescribing different spells of duty at different hours, in the interest of the D.D.E.

CHAPTER-XI

A non-teaching staff may apply in writing seeking permission to retire voluntarily on completion of fifteen years of services

Rules 34 (SR)(NTDDE) : on condition that there are no dues pending against
Voluntary Retirement him/her or that there are no charges pending against him/her. Such a non-teaching staff may be permitted to retire voluntarily only after a careful and thorough check-up of his/her records of services. Retirement benefits shall be given to such a non-teaching staff retiring voluntarily, subject to the provisions of the relevant prescribed Rules as in the case of normal retirement.

Provided that, in the case of a non-teaching staff who has been rendered physically incapacitated in the opinion of a Medical Board constituted or prescribed by the Competent Authority for the purpose, the requirement of fifteen years of services may be waived, or relaxed to the extent as may be decided by the Competent Authority in each case.

CHAPTER-XII

The Director of D.D.E or the Office may specify the duties of different non-teaching posts under different cadres or

Rules 35 (SR)(NTDDE) : services under his/her administrative control by
Specification of duties issuing orders as regards the duty or duties to be performed. Subject to such orders, if any the incumbent concerned shall have to perform all duties and obligations which a non-teaching employee holding such post would have ordinarily performed.

Chapter XIII

In any case not expressly provided for in these Rules, the Competent

Rules 36 (SR)(NTDDE) : Authority shall give such directions as may be
Interpretation considered necessary and shall have the power to interpret these rules.
