

**SANT LONGOWAL INSTITUTE OF ENGINEERING & TECNOLOGY
(DEEMED-TO-BE-UNIVERSITY)
LONGOWAL, DISTT. SANGRUR**

CONDUCT RULES

SHORT TERM TITLED :

These rules shall be called Conduct Rules-2009 of Sant Longowal Institute of Engineering & Technology, Longowal.

APPLICATION :

These Rules shall apply to all the employees of the Institute.

DEFINITIONS :

For the purpose of these Rules –

- (1) 'Institute' means the Sant Longowal Institute of Engg. & Tech., (Deemed to be University) Longowal.
- (2) 'Board' means the Board of Management of the Sant Longowal Institute of Engg. & Tech., (Deemed to be University) Longowal.
- (3) 'Chairman' means the Chairman of the Board of Management, Sant Longowal Institute of Engg. & Tech., (Deemed to be University) Longowal.
- (4) 'Competent Authority/Prescribed authority' means the Board of Management/ Director of the Institute, as the case may be, or any other authority designated as the Competent/Prescribed Authority for the purposes of these Rules.
- (5) 'Director' means the Director of Sant Longowal Institute of Engg. & Tech., (Deemed to be University) Longowal.
- (6) 'Employee' means a person in full-time employment of the Institute other than a casual job/piece rated worker paid out of the contingencies.
- (7) "Registrar" means Registrar of the Institute.
- (8) 'Family' in relation to an employee includes –
 - (i) the wife or husband as the case may be, of the employee, whether residing with him or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court.
 - (ii) sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is

no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.

- (iii) any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

1 GENERAL:

- (a) Every employee shall at all times maintain absolute integrity and devotion to duty, shall be strictly honest and impartial in his official dealings and shall do nothing which is unbecoming of an Institute employee.
- (b) No employee shall misuse or carelessly use amenities provided for him/her by the Institute to facilitate the discharge of his duties.
- (c) An employee should at all times be courteous in his dealings with other members of the staff, students and members of the public.
- (d) Unless otherwise stated specifically in the terms of appointment, every employee is a whole-time employee of the Institute, and may be called upon to perform such duties, as may be assigned to him by the competent authority, beyond scheduled working hours and on closed holidays and Sundays. These duties, inter alia, shall include attendance at meetings of committees to which he may be appointed by the Institute.
- (e) An employee shall be required to observe the scheduled hours of work, during which he must be present at the place of his duty.
- (f) Except for valid reasons and/or unforeseen contingencies no employee shall be absent from duty without prior permission.
- (g) No employee shall leave station except with the previous permission of proper authority, even during leave or vacation.
- (h) Whenever leaving the station, an employee shall inform the Head of Department /Section Incharges to which he is attached, or Director if he is himself the Head of the Department, the address where he would be available during the period of his absence from station.
- (i) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under the direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.
- (j) No employee in official dealing with the public or otherwise adopt dilatory tactics or willfully causes delays in the disposal of the work assigned to him.

2. OBSERVANCE OF GOVT. POLICIES:

Every employee of the SLIET, Longowal shall at all times:-

- 2.1 Act in accordance with the Govt./Institute policies regarding age of marriage, preservation of environment, protection of wild life and cultural heritage.
- 2.2 Observe the govt. policies regarding prevention of crime against woman.

3. PROBIHIBITION OF SEXUAL HARRASMENT OF WORKING WOMEN:

- 3.1 No employee shall indulge in any act of sexual harassment of any women at her work place.
- 3.2 Every employee who is in charge of work place shall take appropriate steps to prevent sexual harassment to any women at such work place.

EXPLANATION:

For the purpose of this rule "Sexual harassment includes such unwelcome sexually determined behavior, whether direct or other as:-

- a) Physical contact and advances;
- b) Demand or request for sexual favour;
- c) Sexually coloured remarks;
- d) Showing any pornography; or
- e) Any other unwelcome physical/verbal or non-verbal conduct of a sexual nature.

4. GOVERNMENT OF INDIA'S DECISION:

- 4.1 All employees of the institute are required to give intimation regarding conviction, if any. Like- wise it shall be duty of the employee concerned who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected there with to his official superior promptly even though he might have subsequently been released on bail. Failure on the part of any employee to inform his superior official will be regarded as suppression or material information and will render him liable to disciplinary action on this ground, apart from the action that may be called for the outcome of the police case against him.

4.2 Permission for seeking redress in court of law of grievances rising out of their employment or conditions of service:

- 4.2.1 Institute employees seeking redress of their grievances arising out of employment or conditions of service should, in their own interest and also

consistently with official propriety and discipline, first exhaust the normal official channels of redress before they take the issue to the Court of Law.

4.2.2 Where, however, permission to suo Government/Institute in a Court of Law for the redress of such grievances is asked for by any employee either before exhausting the normal official channels of redress or after exhausting them, he may be informed that such permission is not necessary.

4.3 Joint representation from employees to review as subversive of discipline:

A question was raised whether employee could submit joint representation in matters of common interest and if so, whether their representations should be entertained by the institute? It has been desired that making of joint representation by the employees should be viewed as subversive of discipline and such representations should not, therefore be entertained. Every employee making a representation should do so separately in own name.

4.4 Observance of proper decorum during lunch break:

It has been observed that a no. of employees play cards on lawn outside the office building and other spaces, these games generally degenerate into gambling and other non-employees also sometimes participate in such games. The sight of the groups of employees playing cards around and inside the offices is not becoming and does not promote discipline and decorum in the Institute. It has therefore been decided that :-

4.4.1 No employee should play cards on the lawns and such other places and inside and outside the institute buildings.

4.4.2 The game of the card should be confined and recreation rooms are places approved for such purposes.

4.4.3 No indoor games should be played in and after the prescribed timings except on special occasions i.e. tournament etc.

Persons found violating these instructions will be liable to disciplinary actions.

4.5 Act and conduct which amounts to misconduct:-

4.5.1 Willful in subordination and disobedience whether alone or in combination with others to any lawful and reasonable order of superior.

4.5.2 Infidelity, unfaithfulness, dishonesty, un-trust, worthiness, theft and fraud or dishonesty in connection with the institute business or property.

- 4.5.3 Strike, Picketing, Gheraos:- Striking work inciting others to strike work in contravention of the provisions of any law or rule having the force of law.
- 4.5.4 Gross moral misconduct:- Acts subversive of discipline riots disorderly behaviour during working hours at the establishment.
- 4.5.5 Riots or disorderly behavior during and after the working hours.
- 4.5.6 Habitual late attendance.
- 4.5.7 Negligence and neglect of work.
- 4.5.8 Habitual absence without permission and overstaying leave.
- 4.5.9 Conviction by criminal court.

Explanation:

- a) Nothing in clause (i) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.
- b) No employee shall in the discharge of his official duties deal with any matter related to or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract.

5. TAKING PART IN POLITICS AND ELECTIONS:

- 5.1 No employee shall take part in politics or be associated with any party or organizations which takes part in political activity, nor shall he subscribe in aid of or conduct, in any manner, any political movement or activity.
- 5.2 If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule 4(i) "*Govt. of India's decision under rule 5 of CCS Conduct Rules would be referred to*".
- 5.3 No employee shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority.
Provided that –
an employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of manner in which he proposes to vote or has voted.

An employee shall not be deemed to have contravened the provision of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation:

The display by an Institute employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. JOINING ASSOCIATIONS:

No employee shall join or continue to be a member of an Association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

7. DEMONSTRATIONS AND STRIKES:

No employee shall –

7.1 engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

7.2 resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee.

7.3 No employee/Association/Union shall display posters without prior permission of the Institute authority.

The Institute, while giving the permission, shall prescribe the nature of posters to be displayed on the notice boards in the Institutes premises. Any permission so granted does not confer on Individual/Association/Union any right to display posters or other notices on the walls/doors etc. of the Institutes premises. Violation of this provision will render themselves liable to appropriate action.

7.4 The matter as to what constitutes a strike or demonstration shall be decided as per GOI's decision under rule 7 of CCS (Conduct) Rules, 1964.

7.5 Holding of meetings/demonstration by any employee(s) without permission within his/there office premises is strictly prohibited and any violation of these instructions will be taken serious note of and those concerned will be dealt with suitably under the disciplinary rules, which they governed.

8. CONNECTION WITH ELECTRONIC /PRINTMEDIA:

8.1 No employee shall, except with the prior sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publications.

8.2 No employee shall, except with the prior sanction of the competent authority or any other authority empowered by it in this behalf or on bonafide discharge of his duties, participate in a broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical.

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

Note: Subject to the restrictions noted below, members of the staff are at liberty, without any sanction as contemplated in paragraph 8.2 above, to publish their original scientific works in journals of repute in India and abroad.

Such articles must be strictly confined to purely scientific subjects and should not touch upon administrative matters. They shall be free from all political tinge. Publication of articles relating to India's boundary areas and the tribal population in such area is prohibited without previous permission of the competent authority.

9. CRITICISM OF THE INSTITUTE/GOVERNMENT:

9.1 No employee shall, use electronic or print media including any radio broadcast or in any document published anonymously, pseudonymously or in his own name or in the name of any other person or Association or in any communication to the press or in any public utterance, make any statement of fact or opinion –

(i) which has the effect of any adverse criticism of any current or recent policy or action of the Institute ;

(ii) which is capable of embarrassing the relations between the Institute and the Central Govt. or any State Govt. or any other Institution or organization or member of the public.

Provided that nothing in this rules shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

9.2 **Employees visiting foreign countries should refrain from expression to views on Indian or foreign affairs and in particular making any written or oral statement.**

10. EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY:

10.1 Save as provided in sub-rule (3) below, no employee shall, except with the previous sanction of the competent authority, give evidence in connection with any inquiry conducted by any person, committee or authority ;

10.2 Where any sanction has been accorded under sub-rule (1) no employee giving such evidence shall criticize the policy or any action of the Institute or the Central Govt. or any State Govt.

10.3 Nothing in this rule shall apply to –

(a) evidence given at any inquiry before any authority appointed by the Institute, by the Parliament or by a State Legislature; or

(b) evidence given in any judicial inquiry;

or

(c) evidence given at any departmental inquiry ordered by the Institute authorities.

11. UNAUTHORISED COMMUNICATION OF INFORMATION:

No employee, shall except in accordance with any general or special order of the competent authority or in the performance, in good faith, of the duties assigned to him, communicate, directly or indirectly, any official document or information to any person to whom he is not authorized to communicate such document or information.

Explanation : Quotation by an employee (in his representation to the Institute authorities) of or from any letter, circular or office memorandum or from the notes on any file, to which he is not authorized to have access, or which he is not authorized to keep in his personal custody or for personal purposes, shall amount to unauthorized communication of information within the meaning of this Rule.

12. SUBSCRIPTIONS:

No employee shall, except with the previous sanction of the competent authority, ask for or accept contributions to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

12.1 GIFTS:

12.1.1 No employee shall, except with the prior sanction of the competent authority, accept or permit his wife or any other member of his family to accept from any person other than relations or personal friends any gift of more than trifling value.

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

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

Note 2. An Institute employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations etc.

On occasions, such as weddings, and anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social; practice, an employee may accept gifts, from his near relatives but he shall make a report to the Institute if the value of any such gift exceeds **the monetary limits prescribed from time to time, under clause 12 (2) of CCS (Conduct) Rules, 1964.**

12.2 DOWRY:

No employee shall –

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation: For the purposes of this rule, ‘dowry’ has the same meaning as in the dowry prohibition Act, 1961 (28 of 1961) or from time to time.

13. PRIVATE TRADE OR EMPLOYMENT:

1.1 No employee shall, except with the previous permission of the competent authority, engage directly or indirectly, in any trade or business or any private tuition or undertake any employment outside his official assignments.

Provided that the above restrictions shall not apply to academic, literary, artistic and scientific work and consultative practice undertaken with the prior permission of the competent authority which may be given subject to the condition that the official work does not thereby suffer and such other conditions as regards acceptance of remuneration as may be laid down by the Board.

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

- (1) Every employee shall report to the Institute if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (2) No employee shall, without the previous sanction of the Institute, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or any Co-operative Society for commercial purposes.

Provided that an employee may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of employee registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary scientific or charitable society registered under the Societies Registration Act, 1960 (21 of 1960), or any corresponding law in force.

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

Explanation:- The term "fee" used here shall have the meaning assigned to it in FR 9(6A).

Government of India's Decision

- i) Acceptance of part time examiner ship of examination papers set by recognized universities: It has been agreed upon that the official duty of individual concerned do not in any way suffer. The fees received by the individual in such cases will not be subject to SR 12 of fundamental rules. It is felt that the offers of examiner ship are generally of casual nature occurring once or twice a year for a few days, when the answer books etc. have to be evaluated. There may therefore, be no serious objection in giving permission to such cases.

14. INVESTMENT, LENDING AND BORROWING:

14.1 No employee shall speculate in any stocks, shares or other investments.

Explanation : Frequent purchase or sale or both, of shares, securities, or other investments shall be deemed to be speculation within the meaning of this sub-rule.

14.2 No employee shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

14.3 If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Institute thereon shall be final.

14.4 No employee shall, save in the ordinary course of business with a bank or a public limited company either himself or through any member of his family or any other person acting on his behalf.

(a) lend or borrow or deposit money, as a principal or an agent, to or from or with, any person or firm or private limited company within the local limit of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid.

Provided that an employee may, give to, or accept from, a relative or a personal friend a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide trades man or make an advance of pay of his private employee.

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Institute.

15. INSOLVENCY, HABITUAL INDEBTEDNESS AND CRIMINAL PROCEEDINGS:

15.1 An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. When an employee is found liable to arrest for debt or his recourse to insolvency or when it is found that moiety of his salary is continuously being attached, he may be liable to dismissal. An employee who becomes the subject of legal proceedings for insolvency shall forthwith report full facts to the Institute.

- 15.2 An employee who gets involved in some criminal proceedings shall immediately inform the competent authority through the Head of the Department to which he is working, irrespective of the fact whether he has been released on bail or not.
- 15.3 An employee who is detained in police custody whether on criminal charge or otherwise for a period longer than 48 hours shall not join his duties in the Institute unless he has obtained written permission to that effect from the Director of the Institute.

16. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

- 16.1 Every employee shall on his first appointment to a post in the Institute, submit a return of his assets and liabilities, in such form as may be prescribed by the Institute, giving the full particulars regarding:
- (a) the immovable property inherited by him, or lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person ;
 - (b) shares, debentures and cash, including bank deposits, inherited by him or similarly owned, acquired or held by him; and
 - (c) other, movable property inherited by him or similarly owned, acquired or held by him; and
 - (d) debts and other liabilities incurred by him directly or indirectly.

Note:1. Sub-rule (1) shall not ordinarily apply to Group 'D' employees but the Institute may direct that it shall apply to any such employee or class of such employees.

Note:2. In all returns, the value of items of movable property worth less than (Rs. 10,000/-) may be added and shown as a lumpsum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

- 16.2 Every employee holding any post included in Group 'A' or Group 'B' shall submit an annual return in such form as may be prescribed by the Institute in this regard, giving full particulars regarding the immovable property inherited by him or held by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.
- 16.3 No employee shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage,

purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

Provided that the previous sanction of the prescribed authority shall be obtained by the employees if any such transaction is –

- (i) with a person having official dealings with the employee; or
- (ii) otherwise than through a regular or reputed dealer.

16.4 Where an employee enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds Rs. 20,000/- in the case of an employee holding a Group 'A' or 'B' post or Rs. 15,000/- in the case of an employee holding a Group 'C' or 'D' post.

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction –

- (i) with a person having official dealings with employee; or
- (ii) otherwise than through a regular or reputed dealer.

16.5 The Board may, at any time, by a general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Institute or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

16.6 The Institute may exempt any category of employees belonging to Group 'C' or 'D' from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Board of Management.

Explanation-I : For the purposes of this rule :

16.6.1 the expression "Movable property" includes –

- (a) jewellery, insurance policies the premium of which exceeds Rs. 10,000 or one-sixth of the total annual emoluments received from Institute whichever is less, shares, securities and debentures;
- (b) loans advanced by such employees whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radio, radiograms and television sets.

16.6.2 “prescribed authority” means –

- (a) (i) The Board in the case of an employee holding any Group ‘A’ post except where any lower authority is specifically designated by the Board for any purpose;
- (ii) Director in the case of an employee holding Group ‘B’ post;
- (iii) Registrar in the case of an employee holding a Group ‘C’ or ‘D’ post.
- (b) In respect of an employee of foreign service or on deputation to any other department/organization, the prescribed authority in respect of the post held by the employee in the Institute.

Explanation II : For the purposes of this Rule, ‘lease’ means, except where it is obtained from, or granted to a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

17. RESTRICTIONS IN RELATION TO ACQUISITION AND DISPOSAL OF IMMOVABLE PROPERTY OUTSIDE INDIA AND TRANSACTION WITH FOREIGNERS, ETC.

No employee shall, except with the prior sanction of the competent authority:-

- (a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India; or
- (b) dispose of, by sale, mortgage, gift, or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family; or
- (c) enter into any transaction with any foreigner, foreign Govt., foreign organization or concern,
 - (i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property; or
 - (ii) for the disposal, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

18. SUBLETTING AND VACATION OF INSTITUTE ACCOMMODATION:

- i) No employee shall sublet, lease or otherwise allow occupation by any other persons of institute accommodation which has been allotted to him.

- ii) The employee of the institute shall, after the cancellation of his allotment of accommodation vacates the same within the time limit prescribed by the allotting committee.

19. VINDICATION OF ACTS AND CHARACTER OF EMPLOYEES:

No employee shall, except with the prior sanction of the competent authority, have recourse to any court of law or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Provided nothing in the rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity.

20. CANVASSING OF NON-OFFICIAL OR OTHER OUTSIDE INFLUENCE:

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

21. RESTRICTION REGARDING MARRIAGE:

(1) No employee shall enter into or contract a marriage with a person having a spouse living; and

(2) No employee having a spouse living, shall enter into or contract a marriage with any other person.

Provided that the Board may permit an employee to enter into, or contract, any such marriage as in referred to in clause (1) or clause (2), if it is satisfied that –

(a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Institute.

22. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS :

An employee shall -

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such a drink or drug;

- (c) refrain from consuming any intoxicating drink or drug in a public/institute premises;
- (d) not appear in a public place or the Institute premises in a state of intoxication; and
- (e) not use any intoxicating drink or drug to excess.

23. REPRESENTATIONS:

- (a) Whenever, an employee, wishes to put forth any claim, or seeks redress of any grievance or of any wrong done to him, he must forward his case through proper channel, and shall not forward such advance copies of his application to any higher authority, unless the lower authority has rejected the claim or refused relief, or the disposal of the matter is delayed by more than three months.
- (b) No employee shall be signatory to any joint representation addressed to the authorities for redress of any grievance or for any other matter.

24. APPEAL, REVISION AND REVIEW

24.1 Appeal

1. An appeal is one which is preferred to the appropriate Appellate Authority against an order of penalty. Right of appeal has been provided in certain other cases also, like, i) suspension, (ii) payment of subsistence allowance during suspension, (iii) regulation of pay and allowances for period of suspension and/or unemployment, on reinstatement and (iv) withholding/withdrawing pension or part thereof, by an order of the Appointing Authority, when a pensioner is found guilty of grave misconduct or is convicted of a serious crime by a Court of Law. Even supersession in promotion which denies/varies to disadvantage pay, allowances, pension and conditions of service, is appealable.
2. Appeal has to be preferred within forty-five days of receipt of the order appealed against, direct to the Appellate Authority who may condone delay, if valid reasons are given.
3. The appeal should contain all material statements and arguments on which the appellant relies and should be complete in itself. It should not be in disrespectful or improper language.
4. A copy of the appeal should be sent to the authority who passed the order, who has to forward the same alongwith the complete records and his comments to the Appellate Authority without any avoidable delay.
5. The Appellate Authority is to consider (i) whether procedure laid down in the rules has been complied with and if not, whether such non-compliance has resulted in violation of the provisions of the Constitution/in the failure of justice, (ii) whether findings of the Disciplinary Authority are warranted in the circumstances of the case

and (iii) whether the penalty imposed is adequate, inadequate or severe. The word, “consider” has been held to imply “due application of mind” and the Appellate Authority should pass a speaking order. It is necessary that all the points raised by the appellant are summarized in the order and are also logically discussed to show how they are not tenable or acceptable.

6. In an appeal against a major penalty, if the appellant specifically requests for a personal hearing, taking the assistance of a defence assistant also, this may be granted by the Appellate Authority at its discretion.
7. If the Appellate Authority proposes to enhance the penalty, it can do so only after holding an inquiry if one is required to be held but not held earlier and after issue of a show cause notice. In cases where an inquiry has already been held, the appellant should be given a reasonable opportunity to represent against the proposed enhanced penalty.
8. In respect of an appeal against any other order, the Appellate Authority may pass such order as it deems just and equitable considering the facts and circumstances of the case.—Rule 22 to 28 and GIDs.

24.2 Revision

1. Even after disposal of appeal, or having failed to avail of appeal facility, further departmental remedy is available to an aggrieved official by way of revision.
2. The power of revision is vested with the Chirman, BOM, SLIET subject to the approval of BOM, SLIET, Longowal.
3. In the case of the Appellate Authority, it should convey its intention to revise the orders and call for the records, within six months of the date of the order to be revised. No time limit has been prescribed in respect of others.
4. Revisional Authorities can start the proceedings either on their own motion or “on application” from the official. Revision proceedings cannot be commenced until after the expiry of the period of limitation for an appeal or the disposal of appeal, if one has been preferred.
5. If the Revisional Authority comes to the provisional conclusion that the punishment awarded is not adequate, he can impose higher penalty only after—
 - a) Issuing, show-cause notice to the Government servant and considering his reply thereto; and
 - b) Holding regular inquiry if an enquiry had not been held earlier, if a major penalty is proposed.
6. An application for revision has to be dealt within the same manner as an appeal. – Rule 29 and GIDs.

24.3 Review

The President can make a review of any order passed earlier, including an order passed in revision, when any new fact or material which has the effect of changing the nature of the case, comes to his notice. However, imposing or enhancing of any penalty can be done only after giving the Government servant concerned a reasonable opportunity of making representation and holding of an inquiry, in cases where one is required to be held under the rules but had not been held –Rule 29-A.

25. SUSPENSION

Suspension is an executive action whereby a Government servant is kept out of duty temporarily pending final action against him for criminal offences or acts of indiscipline, delinquency, misdemeanor, etc.

1. When resorted to—
 - (a) When disciplinary proceedings are contemplated/pending, or when a case in respect of any criminal offence is under investigation, inquiry or trial or when the Government servant is involved in a case of “dowry death”.
 - (b) The following circumstances may be considered appropriate to place a Government servant under suspension—
 1. When preliminary enquiry supports a prima facie case for initiating criminal/departmental proceedings likely to lead to his conviction, and/or dismissal, removal or compulsory retirement from service.
 2. When his continuance in office will prejudice investigation, trial or enquiry, or is likely to seriously subvert discipline or be against wider public interest.
 3. When he is suspected to have engaged himself in activities prejudicial to the security of the State.
 4. When he is charged with misdemeanor of the following types :-
 - i) Offence or conduct involving moral turpitude.
 - ii) Corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain ;
 - iii) Serious negligence and dereliction of duty resulting in considerable loss to Government; and
 - iv) Refusal or deliberate failure to carry out written orders of the superior officers.
 - (c) A Government servant should be placed under suspension immediately if—
 - a) he is arrested in “Dowry Death” case, irrespective of the period of detention; or
 - b) the Police report to the Magistrate prima facie indicates that the offence has been committed by the Government servant.—Ryle 10(1), GIDs (1) & (2), Chapter 3.
2. Suspension should not be resorted to—
 - i) For petty offences unrelated to morality or official duties; and
 - ii) When an official is absconding.
3. Deemed suspension.—A Government servant detained in custody on a criminal charge or otherwise, for a period exceeding forty-eight hours or sentenced to a term of imprisonment exceeding forty-eight hours, is deemed to have been placed under suspension. However, issue of formal order or suspension is necessary.--- Rule10(2).
4. Review and Revocation –To avoid great hardship, suspension should not be unduly prolonged. When it has been decided to institute criminal proceedings

against a Government servant in a Court of law, efforts should be made to file the charge-sheet in a Court within three months. Likewise, in departmental action, the total period of investigation and disciplinary proceedings should not ordinarily exceed six months. A review committee should be constituted and all cases of suspension should be reviewed by the committee within 90 days from the effective date of the order of suspension. If the Government servant continues to be under detention at the time of completion of ninety days, no review is necessary. The suspension may be revoked or extended on the recommendation of the committee. The extension shall not be more than 180 days at a time. If the suspension is not extended within 90 days, it will not be valid after a period of 90 days.—Rule 10(5), (6), (7), GID (10), Chapter 3.

5. Authority competent to order/revoke suspension—The appointing authority, any authority to which it is subordinate, the Disciplinary Authority or any other authority empowered in that behalf by the President may place an official under suspension. The suspension can be revoked by the authority, which issued the order of suspension, or any authority to which it is subordinate—Rules 10(1) & 10 (5) (c) .
6. Headquarters during suspension – The suspended officer's station--- of posting immediately before suspension. At his request, it can be changed, provided the change does not involve any expenditure or create other complications.—Rule 10, GID (8), Chapter 3.
7. Appeal against suspension—Though suspension is not a statutory penalty, the Government servant can prefer an appeal against an order of suspension within forty-five days of service of the order if from the order he becomes aware of the reasons leading to his suspension. If the reasons could not be ascertained from the order itself, the appeal can be preferred within forty-five days from the date of receipt of charge-sheet or communication intimating the reasons for suspension, whichever is earlier. The Appellate Authority is to consider whether in the light of the provisions of the rule and the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order—Rule 23(i) & 27 (1) and GID(10), Chapter 3.
8. Treatment of suspension, if, in its duration, the Government servant-
 - (1) Dies—Suspension order abates and the period is treated as duty. Pay and allowances and retirement/leave encashment benefits are admitted under normal rules—FR 54-B(2).
 - (2) Attains age of superannuation—He is provisionally pensioned off but retirement gratuity to be paid only after conclusion of the proceedings depending upon the effect of the final order. –Rule 69, CCS (Pension) rules.
 - (3) Seeks Voluntary Retirement—Permissible with prior approval of appointing authority—FR 56(k), Proviso (c) .
 - (4) Submits Resignation – Competent Authority should examine merits of the case and decide if acceptance of resignation would be in public interest—GID(12), Chapter 3.

26. SUBSISTENCE ALLOWANCE

1. **Quantum payable** – A suspended official is entitled for the first three months of suspension to Subsistence Allowance of an amount equal to leave salary on half pay, with Appropriate Dearness and Compensatory Allowances—FR 53(1)
2. **First review for increase/decrease**—The Suspending Authority has to review, and pass necessary orders in sufficient time before expiry of the first three months. The allowance may be increased by a suitable amount not exceeding 50% of the initial sum, if the suspension is prolonged due to reasons not directly attributable to the Government servant. It may be decreased in the same manner if the Government servant is held to be held to be responsible for the prolongation. If it is not varied either way, the circumstances under which such a decision was taken should be recorded—FR 53 (1).
3. **Subsequent reviews** –It is open to the Competent Authority to make further reviews at any time if the circumstances warrant and pass appropriate orders—FR 53, GIO (3).
4. **Certificate of non-employment**—Subsistence Allowance can be paid only if the suspended official furnishes a certificate every month that he was not engaged in any other employment, business, profession or vocation and cannot be denied on any other ground.—FR 53(2).
5. **Appeal against revision of allowance**--- The suspended official may appeal if he is not satisfied with the increase/decrease allowed and the Appellate Authority after considering all the circumstances may pass just and equitable orders—Rules 23 (v) (d) & 27 (3), CCS (CCA) Rules.
6. **Recovery from Subsistence Allowance** –
Obligatory—Repayment of loans and advances taken, contribution to CGHS and Group Insurance, house rent and allied charges and income tax.
With the officials written consent---PLI Premia, Co-operative Stores/Societies dues, refund of GPF/CPF advances.
Not enforceable—GPF/CPF subscription, court attachment dues and recovery of loss to Government—FR 53, GIO(5) & CCS(CCA) Rules, Chapter 3 & 4.

27. REINSTATEMENT

1. **Circumstances of reinstatement in service** of an official after suspension/compulsory retirement/removal/dismissal—
 - a) If detention in Police custody, erroneous or without basis, ends in release without prosecution, deemed suspension ceases.
 - b) When under suspension pending departmental proceeding on the withdrawal of proceedings for any reason, or on the award of penalty other than compulsorily retirement/removal/dismissal.
 - c) When under suspension pending criminal proceedings, if acquitted by a Court of law and if it is decided not to proceed further departmentally.
 - d) On the setting aside of an award of compulsory retirement/removal/dismissal by a Court of law or by the Appellate/Revising Authority.
2. **Full pay and allowances admissible** –

- (1) Reinstatement on full exoneration in departmental proceedings, when the charged official is not held responsible for delay in the termination of the proceedings against him.
 - (2) Reinstatement on an official's acquittal on merits of the case in Court proceedings and no further departmental enquiry is held.
 - (3) Reinstatement when suspension is held to be wholly unjustified and when the charged official is not held responsible for delay in the termination of the proceedings against him.
 - (4) When minor penalty is awarded
 - (5) If detention under a law providing for preventive detention is held by the competent authority to be unjustified.
 - (6) In case of deemed suspension on grounds of detention found to be erroneous and no prosecution is launched.
 - (7) In case of arrest for debt, if the liability is proved to be due to circumstances beyond the official's control.
 - (8) Official's death while under suspension.
3. **Proportionate (less than whole) pay and allowances** ---(1) Even in cases of full exoneration in departmental proceedings, when it is held that the termination of the proceedings instituted against an official had been delayed for reasons directly attributable to him, for such period of suspension and/or dismissal, etc. as may be directed by the Reinstating Authority.
- (2) In cases of departmental proceedings where the official is not fully exonerated or the earlier order is set aside solely on the ground of non-compliance with the requirements of Article 311 of the constitution..
 - (3) In court cases where the order is set aside solely on the ground of non-compliance with the requirements of Article 311 or when exoneration is not on merits.
 - (4) Even in cases where the suspension is held to be wholly unjustified when it is held that the termination of the proceedings instituted against an official had been delayed for reasons directly attributable to him, for such period of suspension as may be directed by the Reinstating Authority.
 - (5) In cases of detention under a law providing for preventive detention, when it is held that the detention was not unjustified and in cases of arrest for debt, where the liability is proved to be due to circumstances within the official's control, for such period as may be directed by the Reinstating Authority.
 - (6) In cases where the suspension is not held to be wholly unjustified.

In all these cases, the proportionate pay and allowance should be determined only after giving an opportunity/notice to the official to make his representation against the proposal and after considering his representation, if any. The amount so determined should not be less than what was paid as subsistence allowance.

In all cases of payment of pay and allowances—either in full or in part—for past period, certificate of non-employment, as in the case of payment of subsistence allowance, is essential.

The payment is also subject to adjustment of any amount earned by the Government servant through any employment during the period.

4. **When period of suspension is treated as duty—**(1) On reinstatement due to full exoneration in departmental proceedings.

(2) On reinstatement due to the official's acquittal on merits of the case in court proceedings and no further departmental inquiry is held.

(3) On reinstatement when suspension is held to be wholly unjustified.

(4) When minor penalty is awarded.

(5) If detention in Police custody, erroneous or without basis ends in release without prosecution and if the Competent Authority concludes that suspension was wholly unjustified.

(6) If the detention under a law providing for preventive detention is held by the Competent Authority to be unjustified.

(7) In cases of arrest for debt, if the liability is proved to be due to circumstances beyond the official's control.

(8) Official's death while under suspension.

5. **Period of suspension treated as non-duty (unless otherwise decided for any specific purpose)—**

1) In cases of departmental proceedings where the Government servant is not fully exonerated or the earlier order is set aside solely on the ground of non-compliance with the requirements of Article 311.

2) In court cases under similar circumstances.

3) In cases where suspension is not considered wholly unjustified.

In cases of these types, the official has the option to get the period converted into leave of any kind due and admissible under the Competent Authority's order which shall be absolute.

6. **Proportionate pay and allowances cannot be denied for any period—**Even in cases where a dismissed official is reinstated by Competent authority on compassionate grounds and the period from the date of dismissal to the date of reinstatement ordered to be treated as 'non-duty', payment of proportionate pay and allowances for that period is mandatory.

7. **Review of the period of suspension revoked pending proceedings —**If an order has been passed before conclusion of the departmental/court proceedings as to pay and allowances for and treatment of the period of suspension revoked before conclusion of the inquiry/court case, it is only a provisional order. After conclusion of the inquiry/court case, the said order should be reviewed on its own motion and a final order passed under the directive principles mentioned at headings 2 to 6 ante.---FRs 54, 54-A, 54-B and Chapter 6, CCS (CCA) Rules.

(In case of any ambiguity and clarity, Government of India rules shall be applicable)