

**ORDINANCE ON**  
**DISCIPLINARY ACTION, PENALTIES AND APPEAL RULES`**  
**(Under Section 22 (b) of SVSU Act.)**

**1. Short title and commencement: -**

- (i) These rules may be called the Shri Vishwakarma Skill University (Disciplinary Action, Penalties and Appeal) Rules.
- (ii) These rules shall be come into force with effect from the date of notification.

**2. Application: -** These rules shall apply to every regular/permanent employee of the university.

**3. Definitions: -**

In these rules, unless the context otherwise requires, -

- (i) "**Appointing Authority**" means the authority empowered to make appointments to a post in the University which an employee for the time being holds.
- (ii) "**Government**" means the State Government of Haryana.
- (iii) "**Employee**" means any person appointed to any service or post in connection with the affairs of the university.
- (iv) "**Punishing Authority**" means the Competent Authority empowered to impose any of the penalties specified under these rules to an employee of the university.
- (v) "**Services**" means the services rendered by an employee under the administrative control of the university.
- (vi) "**Dismissal**" means the services of an employee dismissed from the service of the University by way of punishment on account of any grave misconduct on his/her part or serious criminal charges against him/her. The dismissal shall be a disqualification for future employment also;
- (vii) "**Removal**" means removal of a university employee from university service/post. It is one of the major punishments awarded under these rules. However, the removed person is not debarred for future employment under the Government or its institutions;
- (viii) "**Censure**" means expression of severe displeasure. It is one of the minor penalties imposed under rule 4;
- (ix) "**Charged person**" means a University delinquent employee against whom disciplinary proceedings under these rules have been instituted;
- (x) "**Compulsory retirement**" means retirement from service of a University employee as a measure of punishment under these rules, irrespective of age or length of service of such employee;
- (xi) "**Termination**" means terminate from the services of the university on whatsoever reason by the Competent Authority but not by way of removal or dismissal from service;

**4. Penalties: -**

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employees of the University, namely—

**(i) Minor Penalties: -**

- a) Warning with a copy in the personal file
- b) Censure;
- c) withholding of his/her promotion for a specified period up to one year:
- d) Recovery from his/her pay of the whole or part of any pecuniary loss caused by him/her to the University by negligence or breach of orders of the Competent Authority.
- i) Reduction to a lower stage in the time scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his/her pension.
- e) Withholding of increment (s) of pay without cumulative effect.

**(ii) Major Penalties: -**

- a) Withholding of increment (s) of pay with cumulative effect.
- b) Withholding of his/her promotion for a specified period more than one year:
- c) reduction to a lower stag in the pay band or pay scale for a specified period, with the specific directions as to whether normal increment shall be admissible or not during the currency of the specified period of reduction, and further, whether on the expiry of the period of reduction his pay is to be restored or not.
- d) Reduction to a lower pay structure, post or service for a period of more than one year from which he has been promoted which shall ordinarily be a bar to the promotion of the University employee to the pay structure, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the pay structure, post or service from which the University employee was reduced and his seniority and pay on such restoration to that pay structure, post or service;
- e) compulsory retirement from the University service;
- f) removal from University services which shall not be a disqualification for future employment under the Government/University;
- g) dismissal from University services which shall be a disqualification for future employment under the Government/University;

**Explanation: —** The following shall not amount to a penalty within the meaning of these rules, namely: -

- (i) withholding of increments of an employee for his/her failure to pass any departmental examination in accordance with the rules or orders governing the service to which he/she belongs or post which he/she holds or the terms of his/her appointment;
- (ii) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his/her case, to a service, pay structure or post for promotion to which he/she is eligible;
- (iii) withdrawal or non-grant of ACP/MACP Pay structure on foregoing promotion;
- (iv) reversion of an employee officiating in higher pay structure, post or service to a lower pay structure, post or service on the ground that he/she is considered to be unsuitable for such higher pay structure, post or service on any administrative grounds but not connected with his/her conduct;
- (v) reversion of an employee, promoted or appointed to any service, post or pay structure during or at the end of the period of probation, in accordance with the terms of his/her appointment or the rules and orders governing such probation;

(vi) retirement on superannuation on attaining the maximum age of retirement;

(vii) termination of the service

- of an employee appointed on probation, during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probations; or
- of a temporary employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of appointment; or
- of an employee employed under an agreement in accordance with the terms of such agreement.

## **5. Suspension: -**

(a) The Appointing Authority or any other officer empowered by the Executive Council in that behalf may place any employee under suspension;

- i) where a disciplinary proceeding against him/her is contemplated or is pending; or
- ii) where a case against him/her in respect of any criminal offense is under investigation, inquiry or trial.

(b) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended w.e.f. the date of his/her detention on order of the Competent Authority and shall remain under suspension until further orders.

(c) Where a case against an employee in respect of any criminal offence is under trial, it shall be the duty of the employee to inform about the said fact as soon as becomes to know about it. Similarly, where an employee is detained in custody for a period exceeding 48 hours, it shall be the duty of the employee to inform the Registrar about the said detention at the earliest available opportunity. Failure to supply the information as aforesaid shall be regarded as misconduct on the part of the employee rendering him/her liable for disciplinary action on that ground alone.

(d) Order of suspension becomes effective when it is issued and not from the date of its receipt by the employee.

(e) An order of suspension made or deemed to have been made under this clause may at any time be revoked by the Officer/Authority which made or is deemed to have made it.

## **6. Payment of Subsistence Allowance during Suspension: -**

(b) During the period of suspension, the member of the staff placed under suspension shall be entitled to the payment of subsistence allowance equivalent to half the rate which is admissible to him/her immediately before the commencement of the suspension and other allowances based on half pay. Compensatory allowance, if any, shall be admissible only if the Vice Chancellor is satisfied that the employee continues to meet the expenditure for which they are sanctioned. The rate of compensatory allowance, if admissible, should be determined on the basis of the pay, which the employee was in receipt of, on the date of suspension.

Provided that where the period of suspension exceeds 6 months, the Vice chancellor shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first 6 months, as follows:

- (i) The amount of the subsistence allowance may be increased by a suitable amount not exceeding 50% of the subsistence allowance admissible during the period of the first 6 months if, in the opinion of the Vice Chancellor, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee.
  - (ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding 50% of the subsistence allowance admissible during the period of first 6 months, if in the opinion of the Vice Chancellor, the period of suspension has been prolonged for reasons, to be recorded in writing, directly attributable to the employee.
  - (iii) The rate of dearness allowance will be based on increased/decreased amount, as the case may be, of the subsistence allowance admissible under sub clauses (a) and (b) above.
- (c) No payment under (i) above shall be made unless the employee furnishes a certificate that he/she is not engaged in any other employment, business, profession or vocation.

### **7. Leave to an Employee under Suspension:**

Leave may not be granted to an employee under suspension.

### **8. Suspension during pendency of Criminal Proceedings, or Proceeding for arrest for debt or during detention under law providing for preventive detention:**

An employee against whom proceedings have been taken either for his/her arrest for debt or on a criminal charge or who is detained under any law providing for preventive detention should, if the period of detention exceeds 48 hours and unless he/she is already under suspension, be considered to be under suspension from the date of detention for any period until he/she is detained in custody or is undergoing imprisonment and not allowed to draw by pay and allowances (other than any subsistence allowance that may be granted in accordance with the principles laid down in Clause 7 for such periods until the final termination of the proceedings taken against him/her or until he/she is released from detention and allowed to re-join duty, as the case may be. An adjustment of his/her allowances for such periods should thereafter be made according to the circumstances of the case, the full amount being given only in the event of the employee being acquitted of blame or if the proceedings taken against him/her were for his/her arrest for debt, of its being proved that the employee's liability arose from circumstances beyond his/her control or the detention being held by the Competent Authority to be unjustified.

### **9. Allowances on Reinstatement;**

- (a) When an employee, who has been dismissed removed, compulsorily retired, or suspended, is reinstated, or would have been reinstated but for his/her retirement on superannuation, the authority competent to order the reinstatement shall consider and make a specific order:
  - (i) regarding the pay and allowances to be paid to the employee for the period of his/her absence from duty, occasioned by suspension and/or dismissal, removal

or compulsory retirement ending with his/her reinstatement on or the date of his/her retirement on superannuation as the case may be, and

- (ii) whether or not the said period shall be treated as a period spent on duty.
- (b) Where the authority mentioned in sub clause (i) is of the opinion that the employee has been fully exonerated or; in the case of suspension, that it was wholly unjustified, the employee shall be given the full pay and allowances to which he/she would have been entitled, had he/she not been dismissed, removed, compulsorily retired or suspended, as the case may be.
- (c) In other cases, the employee shall be given the proportion of such pay and allowances as the Competent Authority may prescribe:

Provided that the payment of allowances under sub-clause (ii) or sub-clause-(iii) shall be subject to all other conditions under which such allowances are admissible.

Provided further that such proportion of such pay and allowances should not be less than the subsistence and other allowances admissible under Clause -7.

- (d) In a case falling under sub-clause-(ii), the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (e) In a case falling under sub-clause (iii) the period of absence from duty shall not be treated as period spent on duty unless such, Competent Authority specifically directs that it shall be so treated for any specified purpose:

A permanent post vacated by dismissal, removal or compulsory retirement of an employee should not be filled substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement as the case may be. Where on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his/her previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in his/her grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

The term “Reviewing Authority” as used in his/her clause include an authority revising its own orders.

The period spent under medical treatment by an employee under suspension shall be treated as spent under suspension and the subsistence allowance as admissible under the rules shall be given for the period.

The term ‘Proportion’ used in sub-clause-(iii) of this clause does not mean “whole”. If no order is passed under sub-clause (v) of this clause directing that the period of absence be treated as duty for any specified purpose, the period of absence should be treated as ‘**non-duty**’. In such event, the past service (i.e. service rendered before dismissal, removal, compulsory retirement or suspension) will not be forfeited.

## **10. Authority to impose punishment: -**

Subject to the provisions of clause (1) of Article 311 of the Constitution of India, the authorities competent to impose any of the penalties specified in rule 4 upon the persons to whom these rules apply, shall be such, as may be prescribed by the Competent Authority in the rules regulating the appointment and conditions of service of such persons.

## **11. Procedure for imposing major penalty: -**

### **(a) Inquiry before imposition of major penalty**

- (i) No order of imposing a major penalty shall be passed against a person to whom these rules are applicable unless he/she has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her.
- (ii) Whenever the punishing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint under this rule, an authority to inquire into the truth thereof:  
Provided that where there is a complaint of sexual harassment, the complaints committee established or officer for inquiring into such complaints shall be deemed to be the Inquiry Officer appointed by the Punishing Authority for the purpose of these rules and the complaints committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.
- (iii) Where it is proposed to hold an inquiry against an employee under this rule, the punishing authority shall draw up or cause to be drawn up —
  - the substance of imputation of misconduct or misbehaviour into definite and distinct statement of charges;
  - a statement of imputation of misconduct or misbehaviour in support of each statement of charge, which shall contain—
    - A statement of all relative facts including any admission or confession made by the employee;
    - A list of documents by which and a list of witnesses by whom, the statement of charges is proposed to be sustained.
- (iv) The Punishing Authority shall deliver or cause to be delivered to the employee, a copy of the statement of charges, the statement of the imputations of misconduct or misbehaviour and a list of document and witness by which each statement of charge is proposed to be sustained and shall require an employee to submit, within such time as may be specified but not more than 45 days, a written statement of his/her defence and to state whether he/she desires to be heard in person.
- (v) In case the Competent Authority is satisfied with the written statement of defence given by the charged person, it may drop the charge-sheet without resorting to the procedure of conducting enquiry. Similarly, if the Competent

Authority after considering the written statement of defence of the charged person is of the opinion that awarding of minor punishment shall meet the end of justice, then the authority competent may award minor punishment without following the procedure of conducting the enquiry.

- (vi) Subject to the provisions of sub-rule (v), on receipt of the written statement of defence, the Punishing Authority may—
  - itself inquire into such of the statement of charges as are not admitted; or,
  - if it considers it necessary so to do, appoint under sub-rule (ii), an inquiry officer for the purpose; and
  - where all the statement of charges has been admitted by an employee in his/her written statement of defence, the Punishing Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 12(C);
- (vii) If no written statement of defence is submitted by the charged person within the specified period or extended period, if any, allowed by the Punishing Authority after due consideration, the Punishing Authority may itself inquire into the statement of charges or may, if it considers it necessary to do so, appoint under sub-rule (ii), Inquiry Officer for the purpose.
- (viii) Where the Punishing Authority itself inquire into any articles of charge(s) or appoints an Inquiry Officer for holding an inquiry into such charge(s), it shall by an order appoint an employee or a legal practitioner, to be known as the 'Presenting Officer' to present on its behalf the case in support of the statement of charges.
- (ix) The Punishing Authority shall, where it is not itself the Inquiry Officer, forward to the Inquiry Officer—
  - a copy of the articles of charge(s) and the statement of the imputation of misconduct or misbehaviour;
  - a copy of written statement of defence, if any submitted by the charged person;
  - a copy of the statement of witnesses, if any, referred to in sub- rule (iii);
  - evidence proving the delivery of the documents required to be delivered to the charged person under sub-rule (iv);
  - a copy of the order appointing the Presenting Officer.
- (x) The Charged Person shall appear in person before the Inquiry Officer on such day and at such time within ten working days from date of receipt by him/her of the statement of charges and the statement of the imputations of misconduct or misbehaviour as the inquiry officer may, by a notice in writing, specify in his/her behalf, or within such further time not exceeding ten days, as the Inquiry Officer may allow.
- (xi) The Inquiry Officer appointed to conduct enquiry shall serve maximum two notices to the charged person to appear before him/her for presenting his/her case. In case the charged person does not appear even after the service of two notices, the Inquiry Officer shall be competent to proceed ex-parte in the matter. However, after considering the circumstances to be recorded, the

Inquiry Officer may serve third notice also.

- (xii) If the Charged Person refuses or omits to plead, the Inquiry Officer shall require the Presenting Officer to produce the evidence by which he/she proposes to prove the statement of charges, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the charged person may for the purpose of preparing his/her defence—
  - (a) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (iii);
  - (b) submit a list of witnesses to be examined on his/her behalf;
  - (c) apply orally or in writing for the supply of copies of the statements, if any recorded, of witness mentioned in the list referred to in sub-rule (iii), in which case the Inquiring Authority shall furnish to him/her such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Punishing Authority; and
  - (d) give a notice within ten days of the order or within such further time not exceeding ten days, as the Inquiring Authority may allow for the discovery or production of any documents which is in the possession of, but not mentioned in the list referred to in sub-rule (iii) and the employee shall also indicate the relevance of the document required by him/her to be discovered or produced.
- (xiii) The person against whom a charge is being enquired into, shall be allowed to obtain the assistance of an employee or a retired employee if he/she so desires, in order to produce his/her defence before the Inquiry Officer. If the charge or charges are likely to result in the dismissal of the person from the service of the University, such person may, with the sanction of the Inquiry Officer, be represented by counsel:  
Provided that if in any enquiry, counsel is engaged on behalf of University, the person against whom the charge or charges are being enquired into, shall also be entitled to engage counsel:  
Provided further that the assistance of a particular employee shall be allowed only if the Inquiry Officer is satisfied that he/she is of such rank as is appropriate in the circumstances of the case and that he/she may be spared by the University for that purpose.
- (xiv) If the charged person, who has not admitted any of the statement of charges in his/her written statement of defence or has not submitted any written statement of the defence, appears before the Inquiry Officer, such officer shall ask him/her whether he/she is guilty or has any defence to make. If he/she pleads guilty to any of the articles of charge(s), the Inquiry Officer shall record the plea, sign the record and obtain the signature of the Charged Person thereon.
- (xv) The Inquiry Officer shall give to the Charged Person a finding of guilt in respect of those statement(s) of charges to which the charged person pleads guilty.
- (xvi) The persons charged shall, subject to the conditions described in sub-rule (iii) be entitled to cross examine the witness, to give evidence in person and to have such witness called, as he/she may wish; provided that the officer conducting the enquiry may for reasons to be recorded in writing, refuse to call any witness. The proceedings shall contain a sufficient record of the evidence and statement of the findings and the grounds thereof:



Provided that it shall not be necessary to frame any additional charge when it is proposed to take action in respect of any statement of allegation made by person charged in the course of his/her defence:

Provided further that the provisions of the foregoing sub-rule shall not apply where any major penalty is proposed to be imposed upon a person on the ground of conduct which has led to his/her conviction on a criminal charge; or where an authority empowered to dismiss or remove him/her, or reduce him/her in rank is satisfied that, for some reasons to be recorded by him/her in writing, it is not reasonably practicable to give him/her an opportunity of showing cause against the action proposed to be taken against him/her, or where in the interest of the security of the state it is considered not expedient to give to that person such an opportunity.

(xvii) The officer conducting enquiry under these rules shall be competent to exercise the same powers for summoning of witnesses and for compelling the production of documents as are exercisable by a commission appointed for an enquiry under the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850);

(xviii) If any question arises whether it is reasonably practicable to give to any person an opportunity to defend him/herself under sub-rule (ii), the decision thereon of the punishing authority shall be final.

(xix) Where any person has made a statement on oath, in evidence before any criminal or civil court, in any case, in which charged person was party and had full opportunity to cross-examine such person and where it is intended to prove the same facts as deposed to by such person in such statement in any inquiry under any criminal or civil case, the shall not be necessary to call such person to give oral evidence in corroboration of that statement. The certified copy of the statement previously made by him/her in any such case may be read as part of the evidence:

Provided that the officer conducting the inquiry shall, in interest of justice order the production of witness in person either for further examination or for further cross-examination by persons charged.

(xx) The charged person shall not be allowed, except at discretion of the Inquiry Officer, to be exercised in the interest of justice to call as a witness in his/her defence any person whose statement has already been recorded and whom he has had opportunity to cross-examine, or whose previous statement has been admitted in the manner herein provided.

**Note 1.** Charges need not necessarily be framed in relation only to specific incidents or acts of misconduct. When reports received against an employee or a preliminary enquiry show that his/her general behaviour has been such as to be unfitting to his/her position, or that he/she has failed to reach or maintain a reasonable standard of efficiency he/she may be charged accordingly, and a finding of such a charge may be valid ground for the infliction of any authorized punishment, which may be considered suitable in the circumstances of the case. It shall be necessary to communicate the charges of misbehaviour or of inefficiency or of both as the case may be, to the employee concerned but statement which is to be communicated to the employee in support of the charges need not specify

particular acts of misconduct. It shall be sufficient in the statement to give the list of the report on the basis of which misbehaviour or inefficiency is alleged.

**Note 2.** Any person compulsorily retired from service in accordance with the procedure prescribed by this rule, he/she will be granted such compensation, pension gratuity, or Provident Fund benefits as may have been admissible to him/her had he been discharged from service due to the abolition of his/her post without any alternative suitable employment being provided, under the rules applicable to his/her service or post on the date of such retirement.

**(ii) Submission of inquiry report: -**

- a) After the close of the enquiry, the Inquiry Officer shall prepare report, which inter-alia shall indicate the following: -
  - statement of charges and the allegations framed against the employee;
  - his/her explanation, if any;
  - oral and documentary evidence produced in support of the charges;
  - oral and documentary evidence led in defence;
  - findings on the charges.
- b) The Inquiry Officer shall give clear findings on each of the charges so that the employee shall know from the findings on what ground he has been found guilty. Each finding shall be supported by evidence and reasons thereof. The findings are in the nature of a report to the competent authority to enable it to pass final orders. Such findings are to assist but do not bind him/her. He himself/herself alone has to come to a final decision. Moreover, the inquiry officer shall not in any case recommend or propose any penalty.
- c) The Inquiry Officer, where it is not itself the punishing authority, shall forward to the punishing authority the records of inquiry which shall include—
  - the report prepared by it under rule 12(B)(i);
  - the written statement of defence, if any, submitted by the charged person;
  - the oral and documentary evidence produced in the course of the inquiry;
  - written briefs, if any, filed by the presenting officer or the charged person or both during the course of the inquiry; and
  - the orders, if any, made by the punishing authority and the inquiry officer in regard to the inquiry.

**(iii) Action on inquiry report: -**

- a) After the enquiry against a charged person has been completed, the punishing authority shall forward or cause to be forwarded a copy of the enquiry report, and where the punishing authority does not agree with the enquiry report or any part thereof, the reasons for such disagreement shall be communicated along with the enquiry report, to the charged person who may submit, if he so desires, a written representation to the punishing authority within a period of one month from the date of such communication.
- b) The punishing authority shall consider the representation, if any, submitted by the charged person and record its findings before proceeding further in the matter as specified in rule 4.

**12. Procedure for Imposing minor penalties: -**

Without prejudice to the provisions of rule 12, no order for imposing a minor penalty shall be passed on an employee unless he has been given an adequate opportunity of

making any representation, that he/she may desire to make, and such representation has been taken into consideration:

Provided that his/her condition shall not apply in a case where an order—

- (i) based on facts has led to his/her conviction in a criminal court; or
- (ii) has been passed superseding him/her for promotion to a higher post on the grounds of his/her unfitness for that post on account of the existence of unsatisfactory record:

Provided further that the requirements of this rule may, for sufficient reasons to be recorded in writing, be waived where it is not practicable to observe them and where they can be waived without injustice to the employee concerned.

### **13. Right of appeal: -**

Every employee to whom these rules apply, shall be entitled to appeal, as hereinafter provided, to such superior authority as may be prescribed by in the rules regulating his/her conditions of services against an order —

- (i) imposing upon him/her any of the penalties specified in rule 4;
- (ii) discharging him/her in accordance with the term of his/her contract, if he has been engaged on a contract for a definite, or for an indefinite period and has rendered, under either form of contract, continuous service for a period exceeding five years at the time when his/her services are terminated;
- (iii) reducing or withholding the amount of pension admissible under the rules governing pension;
- (iv) termination of service;
- (v) an order which denies or varies to his/her disadvantage his/her pay, allowances, pension or other conditions of service as regulated by rules or by agreement.
- (vi) premature retirement from service in public interest before attaining the age of superannuation.

### **14. Period of limitation of appeal: -**

No appeal preferred under this rule shall be entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the Appellate Authority may entertain the appeal within next forty five days, if it satisfied that the appellant had sufficient cause for not preferring the appeal in time.

### **15. Order which may be passed by the Appellate Authority: -**

- i) In the case of appeal against an order under rule 14 or any penalty specified in rule 4, the appellate authority shall consider whether the—
  - (a) facts on which the order was based have been established;
  - (b) acts established afford sufficient ground for taking an action; and
  - (c) penalty is excessive or adequate and after such consideration, shall pass such order as it thinks proper:

Provided that no penalty shall be increased unless opportunity is given to the person concerned to show cause why such penalty may not be increased.

- ii) An authority, against whose order an appeal is preferred, shall give effect to any order passed by the appellate authority.

#### **16. Second appeal where penalty is increased: -**

In every case in which an Appellate Authority increases the penalty inflicted by an authority subordinate to it upon a person to whom these rules apply, such person shall be entitled to submit a second appeal within sixty days to the authority prescribed in the rules regulating his/her conditions of service.

#### **17. Right of revision: -**

After an appeal or the second appeal provided in rule 17 has been rejected, a person to whom these rules apply, may apply for revision to such superior authority as may be prescribed in the rules regulating his/her condition of service:

Provided that the powers of revision shall be exercised only—

- (a) if the Appellate Authority is on the ground of material irregularity in the proceedings of the Inquiry Officer or Appellate Authority, or on the discovery of new and important matter of evidence, which after the exercise of diligence was not within the knowledge of the petitioner or could not be produced by him/her when the orders were passed against him/her or on account of some mistake or error on the face of the record.

#### **18. Power of superior authority to revise the proceeding of an inferior authority: -**

- (i) The Vice Chancellor or any other officer designated by him may call for and examine the records of any case in which a subordinate authority passed any order under rule 9 or has inflicted any of the penalties specified in rule 4 or in which no order has been passed or penalty inflicted and after making further investigation, if any, may confirm, remit, reduce to any or subject to provisions of sub-rule (1) of rule 16, increase the penalty or subject to provisions of inflicting any of the penalties specified in rule 4.
- (ii) The authority may, at the time of consideration of memorial, submitted under its general or special instructions published from time to time, by an employee on whom a penalty is imposed, review any order passed by the inferior authority under these rules:

Provided that the penalty already imposed shall not be enhanced unless an opportunity has been given to an employee who has submitted memorial to show cause why it may not be enhanced.

#### **19. Prohibition as to collective appeal.**

Every person preferring an appeal shall do so separately and in his/her own name.

#### **20. Common proceedings: -**

- (i) Where two or more employees are concerned in any case, the Vice Chancellor or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.
- (ii) If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding shall be made by the highest of such authorities.
- (iii) Any order under sub-rule (i) shall specify the authority competent to do so

under the relevant service rules, which may function as the punishing authority for the purpose of such common proceedings.

**21. Manner of the presentation of appeal or application for revision: -**

Every appeal or application for revision preferred under these rules, shall contain material statements and arguments relied upon by the appellant or applicant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal or application for revision shall be submitted through the Head of the office to which the appellant or applicant belong or belonged.

**22. Withholding of appeals and applications for revision: -**

- (i) An appeal or application for revision may be withheld by the Head of the office, if—
- (a) it is an appeal or application for revision in a case in which under these rules, no appeal or application for revision lies; or
  - (b) it does not comply with the provisions of rule 17; or
  - (c) it is an appeal and is not preferred within the prescribed period; or
  - (d) it is a repetition of a previous appeal or application for revision and is made to the same appellate or revisionary authority by which such appeal or application for revision has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case:
- Provided that in every case in which an appeal or application for revision is withheld, the appellant or applicant shall be informed of the fact and the reasons for it and a copy thereof forwarded to the Appellate Authority, if any, together with a copy of the appeal or application for revision so withheld:
- Provided further that an appeal or application for revision has been withheld on account of failure to comply with the provisions of rule 17 may be resubmitted at any time within one month of the date on which the appellant or applicant has been informed of the withholding of the appeal or application and if resubmitted in a form which complies with those provisions, shall not be withheld.
- (ii) Any appellant or revisional authority may call for the record of any appeal or application for revision withheld by an authority subordinate to it, which under these rules may be made to it and may pass such order thereon as it considers fit.

**23. Power to interpret, amend and relax these rules: -**

The power to interpret, amend and relax these rules shall vest in the Vice Chancellor/Executive Council of the whose decision thereon shall be final.

**24. Termination of the Services: -**

- (i) of an employee appointed on probation, during or at the end of the period of his/her probation in accordance with the terms of his/her appointment or the rules and orders governing such probation;
- or**
- (ii) of an employee under an agreement, in accordance with the terms of such agreement.

**25. Dismissal, Removal from Service: -**

The pay and allowances of an employee who is dismissed or removed from service cease from the date of such dismissal or removal.

**26. Disciplinary Authorities: -**

Any of the above penalties may be imposed by the appointing authority.

**27. Authority to Institute Proceedings: -**

Appointing authority shall be competent authority to institute proceedings for this purpose.

**28. Procedure for Imposing Penalties: -**

The procedure for conducting enquiry, imposing penalties, appeal against the penalty(ies) imposed and the review of the order imposing the penalty(*ies*) on an employee shall be as prescribed in these rules.

**29. Flow Chart of various steps after receipt of a complaint: -**

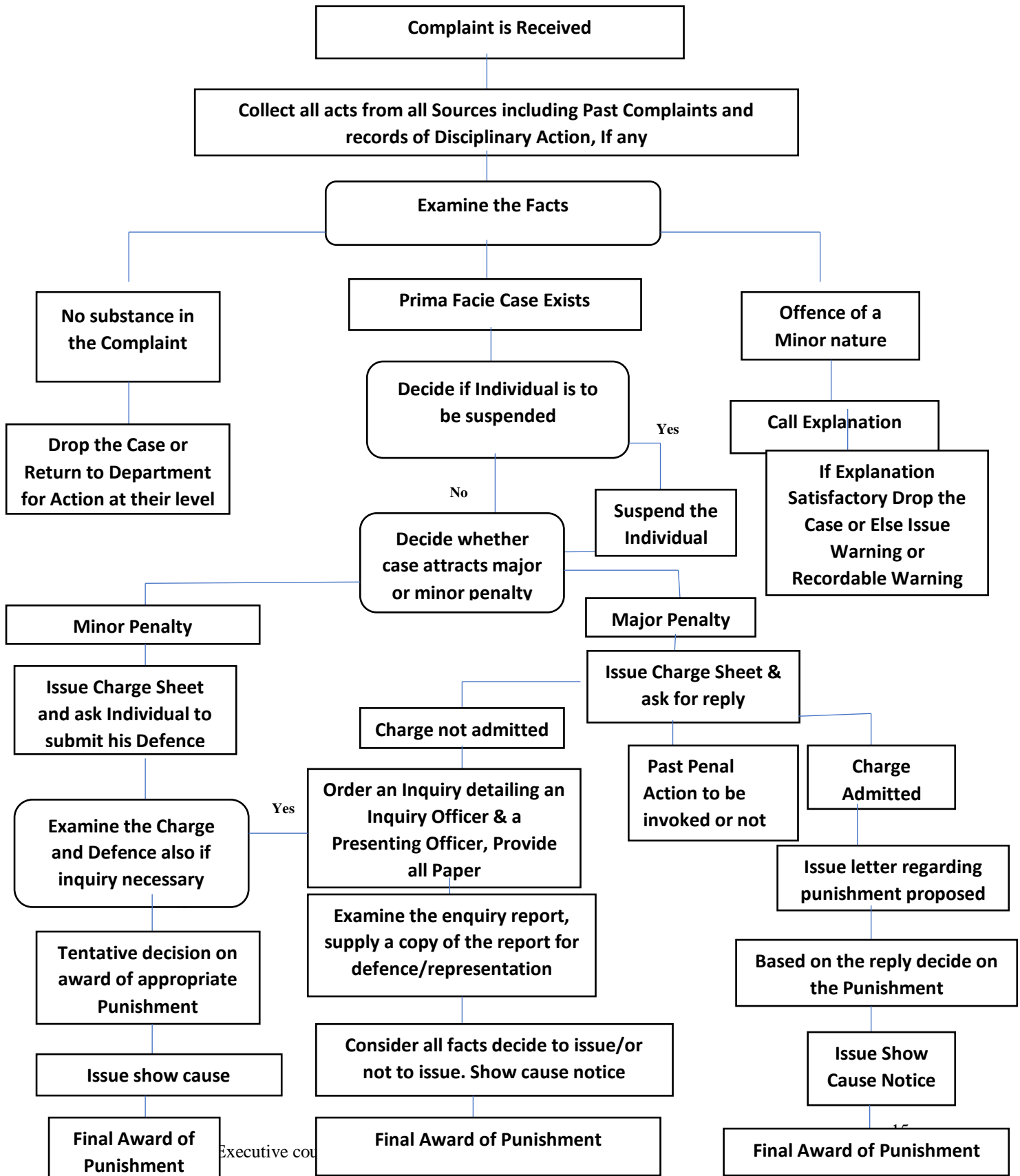
A flow chart for dealing with the complaint is given at annexure A.

**30. Formats of Communications: -**

The formats for imposing various penalties are given in annexures (1-10).

ANNEXURE

## FLOW CHART OF VARIOUS STEPS AFTER RECEIVING A COMPLAINT



## **Format of Imposing of various penalties**

### **Format of Imposing the Penalty of Censure**

#### **Shri Vishwakarma Skill University**

**No.**

**Date:**

### **ORDER**

Where Shri/. Smt.\_\_\_\_\_ (Designation), (Department) has been given a **reasonable opportunity to make a representation** against the proposal of imposition of the penalty of Censure upon him/her vide Office Memo No \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby impose the penalty of Censure upon the said Shri/Smt. \_\_\_\_\_.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC.



**Format of Imposing the Penalty of withholding of Increment**

**Shri Vishwakarma Skill University**

**No.**

**Date:**

**ORDER**

Where Shri/. Smt. \_\_\_\_\_(Designation), (Department) has been given **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of withholding of increments upon him/her vide Office Memo No \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby impose the penalty of withholding of increments upon the said Shri/Smt. \_\_\_\_\_.

(number) increments(s). with/without cumulative effect, for (number)year(s) will be withheld, with effect from the next date of increment.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC.

**Format of Imposing the Penalty of Withholding of Promotion**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of withholding of promotion upon him/her vide Office Memo No. \_\_\_\_\_ dated \_\_\_\_\_

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of withholding of increments upon the said Shri/Smt. \_\_\_\_\_.

His/her promotion will be withheld for (number) year(s) with effect from the date of his/her promotion due.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the Penalty of Recovery of Pecuniary Loss**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been given a **reasonable opportunity to make a representation** against the proposal of imposition of the penalty of recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of order upon him/her vide Office memo no. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of order upon the said Shri/Smt. \_\_\_\_\_.

An amount of Rs. \_\_\_\_\_ Rupees (in words) shall be recovered at the rate of Rs. \_\_\_\_\_ per month from him/her salary with effect from the next month in (number) instalments.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the penalty of Reduction to a Lower Post/Grade/Service**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity to make a representation against the proposal of imposition of the penalty of reduction to a lower post/grade/service upon him/her vide Office Memo No. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned in exercise of the powers conferred under Statute hereby imposes the penalty of reduction to a lower post/grade/service upon the said Shri/Smt. \_\_\_\_\_.

It is therefore, ordered that Shri/Smt. \_\_\_\_\_ is reduced to the lower post/grade/service of (lower post/grade/service) until for a period of (number)years/month with effect from date of this order, to be restored to the higher post (higher post/grade/service).

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC.

**Format of Imposing the Penalty of Reduction to a Lower Stage  
in a Time, Scale without Cumulative Effect  
Shri Vishwakarma Skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity to make a representation against the proposal of imposition of the penalty of reduction to a lower post/grade/service upon him/her vide Office Memo No. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of reduction to a lower post/grade/service upon the said Shri/Smt. \_\_\_\_\_.

It is therefore, ordered that the pay of Shri/Smt. \_\_\_\_\_ be reduced by (number) stage from Rs. \_\_\_\_\_ to Rs. \_\_\_\_\_ in the time scale of pay of Rs. \_\_\_\_\_ for a period of (number) years/months with effect from (date).

It is further directed that Shri/Smt. \_\_\_\_\_ will earn increments of pay during the period of reduction, and that on the expire of this period, the reduction will not have the effect of postponing his/her future increments of pay.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the Penalty of Reduction to a Lower Stage  
in a Time, Scale with Cumulative Effect  
Shri Vishwakarma Skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity to make a representation against the proposal of imposition of the penalty of reduction to a lower post/grade/service upon him/her vide Office Memo No. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of reduction to a lower post/grade/service upon the said Shri/Smt. \_\_\_\_\_.

It is therefore, ordered that the pay of Shri/Smt. \_\_\_\_\_ be reduced by (number) stage from Rs. \_\_\_\_\_ to Rs. \_\_\_\_\_ in the time scale of pay of Rs. \_\_\_\_\_ for a period of (number) years/months with effect from (date).

It is further directed that Shri/Smt. \_\_\_\_\_ will earn increments of pay during the period of reduction, and that on the expire of this period, the reduction will not have the effect of postponing his/her future increments of pay.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the penalty of Compulsory Retirement**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity of shoeing cause of the imposition of the penalty of compulsory retirement upon him/her vide Office Memo No. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the inquiry report and his/her representation dated \_\_\_\_\_, made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of compulsory retirement upon the said Shri/Smt. \_\_\_\_\_.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the Penalty of Removal of Service**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt.\_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity of showing cause of the imposition of the penalty of removal of service upon him/her vide Office Memo No.\_\_\_\_\_ dated\_\_\_\_\_

On due consideration of the inquiry report and his/her representation dated\_\_\_\_\_made by him/her, the undersigned in exercise of the powers conferred under Statute hereby imposes the penalty of removal of service upon the said Shri/Smt.\_\_\_\_\_from the date of issue of this order. This will not disqualify him/her from future employment in the Institute.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC



**Format of Imposing the Penalty of Dismissal from Service**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute the University has been held against Shri/Smt. \_\_\_\_\_, (Designation), (Department) and whereas he/she has been given a reasonable opportunity of showing cause of the imposition of the penalty of dismissal from service upon him/her vide Office memo no. \_\_\_\_\_ dated \_\_\_\_\_.

On due consideration of the representation dated \_\_\_\_\_ made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of dismissal from service upon the said Shri/Smt. \_\_\_\_\_ from the date of issue of this order. This will not disqualify him/her from future employment in the Institute.

This will be a disqualification.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC

**Format of Imposing the Penalty of Dismissal from Service**

**Shri Vishwakarma skill University**

**No.**

**Date:**

**ORDER**

Whereas an inquiry under statute of the University has been held against Shri/Smt.\_\_\_\_\_, (Designation), (Department), and whereas he/she has been given a **reasonable opportunity of showing cause** of the imposition of the penalty of dismissal from service upon him/her vide Office Memo No.\_\_\_\_\_dated\_\_\_\_ \_

On due consideration of the Inquiry report and his/her representation dated\_\_\_\_\_made by him/her, the undersigned/EC in exercise of the powers conferred under Statute hereby imposes the penalty of dismissal from service upon the said Shri/Smt.\_\_\_\_\_from the date of issue of this order. This will disqualify him/her from future employment in the Institute.

This will be a disqualification.

(By order and in the name of EC) \*

**Registrar**

(Name)

(Designation)

(Address)

\*This line to be added in cases where the disciplinary authority is the EC.