

**THE MAHARSHI DAYANAND UNIVERSITY SERVICE & CONDUCT RULES  
FOR NON-TEACHING EMPLOYEES**

PART-I

1.1 These rules may be called the Maharshi Dayanand University Non-Teaching Employees (Terms and conditions of service) Rules, 1980.

1.2 Provision for Existing employees

Every person holding a post under the University at the commencement of these Rules shall, on such commencement, be deemed to have been appointed under the provisions of these rules and shall be entitled to such pay as drawn by him immediately before such commencement.

**2. Definitions and Interpretations:**

In these Rules, the following terms and expressions shall have the meaning hereby assigned to them:

- i) The "Act" means the Maharshi Dayanand University Act, 1975 (Haryana Act No.25) as amended from time to time.
- ii) 'Active Service' means the time spent:-
  - (a) on duty;
  - (b) on subsidiary leave;
  - (c) on recognized vacation or earned leave or medical leave.
- iii) 'Appointing Authority' means the authority competent to make appointment to a post which an employee for the time being holds.
- iv) 'Average Monthly Salary' means the salary which an employee has earned during active service of one year immediately preceding the day on which he proceeds on leave, divided by 12 months on which the calculation is made.
- v) 'Cadre' means establishment strength of a service or a part of a service sanctioned as a separate Unit. For the purpose of forming cadres, the entire University shall constitute a single unit.

- vi) 'Compensatory Allowance' means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes T.A. and Dearness Allowance, but does not include a sumptuary allowance nor the grant of a free passage by sea, road and air to or from any place in India.
- vii) 'Day' means a calendar day, beginning and ending at midnight. However, absence from headquarters, which does not exceed twenty-four hours, shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.
- viii) 'Duty' means and includes:-
- a) Service as a probationer or apprentice, provided that service as a probationer is followed by confirmation without a break. However, in the case of an apprentice, on confirmation, either in the post for which he was undergoing apprenticeship or in any other post, the period of apprenticeship shall not be counted for purpose of leave as service rendered substantively in a permanent post.
- b) Joining time.
- c) Casual time.
- ix) 'Employee' means:-
- a) Any person in the service of the University, which includes any such person whose services are temporarily placed by the University at the disposal of another University, College or any other authority; and
- b) also any person in the service of a State Govt. or Central Govt. or a local or other authority, or any other autonomous body whose services are temporarily placed at the disposal of the University.
- x) 'Family' means a University employee's wife or husband, as the case may be, residing with and dependent upon the employee and legitimate children and step children residing with and wholly dependent upon the employee. In the case of

Traveling Allowance Rules, it includes, in addition, parents, sisters, and minor brothers, if residing with and wholly dependent upon the employee.

**NOTE:**

1. The term 'legitimate children' in this rule does not include adopted children except those adopted under the Hindu Law/Personal Law of the employee.
2. The term 'dependent child' or 'dependent children' used in this rule includes major sons and married daughters so long as they are residing with and are wholly dependent on the parent (the employee) and subject to fulfillment of this condition, it includes widowed daughter also.
3. Nor more than one wife is included in the term 'family'.
4. An adopted child shall be considered to be a legitimate child if under the personal law of the employee, adoption is legally recognized as conferring on it the status of a natural child.
- xi) 'Fee' means recurring or non-recurring payment to an employee from a source other than the funds of the University, whether made directly to an employee or through the intermediary of the University.
- xii) 'Foreign Service' means service in which an employee receives his pay with the sanction of the University from a source other than the funds of the University.
- xiii) 'Honorarium' means recurring or non-recurring payment granted to an employee from the funds of the University as remuneration for special work of an occasional or intermittent nature.
- xiv) 'Joining Time' means the time allowed to an employee to join a new post or to travel to or from one station to another to join a post.
- xv) 'Leave Salary' means the monthly amount paid by the University to an employee who is on leave.

- xvi) 'Lien' means the title of an employee to hold substantively either immediately, or on the termination of a period or periods of absence, a permanent post, including, a tenure post, to which he has been appointed substantively.
- xvii) 'Month' means a calendar month. In calculation, a period expressed in terms of months and days, complete calendar month irrespective of the number of days on each, should first be calculated and the odd number of days calculated subsequently.
- xviii) 'Officiating' means an employee may officiate in a post when he performs the duty of a post on which another person holds lien. An employee may also officiate in vacant post on which no other employee holds a lien.
- xix) 'Pay' means the amount drawn monthly by an employee as the pay which has been sanctioned for the post held by him substantively or in an officiating capacity and includes dearness pay, special pay or a personal pay if any, but no allowance.
- xx) 'Permanent employee' means a person confirmed in permanent post.
- xxi) 'Permanent Post' means a post carrying definite rate of pay sanctioned without limit of time and included in the cadre of sanctioned posts.
- xxii) 'Personal Pay' means additional pay granted to an employee either:
- a) to save him from a loss of substantive pay in respect of a permanent post due to revision of pay or to any other reduction of such substantive pay otherwise than as a disciplinary measure or
  - b) in exceptional circumstances on other personal considerations.
- xxiii) 'Prescribed Authority': Save as otherwise provided, "Prescribed Authority" means the Vice-Chancellor/Registrar, as the case may be, or the authority prescribed by the Executive Council for the purpose of these rules as a whole or for any specific rule.

- xxiv) 'Presumptive Pay' means the pay to which an employee would be entitled had he held the post substantively while performing its duties; but it does not include special pay if the employee performs or discharge that very work of responsibility on consideration of which the special pay was sanctioned.
- xxv) 'Probation': A person on probation on a post is one appointed (by selection) to a post for determining his fitness for eventual substantive appointment to that post.
- xxvi) 'Salary' means the amount of the monthly pay and allowances granted by the University to an employee.
- xxvii) 'Service' means the whole period of continuous service including period spent on leave.
- xxviii) 'Special Pay' means an addition in the nature of pay to the emoluments of post granted in consideration of (a) special duties or (b) of a specific addition to the work or responsibility.
- xxix) 'Subsistence Allowance' means monthly allowance paid to an employee who is not in receipt of pay or leave salary.
- xxx) 'Substantive Pay' means the pay other than the special pay or personal pay to which an employee is entitled to on account of holding a post to which he has been appointed substantively.
- xxxii) 'Temporary Post' means a post carrying a definite rate of pay sanctioned for limited time.
- xxxiii) 'Time Scale Pay' means pay which rises by periodical increments from minimum to a maximum.
- xxxiiii) "Qualifications" means the qualification prescribed for a post. The appointing authority shall be the competent authority to prescribe the qualifications
- xxxiv) 'Traveling Allowance' means an allowance granted to an employee to cover the expenses granted to

him/her which he/she incurs while traveling on official duty of the University.

xxxv) 'The term experience' means the service rendered in the department after regular appointment on the post.

xxxvi) 'University' means the Maharshi Dayanand University, Rohtak.

## **PART-II**

### **3. Power to Interpret and Implement Rules**

In case of ambiguity as to the meaning and import of any provision, the Vice-Chancellor shall have the power to interpret these rules and issue such administrative instructions as may be necessary to give effect to them.

### **4. Extent of Application**

These rules shall apply to all non-teaching employees of the University except those falling in the following categories:

- a) Persons on deputation from Govt. of India/any State Government or any Statutory Board or Corporation who will be governed by the terms and conditions of the deputation.
- b) persons appointed on part time basis.
- c) persons appointed on contract who will be governed by the terms of contract;
- d) work charge employees;
- e) Casual Labour.
- f) 'persons appointed under the Self Financing Scheme, who shall be governed exclusively by the rules framed under the Scheme'.
- g) Any class of employees or any individual employee serving in connection with the affairs of the University who may be specifically exempted from the operation of these rules.

The appointment and conditions of service in the case of the above categories of employees shall be determined by Executive Council.

## 5. Classification of Categories

- i) Class-A: The post of Deputy Registrar, equivalent and above.
- ii) Class-B: Persons from Superintendent and equivalent and up to the level of Assistant Registrar but not included in category A above.
- iii) Class-C: Persons from Clerk and upto the level of Deputy Superintendent and equivalent but not included in categories A and B above.
- iv) Class-D: Persons including all other Class-IV employees of the University.

### 6.1 Appointing/Punishing Authority

The appointing authority for various categories of University employees shall be as under:

- i) Executive Council - for Class 'A' and 'B' posts.
- ii) Vice-Chancellor - for 'C' Class posts.
- iii) Registrar - for 'D' class posts of the administrative offices including Chowkidars/Security Staff in the corresponding scale of pay of the Teaching Departments with the explicit approval of the Vice-Chancellor.

6.2 The authority competent to suspend, charge-sheet and issue show cause notice against a University employee shall be as under:

- a) **Vice-Chancellor** -All Class 'A' and 'B' Officers except as defined under Section-8 of the Act but the matter shall be reported to the Executive Council.
- b) **Registrar** - All Class 'C' and 'D' officials with the approval of the Vice-Chancellor, unless otherwise provided under the Act and Statutes of the University.

6.3 The appointing authority shall be the punishing authority, unless otherwise provided under the Act and Statutes of the University.

6.4 All non-teaching employees shall be under the administrative control of the Head of Institution or the Office to which they are attached. The Head

of Institution or of the Office shall be under the administrative control of the Vice-Chancellor.

### **Qualifications, and Age Limit for Appointment**

7.1 The age, educational and other qualifications for appointment to a post and methods of recruitment thereto shall be as prescribed by the Competent authority from time to time.

7.2 Notwithstanding the provision contained in Clause-7.1 above, no one shall be appointed to any post unless he has attained the age of 18 years and more than 50 years as on closing date prescribed for receipt of applications for the post.

### **7.3 Relaxation in Age Limit**

- i) Upper age is relaxable -
  - (a) to the extent of five years for Scheduled Caste/Scheduled Tribe/Backward Class candidates or as may be decided/notified by the Govt. from time to time of Haryana domicile;
  - (b) for Ex-Servicemen - as per instructions of the Haryana Government, as amended from time to time;
  - (c) for those already employed in the University on temporary/adhoc basis- to the extent of period for which the post has been held by him on adhoc/temporary basis;
  - (d) if for certain posts, the upper age limit already prescribed is higher than 50 years on account of any specific ground/qualifications/experience, such provisions shall continue to remain in force.
- ii) Upper age limit shall not be applicable in the following cases, provided that the candidate has at least five years service to reach the age of superannuation prescribed for the post:
  - (a) in-service employees of the University holding posts lower than those of Clerks/Steno-typists or equivalent thereto;
  - (b) Widows of University employees who die in harness;
  - (c) Widows of defence personnel, including BSF/CRPF, who die in harness.



### **Character Verification**

- 8.1 No person shall be appointed to any post in the University, unless he satisfies the appointing authority that he possesses good character and does not bear any antecedents which render him unsuitable for appointment thereto. Further provided that;
- (i) the appointing authority shall also get the antecedents of the employee verified from appropriate authority as per procedure followed by the Govt., as soon after appointment as possible, but before his confirmation becomes due;
  - (ii) in case, subsequent to the appointment, any adverse facts come to the notice of the University regarding his/her character and antecedents, his/her services shall be liable to be terminated forthwith.

### **Medical Fitness**

- 9.1 Every person appointed on probation shall get himself examined by the University Medical Officer or by any other Medical Officer designated by the University for the purposes, and furnish a Certificate from him in the proforma specified.
- 9.2 In case there is any reasonable doubt with regard to the fitness of a candidate, the Registrar may refer such a case (s) to the panel of doctors specifically constituted for the purpose, whose decision shall be treated as final.
- 9.3 In the case of women candidates who are found pregnant of 12 weeks or above at the time of medical examination before appointment to posts which do not require any physical training, they shall be deemed to be medically fit and may be appointed to the post straightway.

### **10. Temporary & Permanent Service**

- i) The service of an employee shall remain temporary until he is confirmed on a permanent post under the University.
- ii) An employee confirmed on any permanent post under the University shall be permanent employee of the University.

#### 11. **Classification of Ministerial Cadre**

Ministerial posts will have two cadres: (i) the secretarial cadre which will include, namely, Steno-typists, Junior Scale Stenographers, Senior Scale Stenographers, Personal Assistants and Private Secretaries; and (ii) the Ministerial cadre which will include Clerks/Typists, Store-Keepers, Receptionists, Accountants, Senior Clerks, Assistants, etc.. Eligible employees will be promoted within their own cadres subject to Rule 13.1(ii). The Steno-typists will have their relative seniority in both the cadres.

The existing employees originally appointed in the secretarial cadre and subsequently transferred/promoted on clerical cadres shall have the option to revert to their parent cadre within two months from the date of sub transfer/promotion. The option once exercised shall be final. On such reversion, they shall be entitled to their original seniority in the secretarial cadre.

#### 12. **Mode of Recruitment**

Recruitment to a post may be made:

- i) by direct recruitment
- ii) by promotion; and
- iii) by deputation from Govt. departments and other Institutions.

##### 13.1 **Procedure of recruitment**

- i) Direct appointment shall be made by inviting application through advertisement on the recommendations of the Establishment Committee or any other Committee specifically constituted for the purpose by the Vice-Chancellor/Executive Council as the case may be.

- ii) The appointment by promotion shall be on seniority-cum-merit basis. Seniority alone shall be no criterion for promotion. Suitability and efficiency will also be equally important determining factors in the matter of promotion.
- iii) If no suitable candidates are available from within the University for a particular post(s), such are available, the post shall be filled through open competition by inviting application through advertisement where internal candidates may also compete with others.
- iv) In the case of internal candidates, minimum qualifications as prescribed by the University in respect of various posts may be relaxable. This fact should be mentioned in the advertisement.

13.2 The posts of Registrar, Controller of Examinations and Finance Officer being selection posts shall be filled up only by direct recruitment after inviting applications as per procedure specified under Clause 13.1 (i) *ibid.* The Vice-Chancellor shall constitute the Selection Committee for considering applications received in response to advertisement and for making recommendation to the Executive Council. The minimum qualifications for these posts shall be such as may be prescribed by the competent authority from time to time.

13.3 The post of Assistant Registrar/Deputy Registrar shall be filled up as under:

- |    |     |                       |   |     |
|----|-----|-----------------------|---|-----|
| a) | i)  | By promotion          | : | 75% |
|    | ii) | By direct recruitment | : | 25% |

13.4 (a) All posts upto the level of Superintendents (other than Clerks/Steno-typists) shall be filled by promotion on the basis of seniority-cum-merit.

- (b) Clerks
- |     |  |   |     |
|-----|--|---|-----|
| i)  | By direct recruitment  | : | 80% |
| ii) | By promotion from amongst confirmed employees of the cadres of Peons and Daftries: |   | 20% |

c) In the secretarial cadre, the post of Steno-typists shall be filled by direct recruitment only.

- d) The posts of Senior and Junior Scale Stenographers shall be filled by promotion on the basis of seniority-cum-merit from amongst Junior scale Stenographers and Steno-typists in the University respectively subject to their qualifying the test in shorthand and Computer typing at the rate of 8000 depressions per hour.
- e) The posts of Personal Assistant may be filled from amongst the senior Stenographers on seniority-cum-merit basis subject to qualifying the written test to judge their ability in language, shortage and Computer typing.
- f) The posts of P.S. and Secretary to Vice-Chancellor shall be filled by promotion from amongst the P.A. and P.S., as the case may be, on seniority-cum-merit basis. The Vice-Chancellor shall have the option to have his P.A./P.S./Secretary of his choice from amongst the University staff.

#### **Adhoc Appointments**

- 14.1 Notwithstanding anything contained in the above rule, the Executive Council, may, by a general or special order, and subject to such conditions as it may specify in such order, delegate to any authority in the University the power to make adhoc appointments for a period not exceeding six months to meet the exigencies of service.
- 14.2 In case it becomes necessary to extend the period of such adhoc appointment beyond the period of six months, the matter shall be placed before the Executive Council, along with the reasons therefore, for approval. However, in no case, such an adhoc appointment shall continue beyond a period of one year.

#### **Transfer**

- 15.1(a) The power to transfer of a University employee upto the rank of Assistant shall rest with the Registrar, provided that transfers within the branch may be made by the Head of the Branch; and

- b) The power to transfer an employee of the rank of Deputy Superintendent and above shall rest with the Vice-Chancellor.
- c) A University employee cannot be transferred substantively to a post carrying a scale of pay lower than that of the permanent post on which he holds a lien, except at his own written request or on account of proven inefficiency and/or misbehaviour.

**NOTE:**

1. Provided that a University employees of the rank of Superintendent and below should ordinarily be transferred at least once in three years.
2. Further provided that nothing contained in Sub Clause (c) above shall prevent re-transfer of an employee to the post on which he holds a lien.

**Joining Time**

15.2 Joining time will be admissible to an employee on transfer to enable him to join a post at another station.

**Calculation of Joining Time**

15.3 On transfer, joining time shall be calculated as follows:

- |    |  |  |
|----|--|--|
| a) | From one post to another in the same office establishment    | Nil  |
| b) | From one post to another not involving any change of station | One day including gazetted holiday.  |
| c) | From one station to another:                                 |  |
|    | i) For preparation   | Six days   |
|    | ii) For Journey  | One day for each Kilo metres by rail or 150 K.M. by road by motor vehicle. |

**NOTE:**

1. Travel by road not exceeding 8 K.M. to or from railway station at the beginning or end of the journey does not count for joining time.
2. If an employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post, shall be included in his leave. On expiry of leave, the employee may be allowed normal joining time.
3. When holidays follow joining time, the normal joining time may be deemed to have been extended to cover such holidays.
4. Sundays are not included in the calculation of joining time.
5. In the case of privilege leave, joining time is admissible even if the orders of transfers are received while on leave.

**Payment during Joining Time**

- 15.4 An employee on joining time shall be regarded as on duty and shall be entitled to pay as follows:
- a) On transfer to a new post while on duty in the old post: pay which he would have drawn on the old post or pay which he will draw on taking charge of the new post, whichever is less.
  - b) During joining time on return from leave: pay equal to leave salary admissible if he had been on privilege leave for the portion of joining time.

**Overstay of Joining Time**

- 15.5 An employee who does not join his post within the stipulated joining time, shall not be entitled to pay or leave salary after the expiry of joining time. Not joining duty after the expiry of joining time shall be construed as misconduct and willful absence from duty.

## Seniority

16.1 The seniority of an employee within the cadre shall be reckoned from the date of his/her substantive appointment to the post in his/her respective cadre.

A Confirmed employee shall be senior to those who are on probation and those who may be appointed in that cadre in an officiating capacity.

- i) Provided that persons appointed in a substantive or officiating capacity to any category of post prior to the date these rules came into force shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing formula applicable to their cases.
- ii) Provided further that in no case the inter-se-seniority of an employee which has already been determined in accordance with the rules prevailing prior to the date of commencement of the these(amended) rules, shall be re-opened.

16.2

- i) The inter-se-seniority of persons appointed by direct recruitment shall be determined by the order of merit in which they are selected for appointment by the Establishment/Selection Committee irrespective of their dates of joining duty, provided they join within the time limit specified in the letter of appointment. After expiry of such limit, the seniority shall be reckoned from the actual date of joining if extended by the Vice-Chancellor.
- ii) A person appointed as a result of an earlier selection shall rank senior to those appointed as a result of a subsequent selection against any subsequent/fresh advertisement.

16.3 If more than one persons are appointed to a particular category of posts by promotion under a single order, their inter-se-seniority shall remain the same as in the lower category of posts from which they have been so promoted.

16.4 A person promoted shall be junior to a person appointed by direct recruitment if the date of selection/promotion happens to be the same.

NOTE:

Separate live roster of vacancies in a cadre which are direct to be filled by recruitment and by promotion according to the respective quotas shall be maintained.

16.5 When an employee is reduced to a lower scale of pay, he shall be placed at the lowest stage of such scale unless the prescribed authority, for reasons to be recorded in writing specifically directs otherwise.

#### **Probation and Confirmation**

17.1 Every person appointed permanently to a post under the University after the commencement of these rules, whether by promotion or by direct recruitment, shall be on probation in such post for a period of one year, after the satisfactory completion of which the appointing authority may, by an order in writing confirm his probation, provided that the total period of probation including extension shall not exceed two years.

Provided further that the appointing authority may allow continuous period spent on duty, if any, on the same post on adhoc basis or on temporary/leave vacancy/deputation when followed by regular appointment to count towards period of probation for the purpose of confirmation.

17.2 If it appears to the appointing authority that at any time during or at the end of the period of probation a probationer has not made sufficient use of the opportunities or his work and conduct have not been found satisfactory and the appointing authority feels that the probationer is not suitable for holding that post or has not completed the period of probation satisfactorily, the appointing authority may:-

- i) In case of a person appointed by promotion: revert him to the post held by him immediately prior to such promotion or extends the period of his



probation to the extent as specified under these rules.

- ii) In case of a person appointed by direct recruitment terminate his service or extend the period of his probation to the extent as specified in Clause 17.1 of these rules.

17.3 A probationer reverted or removed from service during or at the end of the period of probation shall not be entitled to any additional compensation whatsoever other than usual emoluments payable under rules.

**Date of Commencement of Probation of persons first appointed Temporarily**

- 18 If a person having been appointed temporarily to a post is subsequently appointed on probation against a permanent post in the same cadre, he shall commence his probation from the date of his subsequent appointment or from such earlier date as the appointing authority may determine.

**Crossing of Efficiency Bar**

19. Where an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be granted to a University employee without the specific sanction of the authority empowered to withhold increments.

**Notice required for termination/discontinuation/resignation from service:**

- 20.1 A permanent employee can leave or discontinue his services in the University by giving a three months prior notice to the Registrar/Vice Chancellor, as the case may be, of his intention to leave or discontinue service.

Provided that the period of such notice may be waived in part or in full, by the appointing

authority for good and sufficient reasons to be recorded in writing by passing the order.

Provided further that the employee, in lieu of such notice, shall be liable to pay to the University, a sum equal to his pay and allowances for the duration falling short of the prescribed period. The University shall have the authority to deduct/adjust any amount due to him from the University on this account, if any.

- 20.2 The services of a temporary/contractual employee may be terminated with such notice as may be specified in terms of his appointment or on payment of pay and allowances in lieu of such notice by either side. The period of notice may, however, be waived by the appointing authority for good and sufficient reasons.

Provided that no notice of resignation shall be necessary in the case of -

- (i) Work charged staff;
- (ii) Appointment of temporary nature without any specific period or till further orders.

- 20.3 The appointing authority may terminate the services of an employee appointed on probation at any time during the period of his probation without assigning any reason, on giving one month's notice or one month's salary in lieu thereof.

**Handing over charge:**

21. An employee before leaving the University service or on transfer shall hand over the charge of his post to a duly authorized employee and shall return to the University all books, apparatus, furniture, etc. issued to him. He shall also pay all charges due from him for occupation of residential quarter, water, conservancy and electricity charges, etc. If he fails to do so, University may recover the amount due from him on account of these and any other such charge from his last salary or from the University contribution to his Provident Fund.

**Increments:**

22.

i) An increment shall be drawn as a matter of course but the appointing authority shall be competent to withhold an increment on account of misconduct or unsatisfactory work and before doing so, shall give an opportunity to the employee to make any representation that he may desire to make and shall take such representation into consideration as laid down in Part-III of the rules. In ordering the withholding of an increment, the competent authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing any future increments.

ii) Increment shall accrue on the 1st of the month they become due.

**Service counting for increment:**

23. The following service shall count for increment in a time scale:

i)(a) All duty in a post on a time scale counts for increment in that time scale;

b) if a University employee holding one post is appointed to officiate on a higher post, his officiating or temporary service in the higher post, shall, if he is reappointed to the lower post, count for increment in the time scale applicable to such lower post ;

c) Service rendered on a post carrying lower time scale will not count for increment;

ii) period spent on foreign service or deputation shall count for increment and released at the time of his rejoining on his substantive post.

(iii) Service rendered in a temporary post shall count for increment provided the appointment to the post has been made in a prescribed time scale.

iv) Leave other than Extraordinary Leave without pay, counts for increment in the time scale of the post in which the employee has been confirmed. It should also count for increment in the time scale applicable to the post held on regular or officiating capacity provided the employee would

have continued to officiate but for his proceeding on leave.

Note:

1. Extraordinary Leave without pay may count for increment under the orders of the competent authority under the circumstances as detailed in leave rules.
- 2 Service rendered on s post in a time scale during the period of probation shall count as service towards increment.
- 3 A period of overstay of leave does not count for increment unless the period is allowed by the competent authority to be converted into leave other than Extraordinary Leave ( without pay) on consideration of gravity of circumstances.

**Higher start/Advance Increment(s):**

24. The appointing authority may sanction a higher start than the minimum of the grade pay on the first appointment if it deems fit and proper. Such higher start shall be specified as being equal to a specific number of grade increments in the time scale of the post.

NOTE:

1. In cases where higher start has been given to an employee, he shall be entitled to increment in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of a specific order to the contrary, he should be placed in exactly the same position as regards future increments as an employee who has so reached;
- 2(i) The grant of special increment(s) to a University employee on obtaining higher qualifications shall not affect the date of his annual increment.
- ii) Such increment(s) may be given strictly as per Haryana Government Rules/Policy.

**Fixation of Pay**

25.1 Unless the appointing authority grants in an individual case a higher starting salary than the minimum of the pay scale, a person who has been appointed to a post, shall on assuming duties, draw the minimum of the pay scale as his initial pay.

25.2 The initial pay of an employee, who is appointed to another higher post, shall be regulated as under:

If he holds a lien on a permanent post, at the stage next above his substantive pay in respect of the old post but if the minimum of the new post is higher than his substantive pay in the old permanent post, he will draw the minimum as initial pay.

**NOTE:**

If the pay of an employee in his substantive post is increased by the grant of an annual increment in that post, his pay shall be accordingly re-fixed from that date in the higher post in which he is officiating.

2. In the case of an employee whose officiating pay on re-fixation under Note (i) above, carries his pay above the efficiency bar stage in the time scale of the officiating post; the employee concerned should be deemed to have automatically crossed the efficiency bar at the time of re-fixation of officiating pay.

25.3 The holder of a post, the pay of which is changed shall be treated as if he was transferred to a new post in the new pay, subject to such restriction as the competent authority may in each case lay down. Normally, it shall be fixed in new scale at the stage next above the pay drawn in the old scale, provided that a University employee may at his option retain his old post until the date of his next increment in the old scale.

**Fixation of Pay on Reduction to a Lower Post**

26. On transfer to a lower grade or post, as a penalty, an employee may be allowed by the authority ordering the transfer any pay not exceeding the maximum of such lower grade or of the pay scale of such lower post. If he is reduced to a lower grade

or post or to a lower stage in his own time scale, the authority ordering the reduction shall also state in the same order the period for which it shall be effective and whether it shall operate to postpone future increment and if so to what extent.

**Special pay, Personal pay, Honorarium and Fee:**

27.

- (a) The Executive Council/Vice-Chancellor may sanction to an employee in any special circumstances such special pay, personal pay, honorarium or fee on such conditions as it may deem fit and satisfactory discharging of certain responsibilities of general of some special nature during or outside in addition to his own normal duties.
- (b) Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by an amount by which the recipient pay may be increased and such pay shall in cease by an amount equal to his personal pay.

**Date of reckoning of pay and allowances**

28. An employee shall commence to draw the pay and allowances of a post from the date he assumes the charge of that post, if the charge is assumed in the forenoon, otherwise from the following date and shall cease to draw the same from the date he ceases to hold that charge on whatever account.

**Pay & Allowances for holding additional charge of a post:**

29. The competent authority may appoint an employee to hold temporarily one or two independent posts at one time and allow dual charge allowance only if the period of additional charge exceeds 30 days. The employee holding charge of additional post(s) exceeding 30 days shall be entitled to-
- (i) If the pay of the additional post is higher than that of his own post, the difference between the initial stages his own pay scale and the pay scale of the higher posts on which he officiates;

- (ii) If the additional post is lower than his own post; or, is of the same nature and borne on the same cadre, no additional pay;
- (iii) If the current duty charge of another post of equivalent status is held, no additional pay. However, if current duties are of strenuous nature and justify the grant of an honorarium, he may be allowed honorarium at the rate of 10 per cent of the minimum basic pay of his substantive pay; OR
- (iv) 5 per cent of the minimum basic pay of the post on which he officiates if he has no substantive pay subject to the condition that the amount of honorarium shall not, in any case, exceed the amount which would otherwise be admissible for holding full charge of the additional post.

**NOTE:** This rule does not apply to Superintendents and other subordinate administrative staff.

**Payment during suspension:**

- 30.1 During the period of suspension, an employee shall receive only subsistence allowance at the rate half of his pay and allowances admissible on the amount which he was drawing immediately preceding his suspension.
- 30.2 A suspended person shall not be entitled to any leave for the period of suspension.
- 30.3 Where the period of suspension exceeds six months, the suspending authority may vary the amount of subsistence amount for any period subsequent to the period of first six months as follows:
  - i) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the next six months if the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee.
  - ii) In case the prolongation is directly attributable to the employee, the subsistence allowance may be reduced by a suitable amount not exceeding 50 per

cent of the subsistence allowance admissible during the period of six months.

- 30.4 The competent authority suspending an employee should serve a charge sheet upon such employee within three months of the issue of suspension orders.
- 30.5 On receipt of the reply of the charge-sheet from the suspended employee, the competent authority should appoint an enquiry officer within one month of the receipt of the reply.
- 30.6 No payment under rule 30.1 & 30.3 shall be made to an employee under suspension unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

Provided that in case of an employee who is dismissed or removed from service, but is deemed to have been placed or continued to have been under suspension from the date of such dismissal or removal and who fails to produce such a certificate for any period or periods during which he is so deemed to have been placed or continued to have remained under suspension, he shall not be entitled to the subsistence and other allowances equal to the amount by which his earnings fall short of subsistence and other allowances that would otherwise be admissible to him.

Provided further that where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in the aforementioned proviso shall apply to him.

#### Payment on reinstatement

31. An employee on reinstatement after **dismissal, removal or** suspension may be allowed the following payment by the authority competent to order reinstatement:
- (a) If he is honourably acquitted of the charge(s): Full pay and, by an order to be separately recorded, any allowances drawn immediately before



removal, dismissal or suspension. The whole period of absence to be treated on duty.

(b) **If not honourably acquitted**

Such proportion of pay and allowances as the reinstating authority may order provided that such proportion shall not be less than the subsistence allowance admissible during suspension. The period of absence will not be treated as duty unless the re-instating authority for reasons to be recorded so directs.

**NOTE-1:**

The grant of pay and allowances under this rule does not cancel any acting arrangement that may have been made during the period of an employee's suspension, removal, dismissal or reduction.

**NOTE-2:**

The reinstating authority may, on good and sufficient reasons to be recorded, allow conversion of the period of suspension into one of leave of the kind due and admissible to him in a case falling under (b) if the employee makes a written submission in this regard.

**Cessation of Pay & allowances:**

32. Pay and allowances of an employee, who is dismissed or removed from service, shall cease from the date of such dismissal or removal.

**Office liable to be declared vacant:**

33. If an employee absents himself from duty for seven days consecutively without express permission of the competent authority, the office held by him shall be declared vacant, after following due process, and the employee shall forfeit salary for the period of such absence.

**Abolition of post:**

34. A three months' notice shall be given to a permanent university employee before his services are dispensed with on the abolition of his post as a result of retrenchment or otherwise. In case the University fails to give the three months' notice and the employee has not been provided with other employment, his emoluments for the period for which the notice actually falls short of stipulated three months, shall be paid to him in addition to the retirement benefits to which he may be entitled under the university rules.

**Resignation:**

35.1 A university employee resign his job, by serving a three months' notice or by giving such notice as may be required under the terms of appointment held by him with the approval of the appointing authority.

35.2 Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, shall entail forfeiture of past service.

35.3 The appointing authority may in public interest to be stated in writing permit a person to withdraw his resignation on the following conditions:

(i) that the resignation was tendered by the employee for some compelling reasons which did not reflect on his integrity, efficiency or conduct and the request has been made due to change in those circumstances;

(ii) that the conduct of the employee during the intervening period was in no way improper or unbecoming of a university employee;

(iii) that the period of absence from duty between the date of resignation on which it became effective and the date on which the employee is allowed to resume duty as a consequence of

acceptance of such withdrawal is not more than 90 days;

- (iv) that the post, which was vacated by the employee on the acceptance of resignation or any other comparable post is available; and
- (v) that the period of interruption shall not count as qualifying service for any purpose.

**Retirement:**

36. All whole time employees shall retire on completing the age of 60, provided that the Executive Council may, on the recommendation of the Vice-Chancellor extend the service of any member for a period of not exceeding three years, if it is satisfied that such extension is in the interest of the University and provided further that no such employee shall be granted extension beyond the age of 63 years.

**Premature/Voluntary retirement:**

- 37.1 A university employee is eligible to seek premature retirement even before completing 20 years qualifying service on medical grounds if the incumbent is certified to be suffering from some incurable disease or permanent disability which renders him unfit to continue in service.

In case any enquiry involving charges of corruption or disciplinary proceedings of serious nature is/are pending against him, the request for premature retirement on medical grounds may be considered only after he is cleared of the charges.

- 37.2 A university employee who has put in not less than 20 years' qualifying service may, by giving three months' notice, in writing, to the appropriate authority, retire from the service voluntarily. A notice of less than three months may be accepted by the appropriate authority in exceptional circumstances.
- 37.3 A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appropriate authority provided the request for such

withdrawal is made before the expiry of the period of notice.

- 37.4 A notice of voluntary retirement, given before completion of 20 years' qualifying service shall require acceptance by the appropriate authority if the date of retirement, or the date of expiry of notice, would be earlier than the date on which the employee concerned could have retired voluntarily under the provisions of these rules. Such acceptance shall generally be given in all cases, except those (a) in which disciplinary proceedings are pending or contemplated against the employee for imposition of a major penalty of removal, dismissal or reduction in rank would be warranted in the case; or (b) in which prosecution is contemplated or may have been launched in a court of law.

Notwithstanding the generality of provision stated above, the Executive Council may, for reasons to be recorded in each such case, accept the notice of voluntary retirement.

Provided further that even where notice of voluntary retirement given by an employee requires acceptance by the appropriate authority, the employee concerned may presume acceptance and the retirement shall be effective in terms of notice, unless the Vice Chancellor/appropriate authority issues an order to the contrary before the expiry of period of notice.

- 37.5 An employee who retires voluntarily, shall be entitled to retiral benefits such as gratuity, pension, encashment of earned leave as in the case of those who retire on superannuation, as may be admissible under the rules/statutes of the university.

#### **Compulsory retirement:**

- 38.1 The appointing authority shall, if on Examination and material placed before him is satisfied that it would be in the public interest to do so, have the absolute right to order compulsorily retirement from service of a university employee by giving him notice of not

less than three months in writing or three months' pay and allowances in lieu of such notice:

- (i) If he is a Class 'A' employee: after he has attained the age of 50 years;
- (ii) If he is a Class 'B' or 'C' employee: after he has attained the age of 55 years.

38.2 The university employee would stand retired immediately on payment of three months' pay and allowances in lieu of notice and shall not be in service thereafter.

**Service Benefits:**

39. Employees of the University (other than those specified in Rule 4) shall be entitled to the benefits of the contributory provident fund and gratuity of the University in accordance with the provisions in the Statutes and to pension and insurance scheme as may be instituted by the University for benefits of the employees, from time to time.

**Termination of service:**

40. The service of an employee shall be liable to be terminated on any of the following ground:
- a) Gross negligence in the discharge of duty;
  - b) Mis-conduct;
  - c) Insubordination or any breach of discipline;
  - d) Absence from duty without leave;
  - e) Physical or mental unfitness for the discharge of duty;
  - f) Any act prejudicial to the interest of the University or its property.

Provided that in the case of a permanent employee, an order passed under this Clause except under Sub-clause (e) shall be treated as a major penalty and the procedure laid down in Part-III of these rules shall be followed.

Provided further that where an employee is removed from service for a reason other than specified in Sub-clause(s) he shall be given three months'

notice in writing or be paid three months' salary in lieu of notice period.

**Service Book:**

41.1 A record of service in respect of every University employee shall be maintained in his service book. The service book shall be maintained by and kept in the custody of the Registrar.

The service book shall not be given to any employee who is proceeding on leave or who quits University service. A certified copy of the service book, may, however, be supplied on request of the employee on retirement, discharge or resignation on payment of a copying fee of Rs.100/-.

41.2 Every step in an employee's official life including the temporary or officiating promotions of all kinds, increments and leave etc. shall be recorded in his service book and each entry attested under the dated signature of the Head of the Branch or the Registrar as the case may be.

**NOTE:**

1. Special precaution should be taken at the time of filing up page 1 of the Service Book specially in respect of the date of birth, as it is to determine the final date of retirement of an employee. The officer authorized to maintain service books shall perform this important function himself personally and attest the date of birth entry in token of his having done so on the basis of physical verification of original record. It shall be based on Matriculation/Higher Secondary Certificate or an equivalent certificate where the date of birth is indicated, and in the case of D(Class IV) employees or holder of other posts, where the minimum academic qualifications is not laid down and the employee have not passed Matric/Higher Secondary Examination, the certificate issued by the University Medical Officer or a Medical Officer designated by the University as in Clause-9 shall be accepted a proof of age.
2. In case where only the year of birth of an employee is entered, the 1st of July of that year shall be taken to be the date of birth. If the month is

also given, but not the date, 16<sup>th</sup> of the month shall taken to be the date.

3. Date of birth cannot be altered unless the employee concerned applies for correction of his age as recorded, within two years from the date of his entered into University service. University authorities, however, reserve the right to make a correction in the recorded age at any time against the University employee's interest when it is satisfied that the age recorded has been incorrectly entered with the object that the employee may derive some unfair advantage therefrom. The Registrar will however, have the discretion to refuse to grant such application and no alteration shall be allowed unless it is proved to his satisfaction that the date of birth as originally given by the applicant was a bonafide mistake and that he has derived no unfair advantage therefrom.

#### 41.3

- (a) The period of suspension and other interruptions in service with full details, warning or other punishment shall be noted in the service book in red ink.
- (b) Personal certificates and character certificates shall not, however, be entered in the Service Book.

- 41.4 It is the duty of every employee to see that his service book is properly maintained. He shall also be required to put his signature in Col. 8 as and when there is any change in his emoluments, as a proof of his having verified his entries. The officer-in-charge of service books may permit the employee concerned to examine his service book should be desired to do so at any time.

#### **Personal Files:**

42. Besides the confidential reports the work and conduct of an official, copies of documents/communications, specified below shall also be placed on his personal files:
  - a) All orders imposing any of the penalties as mentioned in Part-III of this chapter.

- b) All communications conveying adverse remarks.
- c) Letters of appreciation for outstanding work performance of an overall assessment of his work and conduct during the year.

**Confidential Reports:**

43. The Heads of the Departments and the Registrar, as the case may be, shall report confidentially on the work and conduct of the employees, in accordance with rules made by the Executive Council separately in this behalf.

**Withholding of payment of emoluments of University Employees suspected of having committed embezzlement:**

44. When an officer is suspected of being concerned directly or indirectly in the embezzlement of University money, stores etc., and is placed under suspension, the authority competent to order his removal may direct that, unless he furnishes security for the reimbursement of the said money, value of stores etc., to the satisfaction of the Registrar, the payment of any sum due to him by the University on the date of suspension shall be deferred until such time as the said authority passes final orders on the charges framed against him.

Provided that such an employee shall be entitled to the payment of a subsistence allowance in respect of the period for which, the admissible emoluments, if any, are withheld.

**Residuary conditions of service:**

45. Any case which does not fall within the purview of these rules, may be decided in accordance with the rules framed by the Haryana Government for its own employees or in such manner as the Vice-Chancellor/Executive Council, as the case may be, deem fit and proper in each case.



PART-III**(Punishment & Appeal Rules)**SHORT TITLE:

1. These rules may be called the Maharishi Dayanand University Non-Teaching Employees (Punishment & Appeal) Rules.

DEFINITIONS:

2. In these rules, unless the context otherwise requires:
- (a) **"Appointing authority"** in relation to university employee means -
- (i) the authority empowered to make appointments to the service of which the University employee is for the time being a member; or, to the category of the Service in which the University is for the time being included; or
- (ii) the authority empowered to make appointments to the post which the University employee for the time being holds; or
- (iii) the authority which appointed the University employee to such service, category or post, as the case may be.
- (b) **"Chancellor"** means the Chancellor of Maharishi Dayanand University, Rohtak.
- (c) **"Punishing Authority"** means the authority competent under these rules to impose on a University employee any of the penalties specified in rule 5.
- (d) **"Service"** means a service under the University.
- (e) **"University"** means Maharishi Dayanand University, Rohtak".

- (f) **"University employee"** means any person appointed to a teaching, non-teaching or any other post, in connection with the affairs of the University.

**Explanation:** A University employee whose services are placed at the disposal of another university, Government, Corporation or a local authority, shall, for the purposes of these rules, be deemed to be a University employee serving under the University, notwithstanding that his salary is drawn from sources other than the Funds of the University.

- (g) **"Vice-Chancellor"** means the Vice-Chancellor of Maharishi Dayanand University, Rohtak.

**APPLICATION:**

3.1 These rules shall apply to every University employee, but shall not apply to -

- (a) any member of Government service;
- (b) any person in casual employment;
- (c) any person subject to discharge from service on less than one month's notice;
- (d) any person for whom special provision is made in respect of matters covered by these rules or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the University, in regard to matters covered under those special provisions.

3.2 Notwithstanding anything contained in sub-rule 3.1, these rules shall apply to every university employee temporarily transferred to a service or post coming within sub clause (d) of sub-rule (1) of rule 3 to whom, but for such transfer, these rules would apply.

3.3 In case any doubt arises whether these rules or any provision(s) of them apply to any person or

not, the matter shall be referred to the Vice-Chancellor, who shall decide the same.

**SUSPENSION:**

4.1 The appointing authority or any other authority to which such appointing authority is subordinate or the punishing authority or any other authority empowered in that behalf by the Executive Council by a general or special resolution, may place a university employee under suspension -

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

4.2 A University employee shall be deemed to have been placed under suspension by an order of appointing authority -

- (i) with effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (ii) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

**Explanation:** The period of forty-eight hours referred to in clause (ii) of this sub-rule shall be computed from the commencement of the imprisonment after conviction and, for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- 4.3 Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a University employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other direction, the order of suspension shall be deemed to have continued to be in force, on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force, till further orders.
- 4.4 Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a University employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the University employee shall be deemed to have been placed under suspension by the appointing authority from the date of original order of dismissal, removal or compulsory retirement, as the case may be, and shall continue to remain under suspension until further orders.
- 4.5 An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- 4.6 Where a University employee is suspended or is deemed to have been suspended whether in connection with any disciplinary proceedings or otherwise, and any other disciplinary proceedings or otherwise, and any other disciplinary proceeding is instituted against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the University employee shall continue to be under suspension until the termination of all or any of such proceedings.
- 4.7 An order of suspension made or deemed to have been made under this rule may, at any time, be modified

or revoked by the authority which made or deemed to have made the order or by any other authority to which that authority is subordinate.

**PENALTIES:**

5. The following penalties may, for good and sufficient reasons, and as hereinafter provided be imposed on a University employee:

**Minor Penalties**

- i) Warning with a copy on ACR file;
- ii) Censure;
- iii) Withholding of grade increment, without cumulative effect;
- iv) Withholding of promotion;
- v) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.

**Major Penalties**

- vi) Withholding of grade increment(s) with cumulative effect;
- vii) Reduction to a lower stage in the time scale of pay with further directions that as to whether or not the University employee will earn grade increments beyond that lower stage after such reduction;
- Viii) Reduction to lower time-scale, grade, post or service shall be a demotion which shall essentially carry with it a bar for future promotion of the University employee to the time-scale of pay, grade, post or service from which he has been so reduced, with or without mention of any specific conditions in the order imposing this penalty

- ix) Compulsory retirement;
- x) Removal from service which shall not be a disqualification for future employment under the University;
- xi) Dismissal from service, which shall ordinarily be a disqualification for future employment under any public interest.

**Explanation:** The following shall not amount to a penalty within the meaning of this rule:

- i) Withholding grade increment(s) of an employee for failure to pass departmental examination or non fulfillment of any such condition in accordance with the rules of orders governing the service or post or the terms of his appointment;
- ii) Stoppage of an employee at the efficiency bar in the time scale on grounds of his unfitness to cross the bar.
- iii) non-promotion of an employee whether in a substantive or officiating capacity, after consideration of his case to a service, grade or post for promotion to which he may be otherwise eligible;
- iv) reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered after trial to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with this conduct.
- v) reversion to his permanent service, grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the term of his appointment or the rules and orders governing probation;
- vi) suspension pending enquiry;
- vii) termination of the service;

- a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the term of his appointment or the rules and orders governing probation;
  - b) of a person engaged under a contract: in accordance with terms of the contract;
  - c) of a temporary employee appointed otherwise than under a contract: on the expiration of the period of appointment or on abolition of the post before the due time in accordance with the term of appointment.
  - d) of a temporary employee engaged on a tenure posts or offered term appointment: at the expiration of the tenure or term of appointment as specified in the order of appointment or earlier if the arrangement under which such appointment has been made is abolished.
- viii) Compulsory retirement of a University employee in accordance with the provisions relating to superannuation or retirement.

**PUNISHING AUTHORITY:**

- 6.1 Except, where otherwise laid down in the statutes and the ordinances of the University, the authority competent to appoint shall also be competent to impose any of the penalties specified in Rule 5 upon the persons to whom these rules apply.
- 6.2 Notwithstanding generality of provision contained in sub-rule (1) above, the Vice-Chancellor shall be competent to impose any of the minor penalties specified in clauses (i) to (v) of Rule 5, except the officers of the University as defined under Section 8 of the Act.

**AUTHORITY TO INSTITUTE PROCEEDINGS:**

- 7.1 Except where otherwise provided under these rules, the Executive Council or any other authority empowered by it, by a general or special order, may
  - (a) institute disciplinary proceedings against any University employee;

- (b) direct a punishing authority to institute disciplinary proceedings against any University employee on whom that punishing authority is competent to impose under these rules any of the penalties specified in Rule 5.
- 7.2 A punishing authority competent under these rules to impose any of the penalties specified in clause (i) to (v) of Rule 5 may institute disciplinary proceedings against a University employee for the imposition of any of the penalties specified in clauses (vi) to (xi) of Rule 5 notwithstanding the fact that such punishing authority is not competent under these rules to impose any of the latter penalties.

#### PART IV

##### PROCEDURE FOR IMPOSING MAJOR PENALTY:

- 8.1 No order imposing any of the major penalties specified in clauses (vi) to (xi) of Rule 5 shall be made against a person to whom these rules are applicable unless he has been given a full and reasonable opportunity of being heard, showing cause and of defending himself against the action proposed to be taken against him.
- 8.2 Whenever the punishing authority is of the opinion that there are grounds for inquiring into truth of any imputation of misconduct or misbehaviour against a University employee, it may itself inquire into or appoint an authority to inquire into the truth thereof to its satisfaction.
- 8.3 Where it is proposed to hold an inquiry against a University employee under these rules, the punishing authority may draw up or cause to be drawn up-
- i) grounds on which it is proposed to take such action shall be reduced in writing into definite and distinct articles of charges;



- ii) a statement of allegations on which each charge is based and of any other circumstances which it is proposed to take up into consideration before passing orders in the case;
  - iii) a statement of all relevant facts including any admission or confession having been made by the University employee;
  - iv) a list of documents on the basis of which and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- 8.4 The punishing authority shall deliver or cause to be delivered to the employee, a copy of the articles of charge, the statement of allegations and list of documents and witnesses in support of each article of charge and require him to submit, within a reasonable time, ordinarily not exceeding two weeks, to state in writing, whether he admits the truth of all or any of the allegations, what explanation or defence, if any, he has to offer and whether he desires to be heard in person.
- 8.5 If on receipt of written statement of defence, the punishing authority is of the opinion that imposition of one of the minor penalties specified in clauses (i) to (v) of Rule 5 on the University employee would suffice and for that reason the punishing authority does not consider it fit and necessary to inquire into articles of charges any further for imposing one of the major penalties specified in clauses (vi) to (xi) of Rule 5, it shall make an order imposing any of the minor penalties specified in clause (i) to (v) of Rule 5.
- 8.6 (a) If the punishing authority is not satisfied with the explanation given by the person charged or if the employee desires to be heard in person, an inquiry officer shall be appointed to hold a regular enquiry;
- (b) The competent authority may appoint a university employee or a legal practitioner to be known as the 'Presenting Officer' to

present on his behalf the case and lead evidence before the inquiry officer in support of statement of allegations/articles of charge (s);

- © The employee against whom a charge is being enquired into, shall be allowed to obtain the assistance of an in-service or retired University employee, if he so desires in order to lead his defence before the enquiry officer.
- (d) In case a counsel is engaged by the competent authority to present his case before the Enquiry Officer, the charged employee shall also be entitled to engage the services of a counsel to represent his case in defence.
- (e) The charged employee shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the Enquiry Officer may, for reasons to be recorded in writing, refuse to call any such particular witness.

**8.7** If any question arises whether it is reasonably practicable to give to any person an opportunity to defend himself under rule 8.3, the decision thereon of the punishing authority shall be final.

8.8 All notices from the Enquiry Officer shall, unless personally served, be deemed to have been served when sent by registered post to the employee at his last known address.

8.9 If the charged employee to whom a copy of article of charges has been delivered does not submit his written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiry officer or otherwise fails or refuses to comply with the provisions of this rule, the inquiry officer shall proceed to hold the inquiry ex parte.

- 8.10 The charged employee shall appear in person before the Inquiry Officer on such date and time and at such venue as the Inquiry Officer may, by a notice in writing, specify in this behalf.
- 8.11. On the date fixed for the purpose, oral and documentary evidence on the basis of which charges are proposed to be proved shall be produced by or on behalf of the competent authority before the Inquiry Officer. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross examined by or on behalf of the charged employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter, without the leave of the Inquiry Officer. The Inquiry Officer may also put such questions to the witnesses as he thinks fit and proper for a fair investigation.
- 8.12 Before the close of the case, on behalf of the competent authority, the Inquiry Officer, may in his discretion allow the Presenting Officer to produce evidence not included in the list given to the charged employee or may himself call for new evidence or recall or re-examine any witnesses and in such case the charged employee shall be entitled to seek, if he so demands, an adjournment for three clear days before the production of such new evidence. The Inquiry Officer shall give to the charged employee an opportunity of inspecting such additional documents submitted/called in evidence before they are taken on the record.
- 8.13 When the charged employee has not admitted in his written statement any of the charges or has not submitted any written statement in his defence, the Inquiry Officer shall ask him to State as to whether he pleads guilty or has any defence to make. If the charged employee pleads guilty to all or any of the charges, the Inquiry Officer shall record his plea, sign the record and obtain the signature of the employee thereon.

- 8.14 The inquiring authority shall return a finding of guilt in respect of those of articles of charges to which the university employee pleads guilty.
- 8.15 The Inquiry Officer, shall if the employee fails to appear before him within the specified time, or having reported refuses or omits to plead, require the presenting officer to produce the evidence on the basis of which he proposes to prove the charges and shall adjourn the case and afford to the charged employee another but final opportunity:
- i) To inspect the documents filed with the statement of allegations;
  - ii) To submit a list of witnesses to be examined and to obtain/see a list of documents which are in the custody of the University, indicating relevancy of the documents required by him.
  - iii) apply orally or in writing for the supply of copies of the statements, if any, recorded of witnesses mentioned in the list referred to above, in which case the inquiring authority shall furnish to him such copies as early as possible but, in any case, before the commencement of examination of the witnesses on behalf of the punishing authority.
- 8.16 The Inquiry Officer shall, on receipt of the notice form the charged employee for the discovery or production of documents forwarded the same to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that the Inquiry Officer may for reasons to be recorded in writing, refuse to requisition such of the documents as are in his opinion are not relevant to the case.

- 8.17 On receipt of the requisition referred to in Rule 8.15 (ii & iii), the authority having the custody of possession or the requisitioned documents shall produce the same before the Enquiry Officer, unless the Inquiry Officer, unless the Inquiry Officer is

satisfied on written requisition by the authority having the custody or possession of the requisitioned documents that such documents are of a confidential nature and should not be produced.

- 8.18 When the case for the competent authority is closed, the charged employee shall be required to submit evidence in his defence orally, or in writing as he may prefer. If the defence is made orally, it shall be recorded by the Inquiry Officer and charged employee shall be required to sign the record.
- 8.19 The evidence/witness on behalf of the charged employee shall than be produced. The employee may examine such evidence/witness himself behalf he so prefers. The witnesses produced by the employee shall than be examined and shall be liable to cross-examination, re-examination and examination by the Inquiry Officer.

The Inquiry Officer, may for the reasons to be recorded in writing, refuse to call any witnesses cited by the employee.

- 8.20 The Inquiry Officer, may, after the charged employee closes his case and if the employee has not examined the evidence/witness himself, shall generally question him on the circumstances, appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- 8.21 The Inquiry Officer may after the completion of the production of evidence, hear the presenting officer, if any, appointed and the employee, or permit them to file written briefs of their respective cases, if they so desire.
- 8.22 When the statement of allegation against the charged employee shows that his general behaviour has been such as to be unbecoming of his position, or that he has failed to reach or to maintain a reasonable standard of efficiency, he may be charged accordingly, and a finding on such a charge may be a valid ground for the infliction of any of the punishments prescribed under Rule 5 which may

be considered suitable in the circumstances of the case.

- 8.23 It shall not be necessary to frame any additional charges when it is proposed to take action in respect of any statement of allegations made by the person charged during the course of his deposition in defence.
- 8.24 These provisions shall not apply where a person is removed or reduced in rank on the grounds of conduct which had led to his conviction on a criminal charges, or where an authority empowered to remove him or reduce him in rank is satisfied that, for some reason, to be recorded in writing it is not reasonably practicable to give him an opportunity of showing cause against action proposed to be taken against him or if it is considered expedient not to give that person an opportunity.
- 8.25 Whenever an Inquiry Officer, after having heard and recorded the whole or any part of the evidence, is unable to proceed with the inquiry for any reason whatsoever, and is succeeded by another Inquiry Officer, the Inquiry Officer so succeeding, may act on the evidence already recorded by his predecessor. If the predecessor Inquiry Officer has partly recorded and partly recorded by himself. The evidence on any charge, the successor Inquiry Officer may accept and act on the same and proceed further with the process from that stage onward.
- Provided that if the succeeding Inquiry Officer is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, he may recall, examine, cross-examine and re-examine any such witness as hereinbefore provided.
- 8.26 After conclusion of the inquiry, a report shall be prepared by the Inquiry Officer which shall contain -

- (a) the articles of charges and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the charged employee in respect of each article of charges;
- (c) an assessment of the evidence adduced and examined in respect of each article of charges;
- (d) the findings on each article of charges and detailed reasons therefor.

8.27 If, in the opinion of the Inquiry Officer, the proceedings of the inquiry establish any article of charges is different from the original articles of the charges, he may record his findings on such particular article of charges.

Provided that findings on such article of charges shall not be recorded unless the charged employee has either admitted the facts on which such article of charges is based or has had been afforded a reasonable opportunity of defending himself against the same.

8.28 The Inquiry Officer, where he is not himself the punishing authority, shall forward to the punishing authority the records of inquiry which shall include -

- i) the inquiry report;
- ii) the written statement of defence, if any, submitted by the charged employee;
- iii) the oral and documentary evidence produced during the course of the inquiry;
- iv) written briefs, if any, filed by the Presenting Officer and/or the charged employee during the course of inquiry;

- v) the orders, if any, made by the punishing authority with regard to the inquiry.

**ACTION ON THE ENQUIRY REPORT:**

- 9.1 The punishing authority, if it is not itself the inquiring authority may, for reasons to be recorded, in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold further inquiry according to the provisions contained in rule 8, as far as may be.
- 9.2 After inquiry against a university employee has been completed, and after the punishing authority has arrived at a tentative conclusion in regard to the penalty to be imposed, the employee shall, if the penalty to be imposed is a major penalty provided in sub-clause (vi) to (xi) of Rule 5, be supplied with a copy of the report of the Inquiry Officer and be called upon to show cause, within reasonable time, not ordinarily exceeding one month asking him to show cause as to why the inquiry report be not accepted against the particular penalty proposed to be inflicted upon him. Any representation submitted by him in this behalf shall be taken into consideration before further orders are passed.
- 9.3 If the punishing authority disagrees with any part or whole of the findings of the Inquiry Officer, the point or points of such disagreement, together with a copy of the report of the Inquiry Officer and brief statement of the grounds of such disagreement shall also be supplied to the employee calling upon him to show cause, within a reasonable time, not ordinarily exceeding one month, irrespective of whether the report is in favour or against the University employee, as



to why a particular penalty proposed be not inflicted upon him.

- 9.4 The disciplinary authority shall consider the representation, if any, submitted by the university employee in this behalf before proceeding further in the manner specified in sub-rules (5) & (6) of this rule.
- 9.5 If disciplinary authority having regard to its findings of the inquiry on all or any of the articles of charges is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 5 should be imposed on the university employee, it shall notwithstanding anything contained in Rule 10, make an order imposing such penalty.
- 9.6 If the punishing authority having regard to the findings of the inquiry on all or any of the articles of charges and on the basis of the evidence adduced during the inquiry, is of opinion that any of the penalties specified in clauses (vi) to (xi) of Rule 5 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

**PROCEDURE FOR IMPOSING MINOR PENALTIES:**

- 10.1 Subject to rule 8.4 and 9.2, no order imposing on an employee any of the penalties specified in clause (i) to (v) of Rule 5 shall be made except after -
- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to take against the proposal;

- (b) holding an inquiry as in rule 8.1 to 8.27 in every case in which the authority is of the opinion that such an inquiry is necessary;
- (c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
- (d) recording a finding on each imputation of misconduct or misbehaviour.

10.2 Notwithstanding the procedure specified in Rule 10.1, if the punishing authority after giving reasonable opportunity to the employee to show cause against the imputations of misconduct or misbehaviour leveled against him, is of the opinion that minor penalties as specified in clause (i) to (v) of rule 5 contained in this part should be imposed on the employee, without holding an inquiry in the manner laid down in rule 8.1 to 8.27, he shall record the reasons therefor, in writing, and shall pass a speaking order accordingly.

#### **COMMUNICATION OF ORDER:**

11. A copy of the order made by the punishing authority along with a copy of the inquiry report, a statement of findings of the punishing authority together with brief reasons for its disagreement with the findings of the Inquiry Officer, if any (unless already supplied) shall be delivered to the employee either by hand or by registered post.

#### **COMMON PROCEEDINGS:**

12.1 Where two or more university employees are implicated in any case, the authority competent to impose the penalty of dismissal or removal from service on all such employees, may make an order directing that disciplinary action against all of them may be taken in a common proceedings.

- 12.2 If the authorities competent to impose the penalty of dismissal or removal from service on such employees are different, an order for taking disciplinary action in a common proceedings shall be made by the highest of such authorities.
- 12.3 An order made under rule 12.1 shall specify the authority competent to function as the punishing authority for the purpose of such common proceedings.

### PART V

#### APPEALS:

##### RIGHT TO APPEAL:

13. Subject to provision contained in Rule 14, every employee to whom these rules apply, shall be entitled to appeal, against any of the orders not being an order of Chancellor, to such superior authority, as may be prescribed in the University Act/Statures. An appeal against an order/decision of the Executive Council shall lie with the Chancellor as provided in the Act and Statures.

##### ORDERS AGAINST WHICH NO APPEAL LIES:

14. Notwithstanding anything contained in this part of the rules, no appeal shall lie against-
- (i) Any order made by the Chancellor;
  - (ii) Any order of interlocutory nature or the nature of step-in-aid of efficient disposal of disciplinary proceedings other than order of suspension;
  - (iii) Any order passed by an Inquiry Officer during the course of an inquiry under Rule 8.

##### ORDERS AGAINST WHICH APPEAL LIES:

15. Subject the provisions of Rule 14, a university employee may prefer an appeal with the next higher authority against any disciplinary action as provided in Section-9 (14) of the University Act and decision of such Appellate Authority shall be final.

**PERIOD OF LIMITATION:**

16. An appeal under this part shall be entertained only if such appeal is preferred within a period of thirty days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellate authority in a rare and exceptional case may entertain an appeal after the expiry of the said period, with reasons to be recorded in writing, if it is satisfied that the appellant has shown some bonafide and sufficient reason as a proof of his inability to prefer the same within the prescribed time limit.

**CONSIDERATION OF APPEAL:**

- 17.1 In case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of **Rule 4** and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

- 17.2 In the case of an appeal against an order imposing any of the penalties specified in Rule 5 or enhancing any penalty imposed under the said rules, the appellate authority shall consider -

- (a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any

provision of the Constitution of India or in the failure of justice;

- (b) whether the findings of the punishing authority are vitiated by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or too severe; and pass orders -
  - (i) either confirming, enhancing, reducing or setting aside the penalty with sufficient reasons to be recorded in writing; or
  - (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

Provided that no order imposing an enhanced penalty shall be made unless the appellant has been given a reasonable opportunity to show cause why such a penalty should not be increased.

17.3 Every employee aggrieved by the order of punishing authority, preferring an appeal shall do so separately in his own name and not collectively.

**REVIEW:**

- 18. Notwithstanding anything contained in these rules:
  - (i) the appellate authority, within 45 days of the date of the order proposed to be reviewed; or
  - (ii) any other authority, in this behalf, by the Executive Council by a general or special order, and within such time as may be prescribed in such order,

may at any time, either on its own motion or otherwise call for the records of any inquiry and review any order made under these rules from which an appeal is allowed, but from which no appeal has been preferred, and may-

    - (a) confirm, modify or set aside the order; or

- (b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case.

Provided that no order imposing or enhancing any penalty shall be made by the reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the proposed/enhanced penalty and holding an inquiry in the manner laid down under the rules.

**MANNER OF PRESENTATION OF APPEAL OR REVIEW:**

19. Every appeal or application for review 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 review shall be submitted through the Head of office to which the appellant or applicant belongs/belonged.

**WITHHOLDING OF APPEALS OR APPLICATION FOR REVIEW:**

20. An appeal or application for review may be withheld by the Head of the office, if -
- (a) it is an appeal or application for review in a case in a case in which no appeal or review lies under these rules;
- (b) it is filed after expiry of the prescribed period of limitation and no sufficient and reasonable cause is shown for the delay;
- (c) it is a repetition of a previous appeal or application for review which has already been decided by the appellate or reviewing authority and no new facts or grounds strictly relevant to the case are adduced which may warrant reconsideration of the case

Provided that in every case the appeal or application for review is withheld, the appellant/applicant shall be informed of the fact and the reasons therefore under intimation to the appellate/reviewing authority.

**ORDER OF REINSTATEMENT:**

21. When an employee who has been dismissed or suspended is reinstated, the authority reinstating him shall make an order specifying therein:
- i) Whether the employee may draw, for the period of his absence from duty, any pay and allowances in addition to his pay and allowance admissible under Rules.
  - ii) Whether such period may be treated as duty for all any particular purpose.

**REVISION:**

22. After an appeal or second appeal provided in Rule 13 has been rejected, an employee to whom these rules apply, may apply for revision to such superior authority as may be prescribed by the Executive Council, on grounds of any material irregularity in the proceedings/conduct of the inquiry officer/appellate authority or on the discovery of new and important facts/evidence which could not, with due diligence, be produced by him when the orders against him were passed or on account of some mistake or error on the face of record, but such new and important facts/evidence are strictly relevant to the case.

**POWER OF SUPERIOR AUTHORITY TO REVISE ORDERS OF AN SUBORDINATE AUTHORITY:**

23. The Vice-Chancellor, on grounds of sufficient reasons to be recorded in writing, may call for and examine the records of any case in which a subordinate authority has passed any order under Rule 10 or has inflicted any of the penalties specified in Rule 5 or in which no order has been

passed or penalty inflicted and after making further investigation, if any, may confirm, remit, reduce, increase or impose any of the penalties specified in Rule 5.

**SAVINGS & POWER TO RELAX RULES:**

- 24.1 Nothing in these rules shall apply insofar as it is inconsistent with the provisions of the Act, Statutes and Ordinances of the University as amended from time to time.
- 24.2 Any matter relating to the conditions of service of an employee for which no provision is made under these rules, shall be determined according to the Haryana State Government Rules on the subject.

**PART - VI Conduct Rules**

1. Short title, commencement and application. (1) These rules may be called the University Employees (Conduct) Rules.
2. They shall come into force at once.
3. They shall apply to all persons appointed in the University:

Provided that nothing in these rules shall apply to:

- a) members of the All India Services who are subject to the All India Services (Conduct) Rules, 1954; and
- b) holders of any post in respect of which the University may, by general or special order, declare that these rules do not apply.

**2. Definitions**

In these rules, unless the context otherwise requires;



- a) 'the University' means the M.D.University, Rohtak.
- b) 'University employee' means any person appointed to any service or post in connection with the affairs of the University.

**Explanation:**

A University employee whose services are placed at the disposal of a company, corporation, organization or a local authority by the University, shall for the purposes of these rules be deemed to be a University employee serving under the University notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the University.

- c) 'members of family' in relation to a University employee includes:-
  - i) the wife or the husband, as the case may be, of the University employee, whether residing with the University employees or not but does not include a wife or husband, as the case may be, separate from the University employees, by a decree or order of a competent court;
  - ii) Son or daughter or step-son or step-daughter of the University employee and wholly dependent on him, but does not include a child or step child who is no longer in any way dependent on University employee or of whose custody the University employee has been deprived by or under any law;
  - iii) Any other person related, whether by blood or marriage, to the University employee or to the University employee's wife or husband and wholly dependent on the University employee.

**3. General**

- 1) Every University employee shall at all times:
  - i) maintain absolute integrity;
  - ii) maintain devotion to duty; and
  - iii) do nothing which is unbecoming of a University employee or which is prejudicial to the interests

and reputation of the University as a public institution.

- 2)(i) Every University employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all University employees under his control and authority.
- ii) No University 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.
- iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinate shall be avoided, as far as possible. When the issuance of oral direction becomes unavoidable in certain circumstances, the official shall confirm it in writing immediately thereafter.
- iv) A University employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be duty of the official superior to confirm the direction in writing.

**Explanation:**

Nothing in Clause (ii) of Sub-rule(2) shall be construed as empowering a University 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.

4. **Employment of near relatives of University employees in Companies or firms enjoying University patronage/preivileges.**
- 1) No University employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.

- 2) (i) No Class-1 Officer shall, except with the previous sanction of the University permit his son, daughter or other dependent to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the University:

**Provided that where the acceptance of the employment cannot await prior permission of the University or is otherwise considered urgent, the matter shall be reported to the University at the earliest but not later than three months and the employment may be accepted provisionally subject to the permission of the University.**

- ii) A University employee shall, as soon as he becomes aware of the acceptance by member of his family of an employment in any company or firm intimate such acceptance to the prescribed authority and shall also intimate whether he has or had any official dealings with that company or firm.

**Provided that no such intimation shall be necessary in the case of Class II Officer, if he has already obtained the sanction of, or sent a report to, the University under Clause (i).**

- 3) No University employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any person, if any member of his family is Director/CEO/Owner in that undertaking or under that person or if he or any member of his family is directly interested as a partner in such matter of contract in any other manner and the University employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

## **5. Taking part in Politics and Elections**

- 1) No University employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics and nor shall he take part in, subscribe in aid of, or

assist in any other manner; any political movement or activity.

- 2) It shall be the duty of every University employee to endeavor to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner, any movement or activity which is or tends directly or indirectly to be, subversive of the University as by law established and where a University employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the University.
- 3) 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 fall within the scope of sub-rule (2), the decision of the University, thereon shall be final.
- 4) No University 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:**

- a) a University employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- b) a University employee shall not be deemed to have contravened the provisions 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 a University 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 of Associations by University employees**

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

**7. Demonstration and Strikes**

No University employees shall:

- i) engage himself or participate in any demonstration which is prejudicial to the interests of sovereignty and integrity of India, the security of the State, friendly relations with foreign State, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence, or
- ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or that of any other University employee.

**8. Connection with Press or Radio**

- 1) No University employee shall, except with the previous sanction of the University, wholly or in part, conduct or participate in the editing or management of, any newspaper or other periodical publication.
- 2) No University employee shall except with the previous sanction of the University or the prescribed authority or except in the bonafide discharge of his duties:
  - a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles; or
  - b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical;

either in his own name or anonymously or pseudonymously or in the name of the any other person;

**Provided that no such sanction shall be required:**

- i) if such publication is through a publisher and is of a purely literary, artistic or scientific character; or
- ii) if such contribution; broadcast or writing is of a purely literary, artistic or scientific character.

**Provided further that the University may withdraw at any time the sanction so granted if there are reasons to believe that the sanction is being misutilised after affording reasonable opportunity of being heard.**

**9. Criticism of University**

No University employee shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person 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, recent policy or action of the University;
- ii) which is capable of embarrassing the relations between the University and the Govt.;

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

**10. Evidence before Committee or Any other authority**

- 1) Save as provided in Sub-rule (3), no University employee shall except with the previous sanction of the University, give evidence in connection with any Inquiry conducted by any person, committee or authority.

- 2) Where any sanction has been accorded under Sub-rule (1), no University employee while giving such evidence shall criticize any the policy or any action of the University.
- 3) Nothing in this rule shall apply to:
  - a) evidence given at Inquiry before an authority appointed by the University, Parliament or a State Legislature; or
  - b) evidence given in any judicial Inquiry; or
  - c) evidence given at any departmental Inquiry ordered by the University or authorities subordinate to the University.

#### **11. Unauthorised Communication of the Information**

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

#### **Explanation:**

Quotation by a University employee ( in his representation to the Head Office or Head of Department or Governor ) 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 with the meaning of this rule.

#### **12. Subscriptions**

No University employee shall except with the previous sanction of the University or of the prescribed 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.

### **13. Gifts**

- 1) Save as otherwise provided in these rules, no University employee shall accept or permit any member of his family or any other person acting on his behalf to accept, any gift.

#### **Explanation**

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

#### **NOTE**

- i) A casual meal, gift or other social hospitality shall not be deemed to be a gift.

#### **NOTE**

- ii) A University employee shall avoid accepting lavish hospitality or frequent hospitality from any individual industrial or commercial firms, organizations etc. having official dealings with the University.
- 2) On occasions such as weddings, anniversaries, social or religious functions, when the making of a gift is in conformity with prevailing religious or social practice, a University employee may accept gifts from his near relatives and friends but he shall make a report to the University if the value of any such gift exceeds Rs. 500/-.
- 3) In any other case, a University employee shall not accept, or permit any member of his family or any other person acting on his behalf to accept any gift without the sanction of the University, if the value thereof exceeds:



- i) Rs. 10,000/- in the case of a University employee holding any class I or class II post; and
- ii) Rs. 5,000/- in the case of a University employee holding any class III or class IV post.

**13(A) Prohibition of Dowry**

No University employee shall:

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

**Explanation**

For the purpose of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961), as amended, in its application to the State of Haryana.

**14. Public Demonstration in honour of University employees**

No University employee shall, except with the previous sanction of the University, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other University employee:

**Provided that nothing in this rule shall apply to:**

- a) a farewell entertainment of a substantially private and informal character held in honour of a University employee or any other University employee on the occasion of his retirement or transfer of any person who has recently quit the service of University; or
- b) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

**NOTE:**

Exercise of pressure or influence of any sort on any University employee to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character, and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any University employee not belonging to Class III or Class IV, is forbidden.

**15. Private trade or Employment**

- 1) No University employee shall, except with the previous sanction of the University, engage directly or indirectly in any trade or business or negotiate for, or undertake, any other employment;

Provided that a University employee may, without such sanction undertake honorary work of a social or charitable nature or occasional work of artistic or scientific character subject to the condition that:

- i) he shall, within a period of one month of his undertaking any such work, report to the University giving full details.
- ii) His official duties do not thereby suffer;
- iii) He shall discontinue any such work if so directed by the University:

Provided further that, if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the University.

**Explanation - Canvassing by a University employee**

- i) in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family; or
- ii) for a candidate for an elective office referred to in the second proviso, shall be deemed to be a breach to this sub-rule.

- 2) Every University employee shall report within one month to the University if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- 3) No University employee shall, without the previous sanction of the University, except in due 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 (Act 1 of 1956), or any other law for the time being in force or any cooperative society for commercial purposes:

Provided that a University employee may take part in the registration, promotion or management of a cooperative society substantially for the benefit of University employees or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law for the time being in force, subject to the conditions that:

- i) he shall, within a period of one month of his taking part in such activity report to the University giving full details;
- ii) his official duties do not thereby suffer;
- iii) he shall discontinue taking part in any such activity if so directed by the University.

Provided further that, if taking part in any such activity involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the University.

**Explanation I:**

A "Co-operative Society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other relating to Co-operative societies for the time being in force in any State.

**Explanation II:**

Canvassing for a candidate for an elective office referred to in the second proviso shall be deemed to be breach of this sub-rule.

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

#### **16. Investment lending and borrowing**

- 1) No University employee shall indulge in speculative business 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.

- 2) No University employee shall make, or permit any member of his family or any person acting on his behalf to make investment which is likely to embarrass or influence him in the discharge of his official duties.
- 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 University thereon shall be final.
- 4)(i) No University employee shall save in the ordinary course of business with a bank or a firm of standing duly authorized to conduct banking business, either himself or through any member of his family or any other person acting on his behalf:
  - a) lend or borrow money as principal or agent, to or from any person within local limits 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
  - 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 a University employee may give to or accept from a relative or a personal friend purely temporary loan of a small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee but such amount shall not exceed twelve months' emoluments for the construction of house or purchase of built up house and six months' emoluments for the purchase of conveyance and other purposes.

Provided further that a University employee may, with the previous sanction of the University enter into any transaction referred to in sub-clause(a) or sub-Clause(b).

- iii) when a University employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provision of sub rule (2) or sub rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

#### **17. Insolvency and Habitual Indebtedness**

A University employee shall so manage his private affairs as to avoid habitual indebtedness, or insolvency. A University employee against whom any legal proceedings is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the University.

#### **NOTE:**

The burden of proving that insolvency indebtedness was the result of circumstances which with the exercise of ordinary diligence, the University employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the University employee.

#### **18. Movable, immovable and valuable property**

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

**NOTE: I**

Sub-rule(1) shall not ordinarily apply to Class-IV employees, but the University may direct that it shall apply to any such University employee or class of employees.

**NOTE: II**

In all returns, the value of items of movable property worth less than Rs. 1,000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

**NOTE: III**

Every University employee who is in service on the date of the commencement of these rules shall submit a return under this sub rule on or before such date as may be specified by the University after the date of such commencement.

- 2) No University 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 University employee if any such transaction is:

- i) with a person having official dealings with the University employee, or
- ii) otherwise than through a regular or reputed dealer

- 3) Where a University 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. 10,000.

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

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

- 4) The University or the prescribed authority may at any time, by general or special order, require a University 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 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 University or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

- 5) The University may exempt any category of University employee belonging to Class III or Class

IV from any of the provisions of this rule except Sub-rule (4). No such exemption shall, however, be made without the concurrence of the competent authority of the University.

**Explanation: For the purpose of this Rule:**

- 1) The expression "movable property" includes:
  - i) Jewellery, insurance policies, the annual premium of which exceed Rs. 10,000 or one-sixth of the total annual emoluments received from University whichever is less, shares, securities and debentures;
  - ii) Loans and advances by such University employee whether secured or not; and
  - iii) Motor Cars, motor cycles, horses, or any other means or conveyance; and
  - iv) Refrigerators, radios, radiograms and other electronic goods.
- 2) "Prescribed Authority" means:
  - a)(i) the Executive Council in the case of a University employee holding any Class I and II post except where any lower authority is specified by the University for any purpose.
  - ii) Vice-Chancellor in the case of a University employee holding any Class III post;
  - iii) Registrar in the case of a University employee holding any Class IV post;
  - b) in respect of a University employee on foreign service or on deputation to any other Department or any other University, the Parent Department on the cadre of which such University employee is borne to the Department to which he is administratively subordinate as member of that cadre.

**19. Vindication of Acts and Character of University Employees**



- 1) No University employee shall, except with the previous sanction of the University have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or on attack of a defamatory character.
- 2) Nothing in this rule shall be deemed to prohibit a University employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the University employee shall submit a report to the prescribed authority regarding such action.

**20. Canvassing**

No University employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of a matter pertaining to his service under the University.

**21. Bigamous Marriages**

- 1) No University employee shall enter into, or contract, a marriage with a person having a spouse living; and
- 2) No University employee, having a spouse living shall enter into, or contract a marriage with any person;

Provided that the University may permit a University employee to enter into, on contract any such marriage as is referred to in sub-rule(1) or sub-rule(2).

- 2) if it is satisfied that:
  - a) such marriage is permissible under the customary and/or personal law applicable to such Government employee and the other party to the marriage; and
  - b) there are other grounds for so doing.

**22. Consumption of Intoxicating Drinks and Drugs**

A University employee shall:

- a) strictly abide by any law relating to intoxicating drink or drugs in force in any area in which he may happened to be for the time being;
- b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drinks or drugs;
- c) not consume intoxicating drinks or drugs in public;
- d) not appear in a state of intoxication in a public place;
- e) not be present on duty in a state of intoxication; and
- f) not habitually use any intoxicating drinks or drugs to excess.

### **23. Interpretation**

If any question arises relating to the interpretation of these rules, it shall be referred to the Vice-Chancellor for a clarification whose decision thereon shall be final.

### **24. Delegation of Power**

The University may, by a general or special order, direct that any power exercisable by it or any head of department under the rules (except the powers under rule 23 and this rule) shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

### **25. Repeal and Saving**

Any rules corresponding to the rules in force immediately before the commencement of these rules and applicable to the University employee to whom these rules apply are hereby repealed.

Provided that any other made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

MAHARSHI DAYANAND UNIVERSITY ROHTAK

Copy of extract of Reso. No.14 of the meeting of the Executive Council held on 10.7.2010.

14. Prescription of a new Statue-46 "Condition of Service for University Employees and Prescription of a new Ordinance "Service & Conduct Rules for Non-teaching Employees"

Considered:

- (i) that a new Statue "46. Conditions of Service for University Employees" be prescribed as under:

"46. Conditions of Service for University Employees

Conditions of Service of University employees shall be those as may be prescribed in the Ordinance governing the Service & Conduct Rules for University Teachers and Non-Teaching Employees: and

- (ii) that a new Ordinance Service & Conduct Rules for Non-Teaching Employees (Annexure A/11 pages 84-158, already circulated) be approved.

RESOVED THAT THE PROPOSALS AS ABOVE BE APPROVE AND THAT THE ASSENT OF THE HOB'BLE CHANCELLOR TO THE PRESCRIPTION OF NEW STATUTE AS AT (i) ABOVE BE OBTAINED AND ALSO THAT THE NEW ORDINANCE AT (II) ABOVE BE MADE APPLICABLE AFTER RECEIPT OF ASSENT OF THE HON'BLE CHANCELLOR.