

[Authorised English Translation]

HARYANA GOVERNMENT
EDUCATION DEPARTMENT

Notification

The 13th June, 2006

No. S.O. 57/H.A. 15/1979/S.16/2006.— In exercise of the powers conferred by sub-section(1) read with sub-section(2) of section 16 read with sections 4 and 5 of the Haryana Affiliated Colleges (Security of Service) Act, 1979 (15 of 1979), and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the recruitment, and conditions of service and conduct of the employees appointed to the Haryana Affiliated Colleges (Security of Services), namely :—

PART-I

1. These rules may be called the Haryana Affiliated Colleges (Security of Service) Rules, 2006.

Short title.

2. In these rules, unless the context otherwise requires,—

Definitions.

(a) "Act" means the Haryana Affiliated Colleges (Security of Service) Act, 1979;

(b) "Director" means the Director of Higher Education, Haryana or Higher Education Commissioner, Haryana ;

(c) "employee" means any person who is in the whole time employment of the Haryana Affiliated Colleges;

(d) "Government" means the Haryana Government in the Administrative Department;

(e) "section" means a section of the Act; and

(f) "Service" means the Haryana Affiliated Colleges Service.

PART—II

Recruitment of Service

3. The Service shall comprise all or any of the categories of posts shown in Appendix A to these rules.

Number of posts.

4. No person shall be appointed to the service by direct recruitment who is less than 18 years of age and more than 35 years of age on the last date of submission of application to the Managing Committee. The age of superannuation will be 60 years.

Age.

5. Appointment to any post in the Service shall be made by the Managing Committee in the manner provided in rule 7. Class-IV employees shall be appointed by the Principal, in the manner provided in the said rules.

Appointing authority.

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Qualifications.

6. No person shall be appointed to any post in the Service unless he is in possession of qualifications and experience as specified by the UGC/University / State Government, as the case may be.

Method of recruitment.

7. (I) Recruitment to the Service shall be made, ---

(a) in the case of Principal, by direct recruitment through a Selection Committee comprising the following: ---

- (I) Chairperson of the Governing Body as Chairperson.
- (II) One member of the Governing Body to be nominated by the Chairperson.
- (III) Two Vice-Chancellor's nominees out of whom one should be a subject expert.
- (IV) Director's Nominee.
- (V) Three experts consisting of a Principal of a college, a Professor and an accomplished educationist not below the rank of a Professor (to be nominated by the Governing Body) out of a panel of experts approved by the Vice-Chancellor.

Quorum

(i) At least four members, including two experts, should constitute the quorum. But the presence of the Vice-Chancellor's nominee and the Director's nominee shall be essential.

The process of selection should involve the following: ---

- (a) Assessment of aptitude for teaching and research.
- (b) Ability to communicate clearly and effectively.
- (c) Ability to analyse and discuss.
- (d) **Optional:** Ability to communicate may be assessed by requiring the candidate to participate in a group discussion or by exposure to a classroom situation/lecturer wherever it is possible.
- (ii) If the Chairman of the Managing Committee or his nominee is unable to attend, the Vice-Chancellor's nominee shall be the Chairman of the Selection Committee.
- (iii) The recommendations of the Selection Committee shall be subject to the approval of the Vice-Chancellor and Director.
- (iv) In the meeting of Selection Committee for the selection of Lecturers, Librarians and Principals and also if any one of the nominees of the Vice-Chancellor or the Director gives a

dissenting note, the proceedings of the Selection Committee shall not be approved by the University/Director and the post shall be re-advertised.

✓(b) in the case of lecturer, including lecturer in Physical Education and Librarian by direct recruitment through a Selection Committee comprising the following :—

- (I) Chairperson of the Governing Body of the College or his/her nominee to be the Chairperson of the Selection Committee.
- (II) The Principal of the concerned college.
- (III) One senior teacher/Head of the Department (of the concerned subject) preferably having not less than 10 years of service as a teacher.
- (IV) Two nominees of the Vice-Chancellor of the affiliating university of whom one should be a subject expert.
- (V) Director's nominee.
- (VI) Two subject experts not connected with the college to be nominated by the chairperson of the Governing Body out of a panel of names approved by the Vice-Chancellor.

Note.— Recommendations of Selection Committee in respect of Private Colleges to be got approved from the Vice-Chancellor and Director.

Quorum

- (i) The quorum for the meeting shall be five of which at least two shall be from out of the three subject experts.
- (ii) If the Chairman of the Managing Committee or his nominee is unable to attend, the Vice-Chancellor's nominee shall be the Chairman of the Selection Committee.

(c) in the case of Head Clerk/Deputy Superintendent—

(i) by direct recruitment; or

(ii) by promotion from the post of stenographer/Clerk;

(d) in case of Typewriting Instructor —

(i) by direct recruitment; or

(ii) by promotion from the post of junior scale stenographer;

(e) in the case of Steno-Typist—

(i) by direct recruitment; or

(ii) by promotion from the post of Clerk;

(f) in the case of Clerk —

(i) by direct recruitment; or

(ii) by promotion from the post of Peon and other class IV employees;

(g) in case of Lecture Assistant —

(i) by direct recruitment; or

(ii) by promotion from the Laboratory Assistant;

(h) in the case of Laboratory Assistant—

(i) by direct recruitment; or

(ii) by promotion from the post of Laboratory Attendant;

(i) in the case of Restorer—

(i) by direct recruitment; or

(ii) by promotion from the Library Attendant;

(j) in the case of Junior Librarian—

(i) by direct recruitment; or

(ii) by promotion from the post of Restorer;

(k) in the case of Tabla Player, Gasman, Peon and other class IV employees, Laboratory Attendant, Library Attendant by direct recruitment.

(l) in case of Laboratory Attendant/Library Attendant—

(i) by direct recruitment; or

(ii) by promotion from the post of Peon.

(2) For recruitment against the post mentioned at (c) to (l), a Selection Committee comprising the following members shall be constituted :—

(i) Representative of the Managing Committee (Chairman) or his nominee;

(ii) Principal of the College;

(iii) One nominee of the University;

(iv) One nominee of the Director.

(3) Except otherwise provided, whenever any vacancy occurs or is about to occur the Managing Committee shall determine the manner in which the vacancy is to be filled in. If the vacancy is to be filled in by direct recruitment, the Managing Committee shall advertise the vacancy at least in two leading dailies, one English and One Hindi, out of which one shall be of National Level. However, in case of non-teaching staff the vacancy can also be filled in through Employment Exchange.

(4) Appointment orders to the posts in the Service shall be issued by the Managing Committee or the Principal, as the case may be, in the form specified in Appendix B to these rules.

8. (1) The persons appointed to any post in the Service shall remain on probation for a period of two years in the first instance, if appointed by direct recruitment and one year if appointed otherwise. Probation.

(2) On the completion of the period of probation of a person the appointing authority may,—

(a) if his work or conduct has, in its opinion, been satisfactory, confirm such person from the date of completion of his probation period or if a permanent post is not available, declare that he has completed his probation satisfactorily; or

(b) if the work or conduct of a person in its opinion has not been satisfactory,—

(i) dispense with his services, if appointed by direct recruitment, or revert him to his former post if appointed otherwise or deal with him in such other manner as the terms and conditions of his previous appointment permit;

(ii) extend his period of probation and thereafter pass such orders as if could have passed on the expiry of the first period of probation.

Provided that the total period of probation, including extension, if any, shall not exceed three years:

Provided further that if it is proposed to take action under sub-clause (i) or (ii) then the case of the official shall be referred to a committee consisting of the following members:—

- (1) President or his nominee;
- (2) Dean of Colleges of the University or his nominees;
- (3) Nominee of Government in the Managing Committee;
- (4) Principal of the College concerned;
- (5) Principal of another college not under the same Managing Committee. The Managing Committee shall take a final decision in the matter in accordance with the recommendation of this committee;

(iii) if the Managing Committee does not agree with the report of the committee constituted under rule 8(2) (b) (ii) or the committee is unable to come to a decision by the majority then the matter will be referred to by the Principal to the Director whose decision shall be final. However, an employee against whom an order of termination of

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services has been passed without complying with the provision of these rules, may, within a period of thirty days of the date of communication of orders make an application to the Director whose decision shall be final in the matter.

Seniority

9. (1) The seniority of the employees shall be determined by the length of continuous service on a post in the college. If there are different cadres in the service the seniority shall be determined separately for each cadre:

Provided that in the case of an employee appointed directly the order of merit determined by the Selection Committee shall not be disturbed in fixing their seniority. However, if person appointed in different subjects/categories join on the same date seniority will be determined according to their seniority in age; and the elder employee shall be senior to the younger employee:

Provided further that in the case of two employees appointed on the same date, their seniority shall be determined as follows :—

(a) an employee appointed by direct recruitment shall be senior to an employee appointed otherwise;

(b) in the case of employees who are appointed by promotion their *inter se* seniority shall not be disturbed.

(2) The seniority lists of the employees shall be prepared by the Managing Committee in the form prescribed in Appendix D to these rules and circulated to the employees. This list will be finalized after inviting objections from the employees and considering the same. In the case of any dispute regarding fixation of seniority, the matter shall be decided by the Director.

PART—III

Pay, Allowances and Service Record

Scale of pay, dearness allowance and payment of salary

10. The scale of pay and allowances of the employees shall be specified by the Government from time to time.

Leave

11. The employees shall be governed by the leave rules as laid down by the Government from time to time.

Travelling allowances etc.

12. If an employee is deputed by the Managing Committee or Principal for the business of the college, he shall be entitled to get travelling and daily allowance in accordance with the rules as are applicable from time to time to Government employee.

Maintenance of service book

13. (1) For every employee a service book shall be maintained in such form as is prescribed for Government employee, and personal file containing annual confidential reports and other important documents in relation thereto.

(2) The service book and the personal file shall be maintained and kept in the safe custody by the Principal who shall be responsible to produce the same before the Director or any other officer authorized by him if so required by him for inspection.

PART—IV

Conduct

14. No employee shall engage directly or indirectly in any trade or business or undertake any other employment except :—

Privately trade or employment.

(i) private tuition with the permission of the Principal for not exceeding one hour a day ;

(ii) honorary work purely social or charitable nature or occasional work of a literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer. He shall not undertake, or shall discontinue such work if so directed by the Principal of his college, and in the case of the Principal, so directed by the Managing Committee:

Provided that no permission shall be necessary for examination work of the Universities when the total emoluments accruing therefrom do not exceed Rs. 2400 per annum and for all examination work for which additional emoluments may be accepted, the previous permission of the Principal shall be necessary.

15. An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. Any such employee against whom any legal proceedings are instituted for the recovery of any debt due from him or for adjudging him as insolvent shall forthwith report the full facts of the legal proceedings to the Managing Committee through the Principal.

Insolvency and habitual indebtedness.

16. No employee shall, except with the permission of the Principal of the college and in the case of the Principal, the Managing Committee, appear in any examination.

Appearance in examination.

17. No employee shall take part in subversive activities or assist in any way, any movement which tends to promote feelings of disaffection, hatred or enmity between different classes or subject of India or disturb public peace.

Participation in ill activities.

18. No employee shall—

(a) in any manner, whatsoever, criticize in a derogatory manner in public, the actions of the Government and the Managing Committee;

Criticism of Managing Committee etc.

(b) in the process of performance of his duties except in accordance with any general or specific order of the Managing Committee communicate directly or indirectly any official document or information to any other employee or person to whom he is not authorized to communicate such documents or information .

Taking part in election,

19. No employee shall stand for election to Parliament/State Legislature or any other local body.

Joining association by employees.

20. (1) No employee shall join or continue to be a member of an association unless such association satisfies the following conditions, namely :—

- (i) its membership if confined to a distinct class of employees and is open to all employees of that class;
- (ii) it is not in anyway connected with any party or organization engaged in any political activity;
- (iii) it has, within a period of six months from its formation obtained the recognition of the Government or the Managing Committee.

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

General.

21. (1) Every employee shall—

- (i) serve efficiently, act in a disciplined manner and maintain absolute integrity and devotion to duty;
- (ii) maintain cordial relations with the pupils and their parents, the Principal of the Institution, other employees, Managing Committee, University and the Government Officers concerned.

(2) No employee shall—

- (i) without sufficient grounds refuse to undergo a course of training prescribed by the University from time to time whenever required to do so ; and
- (ii) take part in any activity which in the opinion of the Principal is calculated to lead an indiscipline in the college.

(3) Unless otherwise expressly provided for, an employee shall, at all times, be at the disposal of the College and shall serve the College in such capacity and at such places as he may, from time to time, be directed by the Principal or the Managing Committee.

(4) No employee shall absent himself from his duty without the prior permission of the Principal or the Managing Committee.

(5) No employee shall—

- (i) accept or permit any member of his family or any other person acting on his behalf to accept any gift from a student, parent or any other person with whom he has come into contact by virtue of his position in the college.

Explanation- (1). The expression 'Gift' shall include free transport, boarding, lodging or other services or any other pecuniary advantage when provided by a person other than a near relation or a personal friend not having any dealings with him in connection with the college.

Note.—A casual meal, gift or other social hospitality of a casual nature shall not be a gift.

Explanation- (2). On occasions such as wedding anniversaries, funerals or religious function when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept a gift of a nominal value;

- (ii) practice, or incite any student to practise casteism, communalism and untouchability;
- (iii) cause, or incite any other person to cause any damage to the college property; and
- (iv) encourage violence, or be guilty of any conduct which involves moral turpitude.

22. An employee shall

- (a) strictly abide by any law relating to intoxicating or drugs in force in any area in which he may happen 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 state of intoxication; and
- (f) not habitually use any intoxicating drinks or drugs in excess.

Consumption of
intoxicating
drinks and
drugs

23. (1) No employee shall indulge in any act of sexual harassment of any woman at her work place.

Prevention of
sexual
harassment of
working woman.

(2) Every employee who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation :— For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or by implication as :—

- (a) physical contact and advances;
- (b) demand or request for sexual favours;
- (c) making any sexually coloured remarks;
- (d) showing any pornographic material; and
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

PART—V

Contributory Provident Fund

Contributory Provident Fund, Pension Scheme as notified by the State Government.

24. The employees shall be governed by contributory provident fund regulation as laid down by the University concerned from time to time. However, any change in the rate of contribution would be introduced after the approval of the Government.

Gratuity.

25. The employees shall be governed by instructions issued by Government from time to time, in respect of gratuity payable to them at the time of retirement.

Discipline, penalties and appeals.

26. In matters relating to discipline, penalties and appeals employees shall be governed by the Haryana Affiliated Colleges (Security of Service) Act, 1979, as amended from time to time as per Appendix C to these rules.

Power of relaxation.

27. When Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Repeal and Saving.

28. The Haryana Affiliated Colleges (Security of Service) Rules, 1980 and the Haryana Affiliated Colleges (Security of Service) Rules, 1993 are hereby repealed.

Provided that any order 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.

APPENDIX—A

(See rule 3)

1. Principal
2. Lecturer
3. Lecturer Physical Education
4. Librarian
5. Head Clerk
6. Clerk
7. Steno Typist
8. Junior Librarian
9. Laboratory Assistant
10. Type writing Instructor
11. Tabla Player
12. Restorer
13. Laboratory Attendant
14. Library Attendant
15. Gasman
16. Peon and other class IV employees.
17. Lecture Assistant.

However, the existing post of Superintendent, Accounts Officer, Accountant, Assistant, Steno-grapher, Junior Scale Steno-grapher will be diminishing in character and these posts will stand abolished on the vacation of these posts by the present incumbent on retirement or otherwise.

APPENDIX—B

[See rule 7(4)]

No Dated the

On the recommendations of the Selection Committee Shri/Smt is hereby appointed as in with effect from the date he/she joins duty, in the grade of Rs with usual allowances sanctioned by the Haryana Government from time to time on the following terms and conditions, namely—

Terms and Conditions :

1. (i) His/Her appointment is to a purely temporary post which is liable to be abolished at any time and carries no promise of subsequent permanent employment. No offer of permanent vacancy can be made to him/her at present.
- (ii) He/She shall be on probation for a period of year which can be extended for such further period as the competent authority under the rules may determine.
2. In case of resignation or discharge on grounds other than abolition of the post (except as a result of disciplinary action), one month's notice or one month's pay and allowance in lieu thereof will be required to be paid on either side.
3. No travelling allowances will be admissible for joining the post.
4. Before assuming the charge of duties, he/she will be required to produce the following certificates to the Head of Institution:—
 - (i) medical certificate of fitness from M.B.B.S medical practitioner;
 - (ii) attested copies of academic and professional qualification and matriculation certificate; and
 - (iii) a certificate of good character from Gazetted Officer or Member of Legislative Assembly.
5. If he/she has not been vaccinated within the last twelve months, he/she should have it done before reporting for duty.
6. Before assuming the post he/she will have to—
 - (a) take an oath of allegiance to the Constitution of India; and
 - (b) affirm that he/she is not having more than one living spouse.

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7. His/Her seniority will be fixed in accordance with the rules and regulations on the subject.

8. He/She will be required to produce the original educational and date of birth certificate.

If the above terms and conditions are acceptable to him/her, he/she should join his/her duty immediately but not later than.....

In case of failure to do so his/her candidature is likely to be cancelled and the post shall be offered to the next eligible candidate.

Signature
Appointment Authority
with seal of office

APPENDIX—C

(See rule 26)

Penalties. 1. The following penalties may, for good and sufficient reasons, be imposed upon members to whom these rules are applicable, namely :—

Minor punishments:

- (i) Warning on personal file ;
- (ii) Censure;
- (iii) Withholding of increments or promotion;
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to the college by negligence or breach of orders;

Major punishments:

- (v) Removal/Dismissal from service ;
- (vi) Reduction to a lower post or time scale or to a lower stage in a time scale;
- (vii) Withholding of annual increment of pay with cumulative effect.

Procedure for imposing major penalties of dismissal/ removal from service or reduction in rank or with- holding of annual increment of pay with cumulative effect.

2. (1) Whenever, the Managing Committee is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may, initially enquire into it itself or may appoint an authority to enquire into the truth thereof, and provisionally decide whether the delinquent official should be proceeded against for major punishment or minor punishment.

(2) Where it is proposed to proceed against an employee for the award of major punishment the Managing Committee shall draw up—

- (i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charges;
- (ii) a statement of allegations on which each charge is based including the statement of all relevant facts including any admission or confession made by the employee.
- (iii) a list of documents by which and a list of witnesses by whom the articles of charges are proposed to be substantiated.

(3) The Managing Committee shall deliver to the employee a copy of the articles of charges, the statement of allegations and a list of documents and

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witnesses by which each article of charge is proposed to be substantiated and shall require the employee to submit, within such time, not being less than fifteen days, as may be specified, a written statement of his defence and to state whether he desired to be heard in person.

(4) (a) On receipt of the written statement of defence, the Managing Committee may itself inquire into such of the articles of charges as are not admitted or, if it considers it necessary to do so, appoint under sub-rule (1), an inquiry officer for the purpose, and where all the articles of charges have been admitted by the employee in his written statement of defence, the Managing Committee shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner hereinafter laid down in these rules.

(b) If no written statement of defence is submitted by the employee within the specified period, the Managing Committee may itself inquire into the articles of charge or may, if it considers necessary to do so, appoint under sub-rule (1) an inquiry officer for the purpose.

(c) Where the Managing Committee itself inquires into the articles of charges or appoints an inquiry officer for holding an inquiry into such charges, it may, by order, appoint a Presenting Officer to present, on its behalf, the case in support of the articles of charges.

(5) The Managing Committee shall, where it is not itself the inquiring authority, forward to the inquiry officer,—

(i) a copy of the articles of charges and the statement of allegation;

(ii) a copy of the written statement of defence, if any, submitted by the employee;

(iii) the record referred to in item (iii) of sub-para (2) ;

(iv) evidence proving the delivery of the documents required to be delivered to the employee under sub-para (3) ; and

(v) a copy of the order appointing the presenting officer.

(6) The employee shall appear in person before the inquiring authority on such date at such time within ten working days from the date of receipt by him, of the articles of charges and the statement of imputations of misconduct or misbehaviour as the inquiring authority may by a notice in writing specify in this behalf, or within such further time not exceeding ten days, as the inquiring authority may allow.

(7) The employee may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Managing Committee is a legal practitioner or the inquiring authority having regard to the circumstances of the case, so permits.

(8) If the employee who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charges, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

(9) The inquiring authority shall record its findings of guilt in respect of those articles of charges to which the employee pleads guilty.

(10) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the presenting officer to produce the evidence by which he proposes to prove the article of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may for the purpose of preparing his defence—

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub para (3);

(ii) submit a list of witnesses to be examined on his behalf.

Note—If the employee applies orally or in writing for the supply of the copies of the statements of witnesses mentioned in the list referred to in sub para (2), if any, the inquiring authority shall furnish him such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Managing Committee.

(11) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are in its opinion, not relevant to the case.

(12) On receipt of the requisition referred to in sub-para (11), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority.

(13) On the date fixed for inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Managing Committee. The witnesses shall be examined by or on behalf of the Managing Committee, and may be cross examined, by or on behalf of the employee. The presenting officer shall be entitled to re-examine the witnesses on any point on which they have been cross-examined, but not on any new matter without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) The inquiring authority may, in its discretion, if it appears necessary before the close of the case on behalf of the Managing Committee, allow the presenting officer to produce evidence not included in the list given to the employees or may itself call for new evidence or recall and re-examine any witnesses and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the date of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note:— New evidence shall not be produced or called for or any witnesses shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(15) When the case on behalf of the Managing Committee is closed, the employee shall be required to state his defence orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the presenting officer, if any appointed.

(16) The evidence on behalf of the employee shall then be produced. The employee may appear as his own witness if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority and the presenting officer, according to the provision applicable to the witnesses for the Managing Committee.

(17) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself ask him general question on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any such circumstances.

(18) The inquiring authority may, after the completion of the evidence hear the presenting officer, if any, appointed, and the employee and permit them to file written briefs of their respective case, if they so desire.

(19) (i) if the inquiring authority is of the opinion that the employee is unduly delaying the production of evidence or fails or omits to produce evidence on the specified date of hearing or fails to appear on the date of hearing, he may record his reasons in writing, and close the evidence on behalf of the employee and proceed with the case.

(ii) The inquiring authority may, in its discretion, for reasons to be recorded in writing, set aside its own orders under clause (i), if a

petition is filed before it by the employee within fifteen days of the passing of such order:

Provided that a copy of the petition is given to the presenting officer, if any appointed and an opportunity is given to him to be heard before passing such order.

(iii) No appeal shall lie against the order passed under clause (ii).

(20) If the employee to whom a copy of the article of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of these rules, the inquiring authority may hold the inquiry ex-parte.

(21) (i) After the conclusion of the inquiry a report shall be prepared and it shall contain:

- (a) the articles of charges and the statement of the imputation of misconduct or misbehaviour;
- (b) the defence of the employee in respect of each article of charges;
- (c) an assessment of the evidence in respect of each article of charges;
- (d) the findings of each article of charges and the reason thereof.

Explanation — If, in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles or the charges it may record its findings on such article of charge.

(ii) The Enquiring authority, where it is not the Managing Committee, shall forward to the Managing Committee, the records of enquiry which shall include—

- (a) the report prepared by it under clause (i);
- (b) the written statement of defence, if any, as submitted by the employees;
- (c) the oral and documentary evidence produced during the course of the inquiry;
- (d) written briefs, if any, filed by the presenting officer or the employee or both, during the course of the enquiry;
- (e) the orders, if any, made by the inquiring authority in regard to the inquiry.

Action on the inquiry report.

3. (1) The Managing Committee, if it is not its self inquiring authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority, as far as may

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be, shall thereupon proceed to hold further inquiry, according to the provisions of para 6.

(2) The Managing Committee, shall, if it disagrees with the findings of the inquiring authority on any articles of charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the Managing Committee having regard to its finding on all or any of the articles of charges, is of the opinion that any major punishment should be imposed on the employee, it shall —

- (a) furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge or where the inquiry had been held by the inquiring authority appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge, together with brief reasons for its disagreement, if any, with the findings of the inquiring authority;
- (b) give the employee a notice stating the penalty proposed to be imposed on him and calling him to submit, within a period of thirty days of the receipt of such notice, such representation to the Director as he may wish to make against the proposed penalty;
- (c) forward to the Director the complete record of inquiry mentioned in clause (ii) of sub-para (2) of para 2, along with its findings on each article of charge, together with brief reasons for the disagreement, if any, with the findings of the inquiring authority; and
- (d) forward to the Director evidence of receipt of notice by the employee under clause (b).

4. The Director, on receipt of such proposal and representation, if any, may, after examining the record and giving the parties an opportunity of being heard, by an order in writing, give his approval to the imposition of the proposed punishment or reduce it or refuse to give approval, if the proposal is found to be malafide or by way of victimisation or not warranted by the facts and circumstances of the case.

Action by Director.

5. On receipt of the approval of the Director, the Managing Committee shall pass an order in detail.

Order by Managing Committee.

6. (i) Where after examination of the enquiry report, referred to in sub-para (1) of para 2, the Managing Committee is of the opinion that one of the minor penalties will meet the ends of justice, the Managing Committee shall cause to be delivered to the employee a statement of imputation or misconduct or misbehavior on the basis of which it is proposed to take action against him and the

Procedure for imposing minor penalty.

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employee shall be required to submit his reply within a period of twenty one days.

(ii) After considering the reply, the Managing Committee may pass an order in detail inflicting any of the minor penalties.

Manner of
filling appeal to
Director
against the
imposition of
minor penalty.

7. (1) An appeal against an order passed under para-6 may be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Director within thirty days of the date of the order. The memorandum shall be accompanied by a copy of the order appealed against (unless appellate authority exempts) and of the inquiry report on which it is founded.

(2) The memorandum shall set forth grounds of objection to the order appealed against without any argument or narrative, and such grounds shall be numbered consecutively.

(3) The appellant shall not, except by the leave of the Director, urge to be heard in support of any ground of objection not set forth in the memorandum of appeal, but the Director in deciding the appeal, shall not be confined to the grounds of objection set forth in the memorandum of appeal or submitted with leave of the Director.

Provided that the Director shall not base his decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the case on that ground.

(4) Where the memorandum of appeal is not drawn up in the prescribed manner, it may be rejected or returned to the appellant for the purpose of being amended within the time to be fixed by the Director or be amended then and there.

(5) The Director may, after hearing the parties, confirm, vary or reverse the order appealed from or may pass such orders as he deems fit. While passing the orders, the Director shall record its reasons.

8. An application for revision of the orders of Managing Committee passed under para 6 or the appellate order of the Director passed under para 7 shall lie to the Government within sixty days of the date of communication of the order in question to the aggrieved employee. The application for revision shall be accompanied by a copy of the order sought to be revised and shall be submitted and disposed of *mutatis mutandis* in the same manner as prescribed in para 7 above.

Appendix-D

[See rule 9 (2)]

Sr. No.	Name with designation	Date of birth	Home place of family	(a) Date of entry into Government service;	(b) Date of attaining the age of the 55 years;	(c) Date of retirement	Date from which promoted as such	(a) Scale of pay (b) Present pay	Source of recruitment	Whether permanent or officiating	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

R.S. GUJRAL,

Financial Commissioner & Principal Secretary
 to Government Haryana, Education Department