

\* **REGULATIONS FOR DISCIPLINE & APPEAL RULES FOR THE EMPLOYEES WORKING UNDER THE UNIVERSITY & ITS INSTITUTIONS**

1.1	These rules may be called <b>The Nirma University Employees Discipline and Appeal Rules</b> and they shall come into force with effect from the date of issue of Notification.
2.1	Unless otherwise specifically provided, these rules shall apply to all employees of the university and its institutions.
	<b>Explanation:</b> For the purpose of these rules reemployed or persons appointed on contract shall be treated as University employees.
3.1	In these rules unless the context otherwise requires:
	(1) UNIVERSITY: means the Nirma University and its Institutions.
	(2) ACT means the Nirma University Act, 2003.
	(3) APPOINTING AUTHORITY means the authority empowered to appoint under Regulation of Delegation of powers
	(4) UNIVERSITY EMPLOYEE means employees as defined in the Regulation related to conditions of service.
	(5) MISCONDUCT means if a University employee does any of the following things, that is to say:
	(i) if he wilfully disobeys, or wilfully omits, for bears or neglects, to execute any lawful orders or instruction or if he commits a breach of any of the provision of the rules of conduct; or
	(ii) if he commits any wilful breach of the trust and duty of his office; or
	(iii) if he demands, accepts, or receives, by himself or another, in the discharge of his duties, any gift gratuity reward or remuneration except in accordance with such rules as may be prescribed by the University; or
	(iv) if he indulges in any un-lawful activity or in political preaching amongst the students or the employees of the University; or
	(v) if he does any such thing as under mines or is likely to undermine the prestige of the University, or is detrimental or likely to be detrimental to the interests of the University or disturbs or is likely to disturb the harmony and cohesion of the corporate life of the University; or

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	(vi) if, unless generally or specially empowered by the Director General (NU)/ Vice President he communicates directly or indirectly to persons who are not in the service of the University or to the press, any document or information which has come into his possession in the course of his duties whether from official sources or otherwise; he shall be guilty of misconduct.
4.1	Where it is considered necessary to make special provisions for any University employee in respect of matters covered by these rules, the appointing authority may by agreement with such University employee, make such special provisions and thereupon these rules shall apply to such University employee except the special provisions so made.
5.1	Nothing in these rules shall deprive any University employee of any right or privilege to which he is entitled:
(a)	by or under any law for the time being in force, or
(b)	By the terms of any agreement subsisting between such person and University at the commencement of these rules
6.1	Any one or more of the following penalties may for good and sufficient reasons, such as misconduct, moral turpitudes neglect of duty, violation of any term or condition or service inefficiency, indiscipline criminal conviction, be imposed upon any employee of the University
	<b>I – Minor Penalties</b>
(1)	Censure
(2)	Fine
(3)	Withholding of increments.
(4)	Recovery from his pay of the whole or part of any pecuniary loss caused to University by negligence or breach of orders.
	<b>II – Major Penalties</b>
(1)	Reduction to a lower stage in the time scale of pay for a specified period.
(2)	Reduction to a lower time scale of pay, grade post or service.
(3)	Compulsory retirement.
(4)	Removal from service which shall not be a disqualification for future employment under university
(5)	Dismissal from service, which shall ordinarily be a disqualification for future under the University.
	<b>EXPLANATION:</b> Unless imposed as a penalty the following shall not ordinarily amount to a penalty within meaning of this regulation.

		(1)	Non-promotion whether in a substantive or officiating capacity of a University employee to a service, grade or post for promotion, to which he is in ordinary course eligible, on administrative grounds and not a measure of penalty on the ground of his misconduct.
		(2)	Reversion to a lower service, grade or post of a University employee officiating in 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 purely administrative grounds.
		(3)	Reversion to his permanent service, grade or post of a University employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders of University in this behalf for the time being in force.
		(4)	TERMINATION OF SERVICE -
		(a)	of a University employee appointed on probation
		(b)	of a University employee employed under a contract in accordance with the terms of such contract, or
		(c)	of a University employee due to unauthorized absence from duty for a period of thirty days.
7.1	In case of minor penalty, the nature of allegation shall be communicated to the employee concerned and he will be given a minimum period of 1 week from the date of the receipt of the communication by him to submit his explanations, if any. Upon receipt of his explanation or on the expiry of the period of 1 week given for submission of explanation, the authority concerned may after necessary examination of relevant facts and circumstances either drop the case or decide to impose upon the employee concerned any one or more of the minor penalties.		
7.2	In case of a major penalties, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges and communicated to the employee concerned together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. The employee charged shall be required to put in a written statement of his defence within ten days from the date of receipt of the communication by him alongwith documentary evidence, if any. Upon receipt of the statement of defence, or on the expiry period not exceeding ten days or as may be extended, the authority concerned may, after examination of relevant facts and circumstances, either drop the case or decide to proceed further. If it is decided to proceed further, a formal enquiry shall be held and asking him to be present at the enquiry, if he so desires, and to produce further evidence, if any, in support of his defence. The authority concerned shall thereafter take decision on the findings of enquiry. If it is decided to impose penalty, another opportunity will be given to him to submit show cause as to why the particular penalty decided to be imposed by the		

	<p>appointing authority within a week's time. On receipt of the communication in this respect in response to the show cause notice or on expiry of the period of one week or granted period of extension a final decision will be taken by the appointing authority to impose penalty and communicate the same to the employee.</p>	
	<p><b>NOTE:</b> No pleader shall be allowed to appear at the enquiry on behalf of the University or the person charged.</p>	
7.3	<p>The provisions of Rules 7.1 and 7.2 shall not apply:</p>	
	(i)	<p>Where the authority empowered to dismiss or remove or make him to retire prematurely is satisfied that for reasons to be recorded in writing, it is not reasonably practicable to give the person an opportunity of showing cause against the action proposed to be taken in regard to him; or</p>
	(ii)	<p>Where the security of the Nation, State or University is involved.</p>
	<b>NOTE:</b>	<p>If any question arises, whether it is reasonably practicable to give to any person an opportunity of showing cause under Rules 7.1 and 7.2 against the particular penalty proposed to be inflicted, the decision of the President shall be final.</p>
8.1	(a)	<p>A University employee may be placed under suspension by Appointing Authority or the Director General (NU)/ Vice President.</p>
	(b)	<p>The following principles shall be observed in ordering suspension of University employee:</p>
	(i)	<p>In case of criminal prosecution, a University employee shall be suspended if the charge against him is such that on being found guilty of it, he is likely to be sentenced to a term of imprisonment or on which he would be dismissed or removed from service, in a departmental enquiry or if he has been refused bail by the court and committed to prison.</p>
	(ii)	<p>In cases of gross misconduct, bribery or corruption, the question of suspension shall be considered with reference to the prima facie evidence available;</p>
	(iii)	<p>In all cases where there are reasons to believe that the University employee if allowed to continue in active service, might attempt to tamper with the evidence, he shall be required to proceed on such leave as may be due and admissible to him, or if there be no leave at his credit, on extra ordinary leave without pay or if he refuses to proceed on leave, he may be suspended.</p>
	(iv)	<p>The amount of subsistence allowance per month shall in each case, be decided by the authority ordering the suspension but in no case such allowance should exceed half of the monthly pay of the employee at the time of suspension.</p>

8.2	A University employee shall be deemed to have been placed under suspension by an order of appointing authority or by the Director General (NU)/ Vice President.	
	(a)	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.
	(b)	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 upon such conviction.
8.3	Where a penalty or 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 directions, the order of his suspension shall be deemed to have continued in force with effect on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.	
8.4	Where a penalty of dismissal removal or compulsory retirement from service imposed upon a University employee is set aside or declared to rendered void in consequence of or by a decision of a court of law, and the Authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations 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 the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.	
8.5	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.	
8.6	Where a University employee is suspended or is deemed to have been suspended, in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding is commenced against him during the continuance of such suspension the authority competent to place him under suspension may for reasons to be recorded by him in writing direct that the University employee shall continue to be under suspension until the termination of all or any such proceedings.	
8.7	An order of suspension made or deemed have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made in or by any authority to which that authority is subordinate.	
<b>REVIEW OF ORDER IN DISCIPLINARY CASES</b>		
11.2	The President of the University may on his own motion or on the appeal filled by the affected employee, call for the record of any proceeding under these rules and review any order passed in such a case.	

	Provided that no action under this rule shall be taken after the expiry of a period of more than three months from the date of such order.
<b>REVIEW BY UNIVERSITY OF ITS OWN ORDER</b>	
11.3	The university may review its own order provided that following conditions are fulfilled, namely:
	(i) There is some error apparent on the face of the record, or
	(ii) There are other sufficient reasons for review:

Provided that the penalty inflicted on a University employee shall not be enhanced unless he has given an opportunity to show cause why such penalty should not be enhanced.

Provided further that none of the penalties specified in items (1) to (4) of rule 6.1– I shall be changed to any of the penalties specified in items (1) to (5) of the rule 6.1-II, unless the procedure laid down in rule 7.2 has been followed.