

In exercise of the power conferred by Sub Section XXII of Section 21 of the Vidyasagar University Act, 1981 (West Bengal Act XVIII of 1981) as amended, the Vidyasagar University Service, Conduct, Discipline Regulations, 2019 has hereby been caused, (notwithstanding anything contained in the Act, Statutes and Ordinances in similar matters and covering matters not specifically, appropriately and cogently dealt with therein) and framed as follows:

The Regulations so framed has been endorsed by the 8th Executive council on 23.04.2019 and approved by the Court of the Vidyasagar University on 25.04.2019.



VIDYASAGAR UNIVERSITY

SERVICE, CONDUCT, DISCIPLINE REGULATIONS

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(Accepted by the Executive Council on 23.04.2019 and Approved by the Court on 25.04.2019 with effect from 25.04.2019)

1. TITLE :

These Regulations shall be called "The Vidyasagar University Service, Conduct, Discipline Regulations"

2. COMMENCEMENT:

These Regulations shall come in to force from the date the "Court" may decide and shall modify/clarify various aspects relating to employment issues not fully and specifically covered by the different Ordinances and Statutes of the Vidyasagar University. Matters not covered herein may be dealt with in accordance with the provisions contained in the Vidyasagar University First Statutes, 1983 and the Vidyasagar University First Ordinances, 1985 wherever they are available and in the absence of such Rules, as far as practicable in accordance with General Service Rules and Regulation/Circulars/orders framed/issued by the Government of West Bengal for its employees in relevant and analogous matters subject to approval of the Vice Chancellor and subsequent sanction by the Executive Council as provided in the Statutes/Organizations.

3. DEFINITIONS :

University means the Vidyasagar University and includes all its constituent offices and establishments.

4. EMPLOYEE :

- a) Means the Registrar, Deputy Registrar, Assistant Registrar, Inspector of Colleges, the Deputy Inspector of Colleges, the Assistant Inspector of Colleges the Finance Officer, the Deputy Finance Officer, Assistant Finance Officer etc who are defined as Officer of the University and any other designation/ posts that may be defined as officer in the Vidyasagar University First Statutes, 1983 and First Ordinance, 1985 as also by the Executive Council.

- b) Ministerial, Non ministerial Staffs and all other employees holding employment in the substantive posts in the approved scales of pay and allowances in the non teaching posts inclusive of the Lower Subordinate Staff as also as defined in the Vidyasagar University First Statutes,1983 and First Ordinance, 1985 as also by the Executive Council.
- c) But does not include casual /Contractual/ work charged employees/ Retainer and other categories not holding regular scale of pay and engaged in accordance with different terms and conditions of employment. Issues pertaining to such categories may be dealt with separately by the appropriate authorities of the Vidyasagar University as per approval/Order of the Executive Council.

Teacher of the university as defined in Vidyasagar University Act, 1981 as amended upto date.

5. SERVICE:

Service means discharge of duties in connection with the affairs of the University.

Note:

Words and phrases not defined above will, in case of doubt have the same meaning as given in the West Bengal Service Rules or General Rules as the case may be.

Words denoting the masculine gender shall include the feminine gender and words denoting the singular number shall include plural number and vice versa.

6. SERVICE REGULATIONS :

Every employee of the University and the teaching faculty, on appointment shall be on probation for a period of one year during which time his/her performance shall be regularly evaluated by the departmental head and on satisfactory completion of the probation period, the person so appointed will be confirmed in writing to the post so appointed.

However, if the performance of a person so appointed is found to be dissatisfactory, the probation period may be extended for a period to be decided by the Vice chancellor (or other appropriate authority if such authority is delegated by the Vice Chancellor/Executive council)/ provisions as provided in the First Statutes or First Ordinance. He/she will be duly

intimated about the areas of lapses on his/her part that require improvement and will be provided with every opportunity to improve upon. In the event, despite adequate opportunities provided, no such improvement is noticed, he/she will be terminated from employment following proper and appropriate procedures.

7. DUTIES AND RESPONSIBILITIES :

Duty includes :

- (i) To undertake and discharge duties as per order and direction of the superior authority including attendance in Courts in official capacity or appearance in any Court, Committee or Commission as witness in connection with any case where the interests of the university is involved.
- (ii) No employee shall commit any offence involving corruption or corrupt act as described in Law or take gratification from persons having business transaction with the University.
- (iii) While acquiring any immovable property in individual/spouse's name, the same may be informed to the University.
- (iv) He shall not lend money to or obtain loan from any member of the public, business house or trader with whom he has to deal in his official capacity directly or indirectly.
- (v) All employees including teaching and non-teaching staff and officers, other ministerial and non- ministerial staffs must employ themselves with utmost sincerity, diligence and implied obedience to orders and directions as may be issued by their superiors, the Vice Chancellor and the Executive council.
- (vi) An employee including teaching faculty shall not be permitted to join or continue in membership of any association the objects of which are prejudicial to the interest of the University or against public order of morality as described in law from time to time.
- (vii) Save in cases mentioned below, no employee including teaching faculty of the University shall serve in or give evidence before any committee or commission stated as under without obtaining prior permission knowledge of the appropriate authority/Executive Council.
- (viii) Committee or Commission appointed by the Chancellor, vice Chancellor or any Authority of the University.
- (ix) Committee or Commission appointed by the State or Central Government, the Parliament of India or the State Legislature.

- (x) A judicial enquiry.
- (xi) No employee including teaching faculty of the University shall divulge, either directly or indirectly any confidential information concerning the university to the press or any outsider.
- (xii) No employee including the teaching faculty shall participate in the registration, promotion or management of any enterprise or association without prior permission and sanction of the Vice Chancellor and the Executive Council.
- (xiii) No member of the teaching faculty shall undertake and /or engage himself/herself in private tuition/Coaching Centre.
- (xiv) Every teaching faculty and non teaching staff and officers shall avoid habitual indebtedness and in case any legal proceeding is drawn against him/her for recovery of dues or declaring him/her insolvent, the matter may be intimated to the Vice-Chancellor forthwith.
- (xv) No teaching faculty, non-teaching staffs including officers shall absent without prior permission of the authorities. In the event of exigencies warranting absence without intimation, the same may be informed without delay.
- (xvi) No teaching faculty, non teaching staffs including officers shall leave the station without obtaining prior permission from the appropriate authority.
- (xvii) No teaching faculty, non-teaching staffs including officers who has a wife living shall contract another marriage without the dissolution of the first marriage, in accordance with law in vogue for the time being save and except cases where it is permissible under any personal law of the community to which he/she belongs.
- (xvii) No teaching faculty, non teaching staff including officer shall do anything which is unbecoming of a public servant.
And such other act/acts/performance as enumerated in the First Statutes and First Ordinance.

8. RESIGNATION/TERMINATION OF SERVICE:

No employee and or member of the teaching faculty as defined in these Regulations/Statutes/Ordinances who has completed his/her probation and confirmed in a substantive post shall not resign without first giving three months' notice of his/her intention to do so. Failure to give such notice shall make the concerned employee liable to pay to the University as compensation a sum equal to his/her pay, DA, ADA, Grade pay for the period by which the notice falls short of.

However, the vice chancellor shall have the power to waive the notice period either in full or part in special circumstances.

9. VOLUNTARY RETIREMENT:

- (i) Any officer, teacher, non-teaching staff including Lower subordinate staff employed by the University and holding substantive posts and regular scale of pay can apply for voluntary retirement by giving 3(three) months Notice in writing provided he/she has completed minimum 20(twenty) years of service in substantive post and no allegation of corruption is pending or disciplinary proceedings are pending or contemplated against the employee concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that (a) the imposition of the penalty of removal or dismissal from service would be warranted in the case or (b) in which prosecution is contemplated or may have been launched in a court of law against the Government employee concerned.

If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Executive Council should be obtained in respect of the employee(s) applying for Voluntary Retirement.

- (ii) A notice of less than 3 months may also be accepted by the appointing authority in deserving cases with the approval of the Executive Council.
- (iii) If an employee of the University retires under voluntary retirement while he is on leave not due without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered.
- (iv) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appointing authority provided the request for such withdrawal is made before the expiry of the notice. A notice of voluntary retirement given after completion of 20 years qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government employee concerned could have retired voluntarily on attaining the age of retirement.

In respect of benefits under voluntary retirement and admissibility of other benefits including pension will be governed in accordance with the Scheme as formulated by the Government of West Bengal. Any further/future order/ circular issued by the Government of West Bengal in the relevant matters will be applicable in respect of the employees of the university upon due approval by the Executive Council.

VIDYASAGAR UNIVERSITY CONDUCT AND DISCIPLINE REGULATIONS.

10. DISMISSAL, REMOVAL AND SUSPENSION :

Any of the following acts of a person holding regular post and approved scale of pay of the University shall be construed as an act of misconduct:

- a) Gross negligence in the discharge of duties.
- b) Willful insubordination or disobedience in respect of a reasonable and lawful order of a higher authority or breach of discipline.
- c) Theft, fraud or dishonesty in connection with the property of the university or of property of another person within the premises of the University.
- d) Giving false information regarding one's name, father's name, age, qualification, previous service and other personal information at the time of employment.
- e) Habitual late attendance or willful absence from duty without leave or sufficient causes, over stay of leave granted without valid cause.
- f) Taking or giving bribes or any illegal gratifications or indulging in corrupt practices.
- g) Drunkenness or disorderly or riotous and indecent behavior in the premises of the University or outside where such behavior is connected with the employment or any act subversive of discipline or morality.
- h) Sabotage or willful damage to or causing loss of goods or properties of the university.
- i) Spreading false information and rumor with a view to cause disruption of the normal work of the University.
- j) Unauthorized use of the land and building of the University.
- k) Indulging or commissioning in acts involving moral turpitude.
- l) Conviction under Indian penal Code for involving, commissioning in criminal offence.
- m) Behaviour or acts indulging in sexual harassment of female employees within the precinct of the University.
- n) Breach of rules and regulations, orders and circulars of the University.
- o) Abetment or attempt to commit any of the acts of misconduct.

- p) Consumption of alcoholic drinks or other substances of addiction within the premises where it is prohibited.
- q) Absence from the appointed place of duty without permission and such other acts/conduct as specified as misconduct/bad behavior in the Statutes/ordinances.
- r) Launching false complaint(s) and / or allegations against any University employee including the Vice-Chancellor.
And any other acts as stated as misconduct in the provisions of the Statutes or ordinances as the case may be.

NOTE

The above list of misconduct is illustrative in nature and not exhaustive.

11. SUSPENSION :

The Vice Chancellor shall act as the Disciplinary authority in respect of all employees and members of the teaching faculty other than those belonging to the Non-teaching category. In respect of the Officer category, the Executive Council will act as the Disciplinary Authority. In respect of the non teaching category including the lower subordinate staff, the Registrar shall act as the disciplinary authority subject to the delegation of such power by the Vice-Chancellor and/or with the approval of the Competent authority.

However, the Registrar, so empowered to act as Disciplinary Authority shall not be entitled to impose any penalty other than "Censure" and in such a case, the same will be placed before the Vice Chancellor and the Executive council before issue of the final order. In the event , the disciplinary authority is of the opinion that the gravity of the offence on the basis of the inquiry report warrants imposition of any other punishment than "Censure", the same may be placed before the Executive Council for passing the final order as the Executive Council may deem fit and proper.

An employee or a member of the teaching faculty of the University shall be deemed to have been placed under suspension by an order of the disciplinary authority :

- (i) Where disciplinary proceeding is contemplated against him/her for misconduct as defined in the Statutes/Ordinances/ Regulations;
- (ii) Where a case against him/her in respect of any criminal offence is under investigation,
- (iii) Where preliminary domestic inquiry indicates commissioning of misconduct that warrants initiation of disciplinary proceedings ;

- (iv) An employee who is determined in police custody, whether in a criminal charge or otherwise, for a period exceeding 48 (forty eight) hours, shall deemed to be under suspension with effect from the date of his/her detention by an order of the disciplinary authority and shall remain under suspension until further orders.
An order of suspension under these Regulations shall not deemed to be or construed as punishment for any purpose whatsoever unless the employee's guilt is proved by a duly appointed Inquiring Authority and imposition of penalties by the disciplinary authority.
- (v) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review and the case is remitted for further inquiry or with any other directions, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force till final disposal of the matter.
- (vi) An order of suspension made or deemed to have been made under these Regulations may at any time be revoked by the authority which made it or deemed to have made the order or by any authority to which that authority is subordinate.

12. PAY AND ALLOWANCES DURING SUSPENSION :

- (i) An employee under suspension shall be entitled to draw subsistence allowance equal to fifty percent of his/her basic pay , D.A., ADA, Grade Pay and other compensatory allowance that he/she was in receipt on the date of suspension provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. The concerned employee shall also submit a statement to that effect in the format prescribed in this behalf every time while drawing the said allowance.
- (ii) Where the period of suspension exceeds six months, the amount of subsistence allowance may be increased to seventy five percent of the basic pay , grade pay and allowances thereon that he/she was in receipt of on the date of such suspension, if in the opinion of the disciplinary authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee under suspension.
- (iii) An order of suspension made or deemed to have been made under these Regulations may be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the effective date of suspension on the recommendation of the Review Committee constituted for the purpose and may pass orders accordingly.

13. TREATMENT OF PERIOD OF SUSPENSION :

- (I) When the employee under suspension, on the findings of the inquiry report or under consideration by the disciplinary authority is reinstated, he may be in receipt of the following pay and allowances for the period of suspension:
- (II) If the employee is honourably exonerated from the charges and not awarded any penalty, he/she will be in receipt of the full pay and allowances which he/she would have been entitled to had he/she not been suspended, less the subsistence allowance already paid to him. In such a case, the period of suspension will be treated as period spent on duty.
- (III) If otherwise, i.e if he is not honourably reinstated and advised to join duties after imposition of penalty, such proportion of pay and allowances as the Executive Council decides. In such a case, it will also be treated as period spent on duty so that no break of service occurs but such consideration will not entitle him/her for the purpose of receiving any difference of pay and allowances for the suspension period. However, the Executive Council may direct to treat the suspension period as period spent on duty for the purpose of receipt of the difference of pay for the period of suspension on the basis of an appeal preferred by the concerned employee after examining the facts and circumstances and merit of such suspension.

14. PENALTIES :

Any of the following penalties and penalties as prescribed in the first Statutes and First Ordinances may be imposed on any employee and member of the teaching faculty of the university for misconduct after complying with the procedures contained herein after.

(i) Minor Penalties:

- a) Censure
- b) Withholding of increments of pay with or without cumulative effect.
- c) Withholding of promotion.
- d) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.

PROCEDURE FOR IMPOSING MINOR PENALTY :

No order imposing any of the minor penalties as specified under Regulation 14(a)(b)(c)(d) above shall be made except:

- (i) Informing the concerned employee in writing of the imputations of misconduct or misbehavior on which it is proposed to be taken and giving a reasonable opportunity of making such representation/submission of defense as he/she wishes to make against the imposition of such punishment within a period of 15 days or such extended period as the Disciplinary Authority may decide.
- (ii) Holding an inquiry, if the Disciplinary Authority so desires judging the gravity of the misconduct/misbehavior.
- (iii) Examining the representation/submission, if any submitted by the concerned employee and the record of inquiry, if held into consideration, and
- (iv) Recording the findings on each imputation of misconduct or misbehavior.

(ii) MAJOR PENALTIES

- a) Reduction to a lower grade or post or to a lower stage in a time scale for a specified period, not more than three years.
- b) Removal from service which shall not be a disqualification for future employment.
- c) Compulsory retirement.
- d) Dismissal which shall ordinarily be a disqualification for future employment under the university.
- e) Deferment of CAS; and
any other penalty(ties) as are specified in the Statutes/Ordinances of the University.

And such other major penalties as prescribed in the First Statutes, First Ordinances.

Note:

The following shall not amount to a penalty within the meaning of these Regulations.

- (i) Withholding of increment of an employee, member on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
- (ii) Non promotion , whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iii) Termination of service of an employee employed on probation during or at the end of the period of probation, in accordance with the terms of his/her employment.
- (iv) Termination of an employee appointed in a temporary post/capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed or earlier in accordance with the terms of his/her appointment.

15. PROCEDURE FOR IMPOSING Major PENALTY :

No order for imposing any of the major penalties specified in these Regulations shall be made except after an inquiry held in accordance with the procedures prescribed in these Regulations.

- (a) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire or appoint an Inquiring Authority to enquire into the truth thereof duly vetted by the Executive Council.
- (b) When it is proposed to hold an enquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee, duly vetted by the Executive Council or the competent authority. The charges , together with a statement of imputations of misconduct or misbehavior in support of each article of charge, shall also contain a list of documents (authenticated copies to be enclosed with the charge sheet served)by which and a list of witnesses(giving the names, designation and duly authenticated) by which the article of charges are proposed to be sustained shall be communicated in writing to the employee and shall require the employee to submit to the disciplinary authority within

- such time(not exceeding fifteen days) a written statement whether he admits or denies any or all of the article of charges.
- (c) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the disciplinary authority itself or by appointing an Inquiring Authority to enquire into the alleged charges of misconduct/ charges as are not admitted issued in the form of charge sheet.
 - (d) However, it may not be necessary to hold an inquiry in respect of the charges admitted by the concerned employee in his/her written statement.
 - (e) The disciplinary authority shall also appoint a Presenting Officer from its employees(preferably of officer rank) to present the case on behalf of the disciplinary authority , before the Inquiring Authority.
 - (f) The concerned employee, shall present himself/herself before the Inquiring Authority on such date(s) as the Inquiring Authority would fix for holding the inquiry proceedings.
 - (g) The concerned employee shall be given an opportunity to inspect the original documents adduced with the charge sheet if he/she so desires subject to prior intimation and time allotted by the appropriate authority of the University.
 - (h) The employee concerned is entitled to submit a list of witnesses on his behalf and be allowed to submit a list of additional documents that he/she wants to examine. However, relevancy of the additional documents and the witnesses will have to given by the employee concerned and the documents and witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charge under inquiry.
 - (i) He/she will also be given full opportunity to cross examine the witnesses, if any in support of the charges as well as such witnesses in support of his/her defense as may be considered relevant in the context of the charge and may request production of the documents and witnesses on a specified date and time provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest.
 - (j) The employee may be allowed to take assistance of his co-employee but not be allowed to engage a legal practitioner for the purpose. However, in the event the Inquiring Authority so appointed is a legally trained person, the employee concerned may be allowed to get the support of a legal practitioner to defend his/her case.

- (k) On the date fixed for the inquiry, the oral and documentary evidence by which the article of charges are proposed to be sustained shall be produced by or on behalf of the disciplinary authority. The witnesses given in the list shall be examined by or on behalf of the Presenting Officer and may be cross examined both by the Presenting Officer and the charged employee. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
- (l) When the case for the disciplinary authority is closed the employee concerned may examine himself/herself in his/her own behalf if he/she so prefers. The witnesses produced by the employee, if any, shall then be examined and shall be liable to cross examination, re-examination and examination according to the provision applicable to the witnesses for the disciplinary authority.
- (m) The Inquiring Authority may, after the employee closes his/her case generally question him/her on the circumstances appearing against him/her in the evidence for the purpose of enabling the employee to explain any circumstances appearing against him/her.
- (n) After the completion of the evidence, the employee and the Presenting officer may file written briefs of their respective cases within fifteen days of the date of completion of production of evidence.
- (o) If the employee concerned does not submit the written statement of defense on or before the date specified for the purpose or does not appear in Person or through the assisting officer or otherwise fails or refuses to comply with any of the provision of these Regulations, the Inquiring Authority may hold the inquiry ex parte after providing every adequate opportunities to him/her and all such efforts are exhausted.
- (p) After the conclusion of the inquiry proceedings, report shall be prepared by the Inquiring Authority and it shall contain:
 - (i) A gist of the article of charge and the statement of the imputations of misconduct or misbehavior.
 - (ii) A gist of the defense of the employee concerned in respect of each article of charge.
 - (iii) Assessment of the evidence in respect of each article of charge.
 - (iv) The findings on each article of charge and the reason there for.
 - (v) A copy of the report of the inquiry shall have to be forwarded to the concerned employee soliciting his /her observation within a stipulated period not exceeding fifteen days.

- (vi) In the event, no reply is received from the employee concerned, on expiry of the stipulated period, it will be open to the disciplinary authority to determine the penalty to be imposed with the approval of the Executive council.
- (vii) Where two or more than one employees are concerned in a case, the disciplinary authority while imposing major penalty may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

16. SPECIAL PROCEDURE IN CERTAIN CASES :

Nothing in these Regulation shall apply in a case where the Executive Council or the competent authority imposes penalty on the ground of conduct which has led to his/her conviction in a criminal charge or on the strength of facts or conclusion arrived at in a judicial trial and also in case(s) where the charged employee is absconding or where for other reasons, it is impracticable to communicate with him/her.

17. PRELIMINARY ENQUIRY :

Whenever a complaint is made against an employee of the University relating to misconduct, the disciplinary authority may initiate a preliminary inquiry, either by himself or by some other person(s) who need not to be connected with the University. Such a preliminary inquiry will be in the nature of fact finding inquiry for the purpose of enabling the disciplinary authority to ascertain whether there is a prima facie case warranting initiation of formal disciplinary proceedings.

18. APPEAL AGAINST ORDER IMPOSING PENALTY :

The matter may be dealt with as expediently as possible as specified in the Vidyasagar University Act, 1981 under Section 35 and as stated under part VIII of chapter XV of the Vidyasagar University First Ordinance, 1985.