

**Revised COMMON STATUTES FOR
AGRICULTURAL UNIVERSITIES OF
GUJARAT**

STATUTES

No. S.118

**State Agricultural University
Services of Gujarat
(Discipline and Appeal) Rules, 2011**

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**COMMON STATUTE FOR AGRICULTURAL
UNIVERSITIES OF GUJARAT
(STATUTE No. S.118.0)**

**State Agricultural University Services of Gujarat
(Discipline and Appeal) Rules, 2011**

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**COMMON STATUTE FOR AGRICULTURAL
UNIVERSITIES OF GUJARAT**

STATUTE No. S.118.0

**STATE AGRICULTURAL UNIVERSITIES SERVICES OF
GUJARAT (DISCIPLINE AND APPEAL) RULES, 2011**

In exercise of the powers conferred under Sections-20 (1) (xxii) and (xxiii) read with Section-28 (iv) **and 29 (1 & 2)** of the ~~Gujarat Agricultural Universities~~ **GAU** Act, 2004 (Gujarat Act No. 5 of 2004) the Board of Management of the University hereby confirms the following as **Statute No. S.118** laying down the rules for governing the Discipline & Appeal of the employees of the University.

CHAPTER - I

TITLE, COMMENCEMENT, APPLICABILITY, ETC.

Rule-1.0 Short Title:

These rules may be called "**The Gujarat Agricultural Universities Services (Discipline and Appeal) Rules, 2011**".

Rule-2.0 Commencement:

They shall come into force on and from the date of the assent given by the Chancellor of the University.@

@ *These Statutes were approved by the State Council of Agricultural Universities on 2-9-2011 vide Item No. 8.3 of the 8th meeting of the Council..*

Rule-3.0 Applicability

3.1 Unless otherwise specifically provided, these rules shall apply to the following :-

- (i) officers of the University appointed under Section-8 (iii) to (ix) of the Act.
- (ii) teachers of the University as defined in clause-~~15~~ 16 of Rule-~~8~~ 9 of these rules.
- (iii) other employees of the University.
- (iv) employees not in whole-time employment.

3.2 These rules shall not apply to -

- (i) Persons in casual and daily rated employment.
- (ii) Persons paid ~~from~~ from contingencies.

Rule-4.0 Interpretation:

If any question relating to the interpretation of this statute arises, it shall be referred to the State Government under Section-57 of the Act and its decision shall be final.

Rule-5.0 Action to be taken by the Vice-Chancellor in Emergency:

In case of emergency, which in the opinion of the Vice-Chancellor requires that immediate action should be taken under these rules, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding his action to the Board of Management. The employee affected by such action taken by the Vice-Chancellor shall be entitled to prefer an appeal through the Vice-Chancellor to the Board of Management within thirty days from the date on which such action is communicated to him or received by him.

Rule-6.0 Delegation of Powers:

No powers may be delegated under these rules except by the Board of Management.

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Rule-7.0 Special Provision by Agreement & Protection of right and privileges conferred by any Law or Agreement:

Where it is considered necessary to make special provisions for any University employee in respect of matters covered by these rules, the Board of Management may by agreement with such University employee, make such special provisions and thereupon these rules shall not apply to such University employee to the extent to which the special provisions so made are inconsistent therewith .

Rule-8.0 Protection of rights and privileges conferred by any Law and Agreement

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 the University at the commencement of these rules

Rule-9.0 Definitions:

In these rules, unless the context otherwise requires:-

- (1) "**Act**" means Gujarat Agricultural Universities Act, 2004 (Gujarat Act No. 5 of 2004).
- (2) "**Appointing Authority**" means the authority empowered to appoint a University employee under the Act and/or Statutes.
- (3) "**Class of an employee**" means the Class of an employee as laid down under the recruitment rules for the post held by him.
- (4) "**Code of Conduct**" means a code of professional ethics for the Teachers of the University as laid down vide Chapter-III of the Gujarat Agricultural Universities Services (Conduct) Rules, 2011.
- (5) "**Disciplinary Authority**" means the Vice-Chancellor in respect of Class-I and II employees and the Registrar in respect of Class-III and IV of the University.

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- (6) **"Employee"** means an officer/teacher/other employee of the University to whom these rules apply as per sub-rule (1) of rule-3 of these rules.
- (7) **"Foreign Employer"** means the Government/Company/Corporation/other University / Institution, etc., to which an employee has been deputed on foreign service.
- (8) **"Foreign Service"** means any service in which a University employee receives pay from any source other than the University fund with the sanction of the University.
- (9) **"Head of Unit"** means an officer or an employee declared as such by the University.
- (10) **"Members of Family"** in relation to the University employee includes -
- (i) the wife or husband as the case may be, of the University employee whether residing with the employee or not but does not include a wife or husband as the case may be, separated from the employee by a decree or order of a competent Court of Law, or in accordance with the personal law applicable to the employee.
 - (ii) Son or daughter or step son or step daughter of the employee wholly dependant on him or her or of whose custody to the employee has been deprived of by or under any law;
 - (iii) any other person related, whether by blood or marriage, to the employee or to his/her wife or husband, and wholly dependant on the employee.
- (11) **"Officer"** means an Officer of the University referred to in Section- 8 (iii) to (ix) of the Act.

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- (12) **"Other employee"** means an individual appointed in the regular pay scale or on contract or on fixed pay by the University as whole time non-teaching employee of the University.
- (13) **"Recruitment Rules"** means the "Gujarat Agricultural University Services (Recruitment of Teachers) Rules" 2011 and the "Gujarat Agricultural Universities Services (Recruitment of Non-Teaching Employees) Rules" 2011 as may be applicable.
- (14) **"Registrar"** means the Registrar appointed under Section-15 of the Act or allocated under Section-66 (g) of the Act.
- (15) **"State Government"** unless the context otherwise requires it shall mean the Government of Gujarat.
- (16) **"Teacher"** means the holders of the following posts :-
- (1) Principal
 - (2) Associate Director of Research
 - (3) Professor
 - (4) Research Scientist
 - (5) Extension Educationist
 - (6) Associate Professor
 - (7) Associate Research Scientist
 - (8) Associate Extension Educationist
 - (9) Assistant Professor
 - (10) Assistant Research Scientist
 - (11) Assistant Extension Educationist
 - (12) Physical Instructor
- (17) **"Vice-Chancellor"** means Vice-Chancellor appointed under Section-10 of the Act.

Note: Words & expressions used but not defined in these rules shall have the meaning assigned to them in the Act or in other statutes governing the service conditions of the University employees.

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CHAPTER - II

SUSPENSION

Rule-10.0 Suspension:

The disciplinary authority may place an employee under suspension -

- (a) Where a disciplinary proceeding against him is contemplated or is pending.

Provided that, where an employee against whom disciplinary proceeding is contemplated is suspended, such suspension shall not be valid unless before the expiry of a period of ninety days from the date from which the employee was suspended, disciplinary proceeding is initiated against him:

Provided further that the Board of Management by special or general order may at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing extend of suspension beyond the period of ninety days without disciplinary proceedings being initiated:

Provided also that such extension of suspension shall not be for a period of ninety days at a time.

- (b) where a case against him in respect of any criminal offence involving moral turpitude is under investigation, inquiry or trial.

Rule-11.0 Deemed Suspension:

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

- (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.

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- (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.

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

Rule-12.0 Review of the Suspension Order:

- 12.1 An order of suspension made or deemed to have been made under Rule-10 or 11 shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension. After such review, the competent authority may pass an order either extending or revoking the suspension. The subsequent reviews shall be made before expiry of the extended period of suspension. The extension of suspension shall not be for a period exceeding one hundred and eighty days, at a time.
- 12.2 An order of suspension made or deemed to have been made under Rule-10 or 11, shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under rule-11, if the Government servant continues to be under suspension at the time of completion of ninety days of suspension and the ninety days period in such case will be counted from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is latter.

Rule-13.0 Suspension when penalty orders are set-aside in appeal: Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal

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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 been continued in force with effect on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

Rule-14.0 Suspension when penalty orders are set-aside

Where a penalty of dismissal, removal or compulsory retirement from the service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law, and the disciplinary authority on 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 employee shall be deemed to have been placed under suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Rule-15.0 Continuation of the orders of suspension:

- 15.1** Subject to the provisions containing in rules-12 to 14 an order of suspension made or deemed to have been made under these rules shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- 15.2** When an employee is suspended or is deemed to have been suspended in connection with any disciplinary proceedings 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 employee shall continue to be under suspension until the termination of all or any of such proceedings.
- 15.3** An order of suspension made or deemed to have been made under these rules may at any time be modified or revoked by the authority which made or is deemed to have made it.

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CHAPTER - III

PENALTIES AND AUTHORITY TO INSTITUTE PROCEEDINGS

Rule-16.0 Nature of Penalties:

Without prejudice to the provision of any law for the time being in force, the following penalties may, for good and sufficient reasons, be imposed upon any of the University employee namely: -

Minor Penalties

- (1) Censure.
- (2) Withholding of promotion.
- (3) Withholding of increment/s without future effect.
- (4) Recovery from his pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.
- (5) Reduction to a lower stage in the time scale of pay for a specified period not exceeding three years without cumulative effect and not adversely affecting his pension.

Major Penalties

- (6) Withholding of increments with future effect.
- (7) Save as provided under clause (5) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the further increments of pay.
- (8) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further direction regarding conditions of restoration to the

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grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service.

- (9) Compulsory retirement.
- (10) Removal from service which shall not be a disqualification for future employment under the University.
- (11) Dismissal from service which shall ordinarily be a disqualification for future employment under the University.

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

- (1) *Withholding of increments in pay of an employee for failure to pass a departmental or other examination in accordance with the statutes, rules or orders in this behalf for the time being in force or in accordance with the terms of his appointment.*
- (2) *Non-promotion whether in a substantive or officiating capacity of an employee to a service, grade or post for promotion to which he is in ordinary course eligible, on administrative grounds and not as a measure of penalty on the ground of his misconduct.*
- (3) *Reversion to a lower service, class, grade or post of an employee officiating in a higher service, class, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, class, grade or post or on purely administrative grounds.*
- (4) *Reversion to his permanent service, class, grade or post of an 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 statutes, rules or orders of the University in this behalf for the time being in force.*

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- (5) *Replacement of the services of an employee whose services had been borrowed from Gujarat Government or Central Government or other State Government or any other University or any other authority, at the disposal of the authority from which services of such employee had been borrowed.*
- (6) *Compulsory retirement of an employee in accordance with the provisions of any law or statutes or statutes or rules for the time being in force relating to such retirement.*
- (7) *Termination of Services -*
 - (a) *of an employee appointed on probation, during or at the end of the period of probation in accordance with the terms of his appointment or the statutes or statutes or rules or orders of the University in this behalf for the time being in force, **OR***
 - (b) *of a temporary employee on purely administrative grounds, **OR***
 - (c) *of an employee employed under a contract in accordance with the terms of such contract.*

Rule-17.0 Authority to impose penalties on the University employee:

~~The Board of Management may impose on an University employee any of the penalties specified in rule 16.~~

~~Provided that an officer of the University or a Head of Unit may impose, any of the minor penalties specified in rule 16, on a Class III and Class IV employee working under him.~~

The Registrar may impose any of the minor penalties specified in rule-16 on a Class-III and Class-IV employee while the Vice Chancellor may impose any of the minor penalties specified in rule-16 on a Class-I and Class-II employee.

The Vice Chancellor may impose any of the major penalties specified in rule-16 on a Class-III and Class-IV employee while the Board of Management may impose any of the major penalties specified in rule-16 on a Class-I and Class-2 employee.

Rule-18.0 Authority to institute proceedings:

The Board of Management or the disciplinary authority or the employee empowered by the Board of Management by general or special order may institute a disciplinary proceedings against a University employee.

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CHAPTER - IV PROCEDURE

FOR IMPOSING PENALTIES

Rule-19.0 Procedure for imposing minor penalties:

19.1 Subject to the provisions of sub-rule (3) of rule-21, no order imposing on an employee any of the penalties specified in items (1) to (5) of rule-16 shall be passed by the disciplinary authority except after -

- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior or of any culpable act or omission, on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal.
- (b) holding an inquiry in the manner laid down in rule-20.3 to 20.22, in every case in which the disciplinary authority is of the opinion that such 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 misbehavior or of any culpable act or omission and thereafter obtaining the orders of the Board of Management to whom the papers shall be submitted for taking a decision in the matter under rule-21.4 and rule-21.5.

19.2 When it is proposed after considering the representation, if any, made by the employee under clause (a) of rule-19.1, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of retirement benefits payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid

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down in rule-20.3 to 20.22, before making any order imposing any such penalty on the employee.

- 19.3** The record of the proceedings in case of minor punishment shall include -
- (i) a copy of the intimation to the employee of the proposal to take action against him,
 - (ii) a copy of the statement of imputations of misconduct or misbehavior delivered to him.
 - (iii) his representation, if any,
 - (iv) the evidence produced during the inquiry.
 - (v) the findings on each imputation of misconduct or misbehavior, or of any culpable act or omission, **and**
 - (vi) the orders on the case together with reasons therefore.

Rule-20.0 Procedure for imposing major penalties:

20.1 No order imposing any of the penalties specified in items (6) to (11) of rule-16 shall be passed except after an inquiry, held in the manner provided in this rule and rule-21.

20.2 Whenever the disciplinary authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehavior or of any culpable act or omission, against an employee, the matter shall be referred to the Board of Management for obtaining orders under rule-18. After the issue of the orders of the Board of Management, it shall appoint under this rule another employee higher in rank than the delinquent employee or any person to inquire into the truth thereof (hereinafter referred to as the Inquiry Officer).

Provided that if a committee to look into complaints regarding sexual harassment has been constituted under Rule-6 of the Gujarat Agricultural Universities Services (Conduct) Rules, 2011, the said committee shall be a disciplinary authority for the purpose of these rules and in case no separate

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procedure to be followed by the said Committee to deal with such complaints has been laid down, the said committee shall follow the procedure laid down in these rule to the extent possible.

***Explanation:** Where the disciplinary authority itself holds the inquiry, any reference in these rules to the Inquiry Officer shall be construed as reference to the disciplinary authority.*

- 20.3 Where it is proposed to hold an inquiry against an employee under this rule or rule-21, the disciplinary authority shall draw up the articles of charges, imputation of misconduct or misbehavior or culpable act or omission in the form of definite charge and shall communicate to the concerned employee-
- (i) the substance of the imputations of misconduct or misbehavior or of any culpable act or omission into definite and distinct articles of charge;
 - (ii) a supporting statement of the imputations of misconduct or misbehavior or of any culpable act or omission in support of each article of charge, which shall contain -
 - (a) a statement of all relevant facts including any admission or confession made by the employee; **and**
 - (b) a list of documents by which, and a list of witnesses by whom the articles of charges are proposed to be sustained.
- 20.4 The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior or of any culpable act or omission and a list of documents alongwith certified true copies of such documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to inspect the records pertaining to the charge and whether he desires to be heard in person.

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- 20.5 (a) On receipt of the written statement of defence from the employee, the disciplinary authority may itself inquire into such of the Articles of charges as are not admitted or if considers it necessary to do so appoint, under rule-20.2 an Inquiry Officer for the purpose and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule-21.
- (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into such of the Articles of charges as are not admitted or if considers it necessary to do so appoint, under rule-20.2, an Inquiry Officer for the purpose.
- (c) The disciplinary authority may nominate any person hereinafter referred to as the presenting officer to present the case in support of the charge before itself, if it is to inquire into the charges or before the Inquiry Officer.
- 20.6 The disciplinary authority shall, where it is not the Inquiry Officer forward to the Inquiry Officer -
- (i) a copy of the articles of charges and the statement of imputations of misconduct or misbehavior;
- (ii) a copy of the written statement of defence, if any submitted by the employee;
- (iii) a copy of the statement of witnesses, if any, referred to in rule-20.3;
- (iv) evidence proving the delivery of the documents referred to in rule-20.3 to the employee; **and**
- (v) a copy of the order appointing the presenting Officer.

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- 20.7 The employee shall appear in person before the Inquiry Officer on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehavior, as the Inquiry Officer may, by a notice in writing specify in this behalf, or within such further time not exceeding ten days, as the Inquiry Officer may allow.
- 20.8 The employee may present his case with the assistance of a retired Government/University employee or any other University employee approved by the disciplinary authority, but may not engage a legal practitioner unless the disciplinary authority having regard to the circumstances of the case so permits.
- 20.9 If the employee who has not admitted any of the articles of charge in his written statement of defence, appears before the Inquiry Officer, shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge the Inquiry Officer shall record the plea, sign the record and obtain the signature of the concerned employee thereon.
- 20.10 The Inquiry Officer shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty.
- 20.11 The Inquiry Officer 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 articles 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 Inquiry Officer may allow, the documents specified in the referred to in rule-20.3;
 - (ii) submit a list of witnesses to be examined on his behalf;

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Note : If the employee applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in rule-20.3, the Inquiry Officer shall furnish him with 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 disciplinary authority.

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiry Officer may allow, for the discovery or production of any documents which are in the possession of the University, but not mentioned in the list referred to in rule-20.3.

Note : The employee shall indicate the relevance of the documents required by him to be discovered or produced by the University.

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

20.13 On receipt of the requisition referred to in rule-20.12 the Registrar of the University shall produce or cause to be produced the same before the Inquiry Officer :

Provided that if the Registrar having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State or the University, he shall obtain the orders of the Vice-Chancellor and shall inform the Inquiry Officer

accordingly and the Inquiry Officer shall, on being so informed communicate the information to the employee and withdraw the requisition made by him for the production or discovery of such documents.

20.14 On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charges are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the presenting officer 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 points on which they shall have been cross-examined, but not on any new matter, without the permission of the Inquiry Officer. The Inquiry Officer may also put such questions to the witnesses as it thinks fit.

20.15 If it appears necessary before the close of the case on behalf of the disciplinary authority, the Inquiry Officer may, in his discretion allow the presenting officer to produce evidence not included in the list given to the employee or may himself call for new evidence or re-call and re-examine any witness and in such case the University 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 day of adjournment and the day to which the inquiry is adjourned. The Inquiry Officer shall give the employee an opportunity of inspecting such documents before they are taken on the record. The Inquiry Officer may also allow the employee to produce new evidence, if he/she is of the opinion that the production of such evidence is necessary in the interest of justice.

Note: New evidence shall not be permitted or called for and no witness shall be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is inherent lacuna or defect in the evidence which has been produced originally.

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- 20.16 When the case for the disciplinary authority 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 has been appointed.
- 20.17 The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf 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 Inquiry Officer according to the provisions applicable to the witnesses for the disciplinary authority.
- 20.18 The Inquiry Officer may, after the employee closes his case, and shall if the employee has not examined himself, 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.
- 20.19 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 case, if they so desire.
- 20.20 If the employee to whom a copy of the articles 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 Inquiry Officer or otherwise fails or refuses to comply with the provisions of this rule, the Inquiry Officer may hold the inquiry ex-parte.
- 20.21 Wherever an Inquiry Officer, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiry Officer who has, while exercising such jurisdiction, the Inquiry Officer so succeeding may act on the evidence so

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recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself :

Provided that if the succeeding Inquiry Officer is of the opinion that further examination of any witness whose evidence has already been recorded is necessary in the interest of justice, he/she may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

20.22 (i) After the conclusion of the inquiry, a report shall be prepared which shall contain -

- (a) the articles of charge and the statement of imputations of misconduct or misbehavior or of any culpable act or omission;
- (b) the defence of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each of the charges and the reasons therefore.

***Explanation** : If in the opinion of the Inquiry Officer the proceedings of the inquiry establish any article of charge different from the original articles of the charge, he may record his findings on such article of charge :*

***Provided** that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such articles of charge is based or has had a reasonable opportunity of defending himself against such article of charge.*

(ii) The Inquiry Officer, if he is not himself the disciplinary authority shall forward to the disciplinary authority the records of inquiry which shall include -

- (a) the report prepared by it under clause (i).

- (b) the written statement of defence, if any, submitted by the employee.
- (c) the oral and documentary evidence produced in 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 inquiry, **OR**
- (e) the orders, if any, made by the disciplinary authority and the Inquiry Officer in regard to the inquiry.

Rule-21.0 Action on the inquiry report:

- 21.1 The Disciplinary Authority, if he is not himself the Inquiry Officer may, for reasons to be recorded by it in writing, remit the case to the Inquiry Officer for further inquiry and report and the Inquiry Officer shall there upon proceed to hold the further inquiry according to the provisions of rule- 20, as far as may be.
- 21.2 The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiry Officer, a copy of the report of the Inquiry Officer together with his own tentative reasons for disagreement, if any, with the findings of Inquiry Officer on any article of charge to the University employee who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the University employee.
- 21.3 The Disciplinary Authority shall consider the representation, if any, submitted by the University employee and submit the papers to the Board of Management alongwith his observations.
- 21.4 The Board of Management may appoint a committee from its members to go through the details of the case and submit its findings.

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- 21.5 If the Board of Management having regard to its findings or the findings of the committee appointed under rule-21.4 above on all or any of the articles of charge is of the opinion that any of the penalties specified in items (1) to (5) of rule-16 should be imposed on the employee, it shall notwithstanding anything contained in rule-19 make an order imposing such penalty.
- 21.6 If the Board of Management having regard to its findings or the findings of the committee appointed under rule-21.4 above on all or any of the articles of charge and on the basis of the evidence adduced as per rule-20.11 during the inquiry, is of the opinion that any of the penalties specified in items (6) to (11) of rule-16 should be imposed on the employee, it shall make an order imposing such penalty. It shall not be necessary to give the University employee any opportunity of making representation on the penalty proposed to be imposed.

Rule-22.0 Communication of orders:

Orders made by the Board of Management shall be communicated to the employee in the form of speaking orders after taking into consideration the submission of the employee made under clause (i) (b) of rule-21.6. The orders shall be communicated to the employee under the signature of the Disciplinary Authority.

Rule-23.0 Common Proceedings:

Where two or more University employees are concerned in any case the Board of Management may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Rule-24.0 Special procedure in certain cases:

24.1 Nothing contained in rules-17 or 19 shall apply -

- (i) where a penalty is to be imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, **OR**

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- (ii) where the Board of Management is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules.

24.2 In cases to which the provisions of rule-24.1 shall apply, the Board of Management may consider the circumstances of the case concerned and pass such order thereon as it deems fit :

Rule-25.0 Provision regarding employees lent to Gujarat Government or Other Bodies:

25.1 Where the services of an employee are lent to the Gujarat Government or other Universities or other bodies or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority") the borrowing authority shall have the powers of the disciplinary authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him :

Provided that the borrowing authority shall forthwith inform the University of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

25.2 In light of the findings in the disciplinary proceeding conducted against the employee -

- (i) if the borrowing authority is of the opinion that any of the penalties specified in items (1) to (5) of rule-16 shall be imposed on the employee, he may, after consultation with the University, make such orders on the case as he deems necessary.

Provided that before giving consent to the proposal of the borrowing authority, the orders of the Board of Management shall be obtained.

Provided further that in the event of a difference of opinion between the borrowing authority and the University the service of the employee shall be replaced at the disposal of the University.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in items (6) to (11) of rule-16 should be imposed on the employee, it shall replace his/her services at the disposal of the University and transmit the proceedings of the inquiry to the University and thereupon the Board of Management may, pass appropriate orders thereon as it may deem necessary.

Provided that before passing any such orders the Board of Management shall comply with the provisions of rule-21.3 and rule-21.4.

***Explanation:** The Board of Management may make an order under this clause on the record of the inquiry transmitted to him by the borrowing authority, or after holding such further inquiry as it may deem necessary so far may be, in accordance with rule-20.*

Rule-26.0 Provisions regarding officers borrowed from Gujarat Government or other bodies:

- 261 When an order of suspension is made or a disciplinary proceeding is conducted against an employee whose service have been borrowed from Gujarat Government or any other University or other bodies or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceeding, as the case may be.
- 262 In light of the findings in the disciplinary proceeding conducted against the employee if the Vice-Chancellor is of the opinion that any of the penalties specified in items (1) to (5) of rule-16 should be imposed on him, it may,

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subject to the provisions of rule-21.3 after consultation with the lending authority pass such order on the case as it may deem necessary : **Provided** that in the event of a difference of opinion between the Vice-Chancellor and the lending authority the services of the employee shall be replaced at the disposal of the lending authority.

- 263 If the Vice-Chancellor is of the opinion that any of the penalties specified in items (6) to (11) of rule-16 should be imposed on the employee it shall place the service of such employee at the disposal of the lending authority and transmit the proceedings of the inquiry for such action as it may deem necessary.

CHAPTER - V

APPEALS

Rule-27.0 Orders against which an appeal shall not lie:

Notwithstanding anything contained in this part, no appeal shall lie against-

- (i) any order of an interlocutory nature or of the nature of a step-in-aid for the final disposal of a disciplinary proceeding, other than an order of suspension;
- (ii) any order passed by an Inquiry Officer in the course of an inquiry under rule-20.

Rule-28.0 Appeal:

The appeal ~~from~~ **against** the order of dismissal, removal or reduction under Section-50 (1) of the Act or of termination under Section-~~52~~ **50(2)** of the Act shall lie with the Government as per provisions contained in Section-50 of the Act.

CHAPTER - VI REPEAL AND SAVINGS

Rule-29.0 Repeal and Savings:

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

Provided that:

- (a) such repeal shall not affect the previous operation of the said rules or anything done or any action taken there under :
 - (b) any order passed under the rules hereby repealed shall, so far as it is not inconsistent with these rules, be deemed to have been passed under these rules;
 - (c) any proceedings under the said rules pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.
- 29.2 Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules hereby repealed in respect of any order passed before the commencement of these rules, and such- right, if not exercisable under these rules, shall be exercisable as if the rules referred to in rule-29.1 had not been repealed.
- 29.3 An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.