

SCHEDULE-C

[See Statute 19 (3)]

Conduct Rules for the Employees**Application**

The provisions contained in this Schedule shall apply to all the employees of the Institute.

Definitions

2. In this Schedule unless the context otherwise requires-

(a) "Competent authority" means:-

- (i) "The Board of Governors" in the case of the Director.
- (ii) "The Director" in the case of all other employees.

(b) "Members of the family" in relation to an employee includes-

- (i) the spouse, child or step-child of such employee residing with and dependent, and such other dependants as may be permitted under the Central Government Rules or directive in this regard.

(c) "Service" means service under the Institute.

General

3. An employee of the Institute shall devote whole time to the service of the Institute and shall not engage directly or indirectly in any trade or business or any other work which may interfere with the proper discharge of duties, but the prohibition herein contained shall not apply to academic work and Consultative Practice or any Entrepreneurial or any similar activity undertaken with the prior permission of the Institute, which may be given subject to such conditions as regards the acceptance of remuneration and conditions as may be laid down by the Board from time to time.

4. (a) Every employee shall at all times maintain absolute integrity, devotion to duty, and do nothing that is unbecoming of an employee of Indian Institute of Technology Mandi, and also be strictly honest and impartial in his official dealings.

(b) An employee should at all times be courteous in his dealings with other members of the staff, students and members of the public.

(c) Unless otherwise stated specifically in the terms of appointment, every employee is a whole-time employee of the Institute, and may be called upon to perform such duties, as may be assigned by competent authority, beyond scheduled working hours and on closed holidays and Sundays. These duties shall inter-alia include attendance at meetings of committees to which appointed or required by the Institute.

(d) An employee shall be required to observe the scheduled hours of work, during which must be present at the place of his duty, unless required to be elsewhere on duty.

(e) Except for valid reasons or unforeseen contingencies, no employee shall be absent from duty without prior permission.

(f) No employee shall leave station except with the previous permission of proper authority, even during leave or vacation

Taking Part in Politics and Election

- 5 (i) No employee shall take part in politics or be associated with any party or organisation which takes part in political activity, nor shall subscribe in aid or assist in any manner any political movement or activity.
- (ii) No employee shall canvass or otherwise interfere or use influence in connection with or take part in any election to legislative body or local authority; Provided that an employee of the Institute qualified to vote at such election may exercise right to vote but where so does, shall give no indication of the manner in which proposes to vote or has voted.

6. Connection with Media

- (1) No employee shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publications.
- (2) No employee shall, except with the previous sanction of the competent authority or any other authority empowered by it in this behalf, or in the bona fide discharge of duties, participate in any media activity or contribute any article or write any letter either anonymously or in own name or in the name of any other person to any newspaper or periodical :

Provided that no such sanction shall be required if such media participation or when such contribution is of a purely literary, artistic or scientific character.

Note: Subject to the restrictions noted below, members of the staff are at liberty, without any sanction as contemplated above, to publish their original scientific, literary or artistic works.

7. Criticism of the Institute

No employee shall, in any media activity or in any document published anonymously or in own name or in the name of any other person or in any communication to the media or in any public utterance, make any statement of fact or opinion-

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Institute; or
- (ii) which is capable of embarrassing the relations between the Institute and of the Central Government or any State Government or any other institute or organisation or members of the public.

Provided that nothing in this paragraph shall apply to any statements made or views expressed by an employee in official capacity or in the due performance of the duties assigned.

8. Evidence before Committee or any other Authority

- (1) Save as provided in sub-paragraph (3) below, no employee shall, except with the previous sanction of the competent authority, give evidence in connection with any inquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-paragraph (1), no employee giving such evidence shall criticise the policy or any action of the Institute or the Central Government or any State Government.
- (3) Nothing in this paragraph shall apply to-
- (a) evidence given at any inquiry before any authority appointed by the Institute, by Parliament or by a State Legislature; or
- (b) evidence given in any judicial inquiry; or
- (c) evidence given in any departmental inquiry ordered by the Institute authorities.

9. Unauthorised Communication of Information

No employee shall except in accordance with any general or special order of the competent authority or in the performance in good faith of the duties assigned, communicate, directly or indirectly, any official document or information to any person.

10. Gifts

No employee shall, except with the previous sanction of the competent authority, accept or permit spouse or any other member of family to accept from any person other than relations any gift of more than 'trifling value.' The interpretation of the term 'trifling value' shall be the same as laid down in Central Civil Services (Conduct) Rules 1964 as amended from time to time.

11. Private Trade or Employment

No employee shall, except with the previous permission of the competent authority, engage directly or indirectly in any trade or business or any private tuition or undertake any employment outside official assignments. Provided that the above restrictions shall not apply to academic and other related activities mentioned in clause 3 undertaken with the prior permission of the competent authority which may be given subject to guidelines framed by the Board.

12. Vindication of Acts and Character of Employees

No employee shall, except with the previous sanction of the competent authority, have recourse to any Court of law or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character: Provided nothing in this rule shall be deemed to prohibit an employee from vindicating private character or any act done in private capacity.

13. Marriage

No employee who has wife living shall contract another marriage without first obtaining the permission of the Board of Governors notwithstanding that a subsequent marriage is permissible under the personal and religious law for the time being applicable.

14. Representations

- (a) Whenever an employee wishes to put forth any claim, or seeks redressal of any grievance or of any wrong done, must forward case through proper channel, and shall not forward any advance copies of request or application to any higher authority, unless the lower authority has rejected the claim, or refused relief, or the disposal of the matter is delayed by more than three months.
- (b) No employee shall be signatory to any joint representation addressed to the authorities for redress of any grievance or for any other matter.

15. Punishment, Appeals, etc.

An employee shall be governed by the provisions of the relevant rules regarding imposition of penalties for breach of any of these rules and preference of appeals against any such action taken.

16. Disciplinary action:

Suspension: The Director may place a member of the staff appointed at the Institute under suspension:

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

17. During the period of suspension, the member of the staff shall be entitled to the payments as per the rules in Government of India in this regard.

18. Disciplinary proceedings: All disciplinary proceedings shall be conducted following the Rules and Orders of the Government of India.

19. Penalties: The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on any member of the staff:

- (i) Censure;
- (ii) Withholding of increment(s) or promotion;
- (iii) Recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders,
- (iv) Reduction to lower service, grade or post or to a lower time-scale, or to a lower stage in a time - scale;
- (v) Compulsory retirement;
- (vi) Removal from service which shall not be a disqualification for future employment under the Institute;
- (vii) Dismissal from service which shall ordinarily be a disqualification for future employment under the Institute.

20. Imposition of penalty:

- (a) An order imposing on any member of the staff any of the penalties specified at paragraph 19 (i) to (iii) above shall be passed by the Appointing Authority after the member of the staff concerned has been given an opportunity to make a representation to the Appointing Authority.
- (b) An order imposing on any member of the staff any of the penalties specified at paragraph 19 (iv) to (vii) above shall be passed by the appointing authority after an enquiry has been held and the member of the staff has been given reasonable opportunity of showing cause against the action proposed to be taken.

21. Notwithstanding the above provisions, it shall not be necessary to follow the procedure mentioned above in the following cases :-

- (a) where an employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his or her conviction on a criminal charge;
- (b) where the appointing authority is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or
- (c) where the Visitor is satisfied that in the interests of the security of the State, it is not expedient to give to that person such an opportunity.

22. Appeal

A member of the staff aggrieved by any order imposing penalty passed by the Director shall be entitled to prefer an Appeal to the Board against the order. A member of the staff aggrieved by any order passed by the Board against him inflicting a penalty on him shall be entitled to prefer an Appeal to the Visitor against the order.

23. Time limit for filing appeal

No such appeal shall be entertained unless it is submitted within a period of three months from the date on which appellant receives a copy of the order appealed against:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant has sufficient cause for not submitting the appeal in time.

24. The authority with whom an appeal against an order imposing penalty lies may, of its own motion or otherwise call for the records of the case in a disciplinary proceeding, review any order passed in such a case and pass such orders as it deems fit as if the member of the staff concerned had preferred an appeal against such order :

Provided that no action shall be initiated more than six months after the date of the order to be reviewed.

25. Notwithstanding anything contained in this Schedule, the Visitor may, on own motion or otherwise after calling for the records of the case, review any order which is made under this Statute or is appealable thereunder, and-

- (a) confirm, modify or set aside the order,
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order,
- (c) remit the case to the authority which made the order or to any other authority directing such further action or enquiry as considered proper in the circumstances of the case, or
- (d) pass such other order(s) as deemed fit.

Provided that:

- (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation against such enhanced penalty;
- (ii) If the Visitor proposes to impose any of the penalties specified in clause (iv) to (vii) of paragraph 19 in a case where proper enquiry has not been held and thereafter on consideration of the proceedings of such enquiry and after giving the member of the staff concerned an opportunity of making against such penalty, may pass such order(s) as may be deemed fit.

26. The decision of the Appellate Authority under paragraph 22 or 24 shall, subject to the provisions of paragraph 25, be final.

27. (1) When a member of the staff of the Institute who has been dismissed, removed or suspended is reinstated, the appointing authority or the appellate authority that directed reinstatement shall consider and make a specific order -

(a) regarding the pay and allowances to be paid to the member of the staff of the Institute for the period of absence from duty; and

(b) whether or not the said period shall be treated as a period spent on duty.

(i) Where such authority holds that the member of the staff of the Institute has been fully exonerated or in the case of suspension, that it was wholly unjustified, the member of the staff of the Institute shall be entitled to full pay and allowances to which he or she would have been entitled had he or she not been dismissed, removed or suspended, as the case may be, and the period of absence from duty shall be treated as a period spent on duty for all purposes :

(ii) Provided that in case an employee had been placed under suspension due to pendency of disciplinary proceedings and has been imposed any of the penalties specified in clause (i) to (iii) of paragraph 19, the entire period of suspension shall be treated as wholly unjustified and shall be entitled to full pay and allowances and the entire period of suspension shall be treated as duty for all purposes.

(iii) In other cases, the member of the staff of the Institute shall be given such proportion of such pay and allowances as the authority may prescribe : Provided that the payment of allowances under clause (i) or clause (ii) shall be subject to all other conditions under which such allowances are admissible.

In cases falling under clause (iii), the period of absence from duty shall not be treated as a period spent on duty unless such competent authority specifically directs that it shall be so treated for any specified purpose.

Interpretation

28. The decision of the Board on all questions relating to the interpretation of these provisions of the schedule shall be final.

29. Wherever the Conduct Rules are silent, the relevant Government of India Rules shall be followed.