**GENERAL CONDITIONS OF SERVICE OF EMPLOYEES**

1. . **Every University established under this Act shall have the following powers, functions and objects, namely : -**

Powers, functions and objects of the Universities

*Act, Sec. 5 (6)*

**… … … … … …**

**to create administrative, ministerial and other posts required by the University.**

**… … … … … …**

Powers and duties of the Executive Council

*Act, Sec. 19 (7) and (8)*

**2.. The Executive Council shall be the Executive Authority of the University and shall have power, -**

**… … … … … …**

**to appoint, dismiss, remove or suspend any member of the non-teaching staff of the University;**

**to fix the emoluments of the employees of the University and define their duties and the conditions of their service.**

**… … … … … …**

**34.(1) Every employee shall be appointed under a written contract which shall be lodged with the Registrar or Dean, a copy of which shall be furnished to the employee concerned.**

Conditions of service of employees and Settlement of disputes.

*Act, Sec. 40*

**(2)Any dispute arising out of a contract between the University and any employee may be referred by the Vice-Chancellor to a grievances committee consisting of such member of the Executive Council as may be nominated by it.**

**35. Every employee or student of the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes to the Executive Council against the decision of any officer of the University affecting such employee or student and there upon the Executive Council may confirm, modify or reverse the decision appealed against.**

Right of appeal.

*Act, Sec. 42.*

**36**.**The University shall not, without the prior approval of the Government, divert earmarked funds for other purposes, or upgrade any post or revise the scales of pay of its staff or implement any scheme which involves any matching contribution from the Government or create a post or posts resulting in a recurring liability on the Government either immediately or in future:**

Certain restrictions in respect of Financial matters

Act, Sec.49

**Provided that for the existing teaching purposes the Executive Council may authorize the creation and filling up of posts of teachers for a period not exceeding one year but any such post or posts shall not be continued or created afresh for any period beyond the said period of one year without the prior approval of the Government.**

**37.** **Subject to the provisions of this Act, the Executive Council shall have power to make Statutes for all or any of the following matters, namely:**

Power to make statutes

*Act, Sec. 51 (b)(j)*

**.. … ..**

**the powers, duties and conditions of service of the officers of the University other than the Chancellor and Vice-Chancellor**;

.. … ….

**all matters which by this Act may be prescribed by Statutes**.

**38.** **The Executive Council shall have power to make Ordinances subject to the provisions of this Act and the Statutes and such Ordinances may provide for all or any of the following matters, namely** :-

Power to make ordinance

*Act, Sec. 53 (l)*

.. … …. ….

**all matters which by this Act, or by the Statutes may be provided for by the Ordinances**:-

**Ordinance**

**39**. (i) The following laws shall be applicable to all the Non-Teaching Staff in Superior and Last grade Services of the University;

Applicability

Provided, however, that in respect of matters not covered by the provisions contained in the Chapter VII (A) - Teachers of the University of the Laws of the University, the following laws shall, to the extent necessary and if not repugnant to any other law, be applicable to teachers of the University also.

(ii) The following laws shall, to the extent necessary and if not repugnant to any other laws be applicable to the employees of the University.

**40**. In these laws, unless the context otherwise requires, the following terms or expressions are used in the sense explained against each : -

Definitions and Interpretations

(1) *‘Appointed to a post’* : A person is said to be *“appointed to a post”* when, in accordance with these laws or laws applicable for the time being, he discharges for the first time the duties of the post or commences the probation, instruction or training prescribed therefor.

*Explanation* : The appointment of a person holding one post to hold additional charge of another post or to discharge the current duties thereof does not amount to appointment to the later post.

(2) *‘Approved Probationer’* in a service, class or category means a member of that service, class or category who has satisfactorily completed his probation in such service, class or category.

(3) *‘Average Pay’* means the average monthly pay earned during the ten completed months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.

(4)’Backward Classes’ means the communities as notified by the Government.

(5) *‘Cadre’* means the strength of a service or a part of service sanctioned as a separate unit.

(6) *‘Compensatory Allowance’* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes traveling allowance.

(7) ‘*Competent Authority*’ in respect of any officer is, in so far as any power delegated under these rules is concerned, the authority to which such power has been delegated, and, where no such specific delegation has been made, the competent authority is unless otherwise stated, the authority in whom the power to appoint such officer has been, or is, vested from time to time by the Executive Council.

(8) ‘*Confirmed member*’ means a member of a service who has been confirmed in a service of the University in accordance with the provisions of the Laws.

(9) ‘*Date of regular appointment*’ means the date of commencement of probation, i.e. the date from which the service rendered by the person after appointment to a service, class or category counts for probation.

(10) *‘Day’* means a calendar day beginning at midnight. But an absence from headquarters which does not exceed 24 hours is reckoned as one day whatever hours the absence begins and ends.

(11) ‘*Direct recruitment*’ : A candidate is said to be recruited direct to a post in case his appointment thereto is made otherwise than the following methods :

(a) by promotion,

(b) by transfer,

(c) by re-employment,

(d) by special agreement or contract.

(12) ‘*Discharge of a probationer*’ means in case the probationer is a full member of another post, reverting him to such post (original) and in any other case, dispensing with his service.

(13) *‘Duty’* : A person is said to be “on duty”-

(a) when he is performing the duties of a post to which he is appointed or undergoing the probation, instruction or training prescribed for such post, provided that the performance of such duties is followed by confirmation; or

(b) when he is absent from duty on authorised holidays or on casual leave taken in accordance with instructions regulating such leave issued by the Executive Council, having been on duty immediately before and immediately after such absence; or

(c) when he is being a teacher, absent during vacation; or

(d) when he is attending Conferences of learned societies on deputation by the University; or

(e) when he is on joining time; or

(f) when he is absent from headquarters or from his routine work attending to other University work not connected with his usual routine to which he has been specifically deputed in his official capacity either by the Vice-Chancellor or by the Executive Council; or

(g) when he is absent from headquarters or from his routine work in connection with University duties *either remunerative or non-remunerative*, provided the duties have been assigned by the Vice-Chancellor or by the Executive Council; or

(h) any other period not listed above, which the Executive Council decides to be treated as ‘On Duty’.

(14) *‘Employee’* means a University employee.

(15) “Ex-service men” means such of the persons as notified by the Government

(16) *‘Family’*, for the purpose of calculating Traveling Allowances, includes the following if they are residing with the employee and are wholly dependent on him : -

(a) Wife/husband, as the case may be;

(b) Children including step children;

(c) Adopted child, if such adoption is legally recognised as conferring the status of a natural child under the personal law applicable to the employee;

(d) Married daughter till she is placed under her husband’s protection;

(e) Widowed daughter; and

(f) Father and Mother.

(17) *‘Foreign Service’* means the service in which an employee receives his substantive pay with the sanction of the University from a source other than the funds of the University.

(18) *‘Full Member* *of the University Staff’* means a person who has been appointed substantively to a permanent post in the University.

(19) *‘Honorarium’* means a recurring or non-recurring payment granted to an employee from the funds of the University as remuneration for special or professional work of an occasional or intermittent nature.

(20) *‘Joining time’* means the time allowed to an employee to enable him to join a new post at a different station to which he is posted while on duty in his old post.

(21) (a) “Last Grade Service” includes all services in posts listed below as well as services in any other post which is declared to be such by the Executive Council.

Office Subordinates (Attenders), Assistant Pump Drivers, Binder Boys, Head Server, Laboratory Attendants, Watchmen, Caretakers, Gardeners, Gardener-cum-Groundsmen, Scavengers, Sanitary Maistry, Sweepers, Sweeper-cum-Scavengers, Helpers, Servers, Cleaners, Water Boys and Gurkhas;

(b) All other service is deemed to be ‘*Superior Service’*.

(22) *‘Leave Salary’* means the monthly amount paid by the University to its employee who is on leave.

(23) ‘*Lien*’ means the title of an employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post including a tenure post to which he has been appointed substantively.

(24) *‘Member of the Non-Teaching Staff’* means a person, other than a teacher, who has been appointed by the University and is in service.

(25) *‘Member of the Ministerial Staff’* means an employee whose duties are entirely clerical in nature and any other class of employees specially defined as such by the Executive Council.

*Explanation* : The following employees shall be classed as Ministerial Staff : -

Deputy Registrar, Assistant Registrar, Assistant Administrative Officer, Superintendent, P.A. to the Vice-Chancellor, P.A. to the Registrar, Senior Assistant, Junior Assistant and Record Assistant.

(26) *‘Member of the University service* means a person who has been appointed to that service and who has not retired or resigned, or who has not been removed or dismissed, or substantively transferred or reduced to another service, or who has not been discharged otherwise than for want of a vacancy. He may be a probationer, an approved probationer or confirmed member of that service.

(27) ‘*Month’* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each month, should first be calculated and the add number of days calculated subsequently.

*Calculation of a period expressed in terms of months and days*

1. To calculate a period of three months and 20 days on and from 25th January, 2009, the following method should be adopted : -

|  |  |  |  |
| --- | --- | --- | --- |
|  | Y | M | D |
| 25th January to 31st January | 0 | 0 | 7 |
| February to April ………. | 0 | 3 | 0 |
| 1st May to 13th May ……. | 0 | 0 | 13 |
|  | 0 | 3 | 20 |

(b) The period commencing on 30th January and ending with 2nd March, should be deemed as one month and 4 days as indicated below : -

|  |  |  |  |
| --- | --- | --- | --- |
|  | Y | M | D |
| 30th January to 31st January | 0 | 0 | 2 |
| February | 0 | 1 | 0 |
| 1st March and 2nd March | 0 | 0 | 2 |
|  | 0 | 1 | 4 |

(c) A period of one month and 29 days commencing from the first January will expire, in an ordinary year (in which February is a month of 28 days), on the last day of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month; and leave for two months from 1st January would end on the last day of February. The same would be the case, if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

(28) ‘*Officiate*’ An employee officiates in a post when he performs the duties of a post on which another person holds a lien. The Executive Council may, if it thinks fit, appoint an employee to officiate in a vacant post on which no other person holds a lien.

(29) ‘*Out-sourcing of Service’* means that, in terms of a contract between the University and a private Agency, the University for specified works utilises the services of persons placed at its disposal by the Agency and pays remuneration to the Agency at the agreed rates for the services received through its persons, the tacit understanding being that the Agency pays the remuneration to the persons who have rendered the services, and in addition to the remuneration, the Agency receives from the University an extra commission agreed upon. While rendering the required services, the persons of the Agency shall follow all instructions and discipline laid down by the University.

(30) “*Panel*” means the authoritative list of candidates approved for regular appointment to any service, class or category drawn up by the University or by Selection Committee or by the appointing authority concerned, but does not include the panel or list prepared for temporary appointment by the appointing authority pending preparation of a panel for regular appointment in accordance with the rules.

(31) *‘Pay’* means the amount drawn monthly by an employee as : -

(a) the pay other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre,

(b) special pay and personal pay, and

(c) any other emoluments which may be specially classed as pay by the Executive Council.

(32)*‘Period of Probation’* means the period of probation prescribed by the Laws or in the order of appointment.

(33) *‘Permanent Employee’* means, an employee who holds substantively a post in Superior or Last Grade Service or who holds a lien on such post or would hold such a lien had it not been suspended.

(34) ‘*Permanent Post*’ means a post carrying a definite rate of pay sanctioned without limit of time and included in the cadre of sanctioned posts.

(35) ‘*Personal Pay*’ means additional pay granted to an employee.

(a) to save him from a loss of substantive pay in respect of a permanent post, other than a tenure post, due to a revision of pay or to any reduction of such substantive pay, otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(36) “Physically handicapped person” means a person who is blind, deaf or orthodpaedically handicapped.

**Explanation**: A Person is said to be:

(i) blind, if he is suffering from total absence of sight or visual acquity not exceeding 3-60 or 10/200 (snellen) in the better eye with correcting lenses;

(ii) deaf, if his sense of hearing is fully non-functional for the ordinary purposes of life;

(iii) Orthodpaedically handicapped, if he has a physical defect or deformity which causes so much interference as to significantly impede normal functioning of the bones, muscles and joints.

(37) *‘Presumptive Pay’* of a post, when used with reference to any particular employee means the pay to which he would be entitled if he had held the post substantively and had been performing its duties; but it does not include special pay unless the employee performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned.

(38) *‘Probation’* means the period during which a fresh entrant to a service or a person appointed to a higher post for the first time by promotion within the service or by transfer from any other service is put on test for determining his fitness to hold the post.

(39) *‘Probationer’* means an employee who has not completed the period of probation.

(40) *‘Promotion’* means the appointment of an employee to a higher post.

(41) “*Schedule caste*” means the communities notified by the Government.

(42) “*Schedule Tribe*” means the communities notified by the Government

(43) ‘*Service of Notice’* by the University to an employee shall be deemed to be sufficient if signed by the Registrar or any other Officer or employee authorised by the Executive Council and delivered at his address recorded in the University records in the manner prescribed.

(44) ‘*Special Pay*’ means any addition to the emoluments of a post of an employee granted in consideration of,-

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility.

(45) “Subsistence Allowance” means a monthly grant made to an employee who is under suspension and not in receipt of a pay or leave salary;

(46) ‘*Substantive Pay’* means pay, otherthan special pay, or personal pay or any other emoluments classified as pay to which an employee is entitled to on account of a post to which he has been appointed substantively.

(47) *‘Superior Service’* means, service other than Last Grade Service

(48) *‘Temporary Employee’* means, an employee in a temporary post or an employee who is not a permanent employee or a probationer or an approved probationer.

(49) ‘*Temporary Post*’ means a post carrying a definite rate of pay sanctioned for a limited time.

(50) ‘*Tenure Post*’ means a post for which sanction has been given for a limited period.

(51) (a) ‘*Time Scale of Pay’* means pay which, subject to any conditions prescribed in these and other Laws, rises by periodical increments from a minimum to a maximum.

(b) *‘Time Scales*’ are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scales are identical.

(52) “*Traveling allowance*” means all allowances granted to an employee to cover the expenses which he incurs in traveling in the interests of the University or on University business.

(53) *‘Vacation’* means any period of recess which exceeds fifteen days in duration.

(54) *‘Vacation Department’* means a department or part of a department, to which regular vacations are allowed during which the staff serving in the department are permitted to be absent from duty.