



SDM Institute for Management Development

Shri Dharmasthala Manjunatheshwara Institute for Management Development, Mysuru

Employees Service Regulations
AND
Conduct & Disciplinary Regulations

Year 2015

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PREFACE

Human Resources are most valuable assets for any organization, more so for a service industry like education. Individual employees, collectively known as Human Resources, constitute extended arms of the Management in rendering the services and reaching the public at large. In this context, Human Resources play a vital role in successful implementation of the programs chalked out by the think tank of the Management, so that organizational goals are achieved. Considering the importance of Human Resources, the first booklet on Employee Service Rules was released during 2003, to throw light on various aspects including the employee rights and privileges, code of conduct and disciplinary procedures. Due to passage of time, a need was felt to revisit some of the existing provisions in the service rules, with the aim of making the workforce more vibrant. When employees fully realise their roles & responsibilities & come up with excellent performance, their aspirations are fulfilled in the form of career growth, resulting in individual development which in turn leads to institutional development.

The Board of Management of Sri Dharmasthala Manjunatheshwara Institute for Management Development has resolved to adopt these Rules and Regulations for its employees to have excellent work culture and work discipline.

Accordingly, the first revised edition on Employee Service Regulations are being brought out, which contains XIII chapters in all.

CHAPTER-I

PRELIMINARY

WHEREAS it is necessary to define with enough precision the conditions of service to the employees (Teaching and Non-teaching) working under SDMIMD. Accordingly, SDMIMD hereby makes the following Rules for its employees.

1. Short Title and Commencement

a) These rules and regulations are called: Sri Dharmasthala Manjunatheshwara Institute for Management Development **Employees' Service Regulations AND Conduct & Disciplinary Regulations**

b) These rules and regulations shall super cede in their scope and application all other rules and regulations of service and terms of appointment / employment of the said employees to the extent now herein provided.

2. Extent of Application

a) These rules and regulations shall apply to all employees in the services of the SDMIMD except to the extent otherwise expressly excluded.

b) These rules and regulations shall not apply to employees who are

i) Appointed after superannuation

ii) Appointed on contract basis

iii) Appointed on casual basis

iv) Appointed on temporary basis

For them the guiding principle shall be the terms and conditions of their employment.

c) As far as Grant-in-aid posts are concerned, their service conditions and benefits shall be governed in accordance with the guidelines issued by the respective Regulatory Authority from time to time, and may be read along with these Regulations.

d) Service with a bonding and commitment: Every employee shall accept employment in SDM IMD establishment with full understanding and agreement to work in furtherance of the objectives, development and welfare of the

institution, by placing all his time, energy, intelligence and skill at the disposal of the Institution and by complying with the directives of the authorities issued from time to time.

3. Power to Implement and appoint Authorities under Service Rules and Regulations

The Chairman of Sri Dharmasthala Manjunatheshwara Institute for Management Development, is authorized, designated and notified as the Appointing Authority under these regulations for all purposes. He is vested with all the powers to implement the said regulations. The Chairman is empowered to delegate from time to time any or all of his powers to such other authority/ committee of persons as deemed necessary.

To ensure smooth functioning of the day-to-day administration, the powers of Appointing-Authority are delegated to the Director or such other authority as decided by the Chairman from time to time.

4. Power to amend/ modify/ relax Service Regulations

- i. The Chairman may from time to time issue such instructions or directions as he may, in his opinion, find necessary for giving effect to or carrying out the provisions of these Regulations.
- ii. The Chairman is vested with every authority to alter, amend, modify, revoke, suspend and change any of these regulations in accordance with provisions of any law, statute, enactment and rules in respect of SDMIMD employees.
- iii. The Chairman may from time to time issue such instructions or directions as he may, in his opinion, find necessary for giving effect to or carrying out the provisions of these Regulations.

5. Publication and Interpretation of Service Regulations

- i) These rules and regulations of service will be printed in English and copy will be made available in all departments coming under the management of SDMIMD.
- ii) Ordinarily, interpretation given by the Management or any other person authorized in this behalf shall prevail.

- iii) Any modification or amendment made from time to time and any notice or order or instructions issued under these Rules will be posted on the Notice Boards of the Institutions.

6. **Definitions**

In these Rules and Regulations, unless the context otherwise requires and unless there is anything repugnant to the subject or context:

- a) "Academic Year" means the year beginning on such date as the State Government, University or the prescribed authorities by notification may specify with respect to any educational institution or class of educational institutions.
- b) "Appointing Authority" in relation to an employee under these regulations means the authority empowered and duly vested with powers to engage or to appoint any person in the services of SDMIMD, under the authority delegated by the Chairman.
- c) "Board" means the Board of Management of Sri Dharmasthala Manjunatheshwara Institute for Management Development.
- d) "Calendar Year" means the period commencing from first day of January of a year and ending on 31st day of December of the same year.
- e) "Employee" or "SDMIMD Employee" means teaching/ non- teaching staff engaged/ appointed by the Management, through a written order in SDMIMD, for hire or reward or payment and any category of person employed for salary by the Management.
- f) "Employer" or "Management" or "SDMIMD" means and includes the Chairman / Director, the Head of an Institution/ unit and any such other person empowered and vested with the authority of managing the affairs of SDMIMD.

- g) "Institution" or "SDMIMD" means and includes the offices of the Shri Dharmasthala Manjunatheshwara Institute for Management Development.
- h) "Notice Board" means and includes the Boards for display at, or near the Institution/school/college premises or within the administrative buildings, provided by the Management for exhibiting notices under these Service Rules.
- i) "Notice" means a notice in writing or typewritten required to be served to employees or posted on the Notice Board of the Institution/ school/ college for the purpose of these Service Rules.
- j) "Chairman" means the Chairman of Sri Dharmasthala Manjunatheshwara Educational Trust (Regd) Ujire.
- k) "Vice President" means the Vice President of Sri Dharmasthala Manjunatheshwara Educational Trust (Regd) Ujire.
- l) "Secretary" means the Secretary of Sri Dharmasthala Manjunatheshwara Educational Trust (Regd) Ujire.
- m) "Trust" or "SDME Trust" means Sri Dharmasthala Manjunatheshwara Educational Trust (Regd), Ujire, registered under the Karnataka Societies Registration Act, 1960.
- n) "Director" means the employee assigned with the duties of Director by the Management to work as the Head of the Institution, who is responsible for managing the affairs of the Institution in its academic and administrative matters and who is accountable to the Management.
- o) "Deputy Director" means the employee assigned with the duties of Deputy Director by the Management, if and when necessary, to assist Head of the Institution in exercise of academic and administrative responsibilities. In the absence of the Head of the Institution, nominated vice- principal will officiate as the Head of the Institution.

- p) "Non-teaching staff means an employee appointed for administrative, clerical, paramedical, skilled /unskilled job, and such other jobs classified by the Institution / unit but shall not include employees undertaking teaching work partly or wholly.
- q) "Teaching staff" means and includes teaching faculty appointed for the purpose of teaching, full time as well as part time.
- r) "Vacation staff" means employees eligible for regular vacations as per their academic calendar.
- s) Words importing the masculine gender shall include feminine gender.
- t) Words importing the singular number shall include the plural number and vice- versa.
- u) "Working Hours" means the working hours prescribed by the Management, during which time the employee is required to remain on duty for work.
- v) "Appellate Authority" is the Vice President of Sri Manjunatheshwara Educational Trust {Regd) Ujire.
- w) "Disciplinary Authority" is the Secretary of SDME Trust/ Appointing Authority as defined under Regulation 6 (b) above.
- x) "Inquiry Authority" is the person or the committee of persons appointed to inquire into the charges levelled against charge-sheeted employee.
- y) "Subsistence Allowance" means monthly emoluments paid to the employee, who is not entitled for pay or leave salary during the period of his suspension.

CHAPTER - II

CATEGORIZATION OF POSTS & CLASSIFICATION OF EMPLOYEES

7. Staff Pay Scales and Grades

The SDMIMD shall have its own staff grades and pay structure. The same structure shall be followed during recruitments and promotions. Employee qualification, experience, competency and skills shall be considered as important criteria for deciding the grade.

The employee grade shall be decided at the entry stage itself; which is subject to change when there is change in designation.

The SDMIMD reserves its rights to modify or change the grade /grouping whenever such a need arises.

8. Classification of Employees:

The employees employed by the Management, teaching and non-teaching, shall be classified as:

- a) Permanent
- b) Temporary
- c) Probationary
- d) Part Time Employee
- e) Fixed Term Employee

a) Permanent Employee: is one who has been engaged for work on a continuous basis and includes any person who has been duly confirmed in service in writing, after he has satisfactorily completed the Probationary Period.

b) Temporary Employee: is one who has been engaged for work which is essentially temporary in nature, likely to be completed within a limited period, or in a temporary post, or in connection with a temporary increase in work for a limited period or who is employed temporarily as an additional employee on a leave vacancy and who has received a temporary appointment letter from the Management.

- c) **Probationary Employee:** is an employee who is provisionally employed to fill a permanent vacancy in a post. Such an employee is required to complete the probationary period of one year or the extended period of probation for 6 months as the case may be and the order of confirmation shall be communicated to him within 30 days of completion of probation or extended period of probation. The Management at its discretion and depending on the performance of the probationer may reduce the period of probation or increase it upto two years.

The services of a probationer may be terminated at any time during the period of probation or at the end of the probation.

Period of Probation on Promotion to a higher Grade:

All appointment to a higher grade on promotion shall be on probation for a period of one year, as the probation is done to assess the suitability for the post.

However, the Competent Authority may waive this condition, if the employee has already discharged for a period of one year the duties of the post to which he is promoted. At the end of probationary period, if the employee so promoted to hold the post is found suitable for the post, his services will be confirmed. If the competent authority considers him not suitable for the post, by an order, he will be reverted to the post which he held prior to his promotion.

- d) **Part Time Employee :** is one who is employed to do work for less than normal period of working hours and he shall be entitled to such benefits as are determined by the Management.
- e) **Fixed Term Employee:** is one who is employed on a contract for a stipulated period of time on the lapse of which the contract gets terminated or renewed with mutual consent either on the existing or different terms. Such employee shall be entitled only to benefits specified in the Contract of Employment in writing.

CHAPTER - III

APPOINTMENT AND PROBATION

9. **Appointment in Service**

- a) In every case of appointment, an Appointment Order will be issued to the selected candidate. No person shall be appointed in service unless he is found physically fit. All appointments shall be made by the Management or such other person duly authorized by it.
- b) All appointments made are subject to the condition that the particulars furnished at the time of recruitment are true and if the said particulars are proved to be false at a later date, the appointment order concerned is liable to be considered void at the discretion of the Management and the employee concerned shall be removed from service immediately.
- c) All appointments shall be made only through written order issued by the Management stating therein the classification / category / post in which the person concerned is appointed with particulars regarding his emoluments and the benefits he is entitled for. Further, a copy of these Rules and Regulations of Service shall be made available to the appointee. The appointments will be subject to the approval of the Statutory Authority, wherever applicable.

10. **Probation:**

- i) All new appointments shall be on probation for a period of one year during which period their performance will be assessed through methods deemed fit by the Management. On successful completion of probationary period, the employee becomes eligible for being confirmed in the services as a regular employee.
- ii) If satisfactory standard of performance and conduct is not achieved by the employee during the period of probation, the probationary period shall be either extended at the discretion of the Management or the services shall be discontinued without notice or compensation.
- iii) At the end of the extended period of probation, the services shall be either confirmed or discontinued.

- iv) The Management may, at its discretion, waive probationary period and employ any senior and /or skilled person directly as a confirmed employee without probationary clause, having regard to his previous experience and background. The Appointment order shall contain a specific clause to this effect, waiving probationary clause, for appointments made under this Regulation.

CHAPTER- IV

PERFORMANCE APPRAISAL AND PROMOTION

11. PERFORMANCE APPRAISAL

11.1 Through Performance Appraisal, the Management endeavors to make systematic evaluation of the performance of an employee to understand his growth potential. For continuous monitoring of performance of all categories of employees, performance appraisal shall be done annually by adopting confidential method of appraisal or self- appraisal, as the case may be, but as decided by the Management from time to time. Accordingly, every employee shall be bound by the guidelines issued in this regard by the Management from time to time.

11.2 The target / key responsibility area / yardstick will be fixed by the Director or the designated authority for the purpose.

11.3 The assessment of performance at the end of the year shall highlight the achievements vis-a-vis targets and constraints faced, if any, in the event of not achieving the targets.

11.4 The Performance Appraisal is vital in deciding promotions, increments and rewards.

12. PROMOTION POLICY

12.1 The Management is under no obligation to promote any of its employees to a higher post when the eligibility / minimum qualification for a new or higher post has been reached. When the higher post falls vacant and if the Management decides to fill the post, the Management is free to consider all available candidates. The promotion of an employee to a higher post or higher grade shall be determined on the basis of seniority, qualification, merit, quality of service, loyalty, conduct, efficiency, ability, health and nature of the job.

The above provision does not restrict the right of the Management to fill the post by appointing an external candidate.

12.2 The Office of the Secretary shall be the competent authority to decide promotion, except where an Institution is specifically permitted by the competent authority to have its own policy.

12.3 The Institution shall give due credence to the guidelines issued by the respective regulatory authorities.

12.4 This Regulation provides for review of promotion policy from time to time depending upon the needs of SDMIMD.

12.5 **Special Promotion**

a) The Management may, at its discretion, grant special promotion to an employee if he is an extra-ordinary performer and willing to take up higher responsibilities. However, no employee shall be promoted more than one level higher in the ladder under this rule.

b) The special promotion does not render an employee ineligible for further promotion in the normal course. However, there shall generally be a gap of at least five years between two promotions.

CHAPTER-V

TRANSFER POLICY AND JOB ROTATION

13. TRANSFER POLICY

- 13.1 Every employee shall be liable to be transferred from one unit to another, either existing or that may be set up in future by the SDMIMD, for ensuring proper and effective functioning of these Institutions.
- 13.2 In case of a transfer, the employee concerned will have no claim for increase in his emoluments. In ordinary course, the Management shall not transfer an employee to a lower post resulting in reduction of salary.
- 13.3 At the time of relief, it is the duty of the employee to hand over all the files/ records/ documents handled by him and also list out/ report the pending work to the incoming official or next higher authority.
- 13.4 When the transfer order is issued to meet administrative exigencies, if the employee is on leave, he may be asked to report directly at transferee place on expiry of leave. If the employee applies for leave after getting transfer orders, such leave can be granted only if the sanctioning authority is satisfied about its genuineness.
- 13.5 If the services of the employee are urgently required at the new place of work, in view of the exigencies, the Management may instruct the employee to report for duty at the transferee place and take charge immediately by utilizing only the transit time and advise him to avail joining time later.
- 13.6 Joining Time/ TA
 - a) The employee on transfer is eligible for joining time of not exceeding 5 days, exclusive of the actual time spent on journey. However, notional journey period is not permissible.
 - b) Joining time is permitted only if the transfer involves change in place of work and change in place of residence.
 - c) Joining time is not permissible in the case of a temporary transfer.

13.7 If the transfer is effected at the request of the employee, the transfer benefits such as joining time, reimbursement of travelling and transportation expenses, etc., are not permissible.

13.8 In the event of refusal to accept a transfer/deputation order, the employee shall be liable for disciplinary action.

14. Job Rotation in Administration

Periodical job rotation among non-teaching staff augurs well, both for the employee and the Institution. In tune with this principle, the Institution may resort to job rotation to its employees to enrich their knowledge in the work place. This has the effect of making everybody competent to handle any job at any time. However, this concept may not cover jobs which are of skilled nature and which require necessary qualification and skill to perform the job.

CHAPTER-VI

15. TRAVEL EXPENSES AND HALTING ALLOWANCE

15.1 Reimbursement of travel expenses including accommodation charges and Daily allowance shall be in accordance with the limits prescribed for various categories/ grades of employees. Travel by higher mode / class of travel is admissible only when authorized by the sanctioning authority.

15.2 Reimbursement of travel expenses shall include the following:

- i) Actual cost of ticket / fare paid for the journey by the permitted mode of travel within the prescribed limit
- ii) Accommodation charges, if any, within the prescribed limit
- iii) Daily allowance as applicable

15.3 The Management reserves the right to arrange or prescribe travel and accommodation of its choice for any class of employees while they are on authorized itinerary. When travel or accommodation is not provided, actual travel expenses /actual room rent within the prescribed limit is admissible, subject to production of original bills.

15.4 Any official travel by an employee shall generally be by the least expensive mode of transport on the shortest routes, thrift being a measure of standard in undertaking any travel.

15.5 Cancellation of tickets on account of exigencies of the institutional work, may entitle an employee to the reimbursement of :

- i) the difference between the fare actually paid by him and the amount refunded by the transport authority
- ii) cost of reservation.

The Head of the Institution has to authorize such cancellation. The cancellation shall be made forthwith, with minimal loss of fare. Proof of payment and refund shall be enclosed to the claim.

15.6 Each travel entitlement shall be accounted for separately and shall not be set off against another or available for carry over.

- 15.7 Travel advance may be paid to the employee if a request is made in writing. The advance shall not be more than the approximate expenses to be incurred. If the advance amount drawn exceeds the claim amount, balance shall be credited to the Institution before submitting the bill / claim.
- 15.8 Daily allowance is admissible from the date and time of commencement of the journey till the date and time of return to the Institution /usual place of residence upon completion of the itinerary.
- 15.9 Daily allowance is granted while on travel to defray the cost of meals, refreshments, local conveyance, room tips, laundry charges and other incidental expenses. Therefore, these expenses are not separately reimbursed.
- 15.10 Per Diem allowance is calculated as under: Itineraries of the time frame
- i) above 5 hours but less than 12 hours : 50 % Per Diem
 - ii) above 12 hours : Full Per Diem
- 15.11 When boarding is provided by the Management/ cost of food is included in room rent package, only 25% of the Daily allowance is payable towards out of pocket expenses.
- 15.12 If the employee gets reimbursement, either partly or fully, of the expenditure towards boarding and lodging by any outside agencies sponsoring the program, the claim amount shall be reduced to the extent of amount reimbursed by such other agencies.
- 15.13 Travel on academic work such as examination /valuation or any other work of the statutory body where travelling expenses are reimbursed by such bodies, shall not entail the staff to claim reimbursement of such expenditure.
- 15.14 No Per Diem allowance is admissible on travel for office work within a radius of 10 km from the office where the employee is working. However, employees are eligible for reimbursement of actual local conveyance expenses and other out of pocket expenses, within prescribed limit.

- 15.15 No Per Diem allowance is admissible for the period of leave availed by an employee, while on an official itinerary.
- 15.16 All TA / DA claims shall be made in writing in the prescribed format to the Institution within a maximum of 7 days from the date of return from the journey.
- 15.17 The TA Bill is settled on the basis of information available on the date of admitting the claim. Once claim is admitted and sanctioned, it shall not be reopened, except for the purposes to verify the grievances or genuineness of the claim, if such a question arises. Accordingly, no arrears of Per Diem allowance shall be payable where an employee is promoted or reverted or otherwise granted a change in the scale of pay with retrospective effect.

CHAPTER VII

PAY AND ALLOWANCES

16. Pay & Allowances for Employees

- 16.1 The employee shall, unless otherwise directed, be entitled to receive the remuneration for the services rendered to the Institution, as prescribed by the Management from time to time, with effect from the date of commencement of his employment till the date of cessation of service.
- 16.2 The Management reserves the right to fix and release the pay scales and allowances for the different grades of employees from time to time. However, in respect of grant-in-aid employees, their pay scale and allowances shall be as per the rules and guidelines issued by the respective authorities.

17. Increments

- 17.1 Every employee is entitled to annual increment/ increase in salary subject to satisfactory work performance, conduct or other parameters as prescribed by the Management from time to time at the sole discretion of the Management.
- 17.2 An increment shall be drawn by an employee in the ordinary course, unless it is withheld. It can be withheld by the management for reasons of misconduct on the part of the employee or unsatisfactory work performance. Where the Institution has valid reason not to release annual increment, the employee shall be given an opportunity to show cause as to why it cannot be withheld. Not being satisfied, if the Institution decides to order withholding of an increment, the authority shall state the period for which it is withheld and whether it is with or without cumulative effect.
- 17.3 Ordinarily, the leave availed by an employee shall not have effect on the date of increment, except leave on loss of pay which is treated as break in service. Accordingly, the period_of time spent on leave on loss of pay during the period of reckoning shall have the effect of postponing the date of annual increment.

17.4 The Management may, at its discretion, grant additional increment to an employee depending on the extra ordinary performance, efficiency, ability and conduct of the employee. No employee shall have the right to demand additional increment.

18. Allowances

18.1 The Management may at its sole discretion determine from time to time the allowances that are payable to the employees who are eligible for these allowance and the rates at which such allowances are payable. For the purpose of calculating allowances which are related to pay, the term "pay" shall include only Basic Pay and such allowances that are of the nature of a part of Basic Pay.

18.2 The allowances hereinafter set out are payable to eligible employees in addition to basic pay, as advised by the Management from time to time.

Generally, salary payable to an employee may include Basic Pay and Dearness Allowance; and if admissible various allowances such as House Rent Allowance, City Compensatory Allowance, Special Allowance, Professional Fees, etc., as the case may be.

18.3 However, if the employer so decides, the components of salary payable to an employee may be kept confidential, details being maintained by the Institution. As far as the employee is concerned, salary payable to him is consolidated salary, in-built with components as above which is at the sole discretion of the Management.

CHAPTER - VIII

WORKING HOURS, ATIENDANCE AND PUNCTUALITY

19. Working Hours

- 19.1 The periods and hours of work for all employees shall be notified by the Management. The Management will be at liberty to fix at its discretion the actual work timings, provided the maximum number of working hours as per statutory provisions are adhered to.
- 19.2 The Management reserves the right to change the periods of hours of duty at its discretion, subject to the provisions of relevant laws applicable. Working hours for all employees may not be uniform and may differ depending upon the nature of working of the Institution. Those who are required to work during late hours, night shifts, emergencies, security, house-keeping, etc., shall have staggered working /duty hours spread over 24 hours a day and such employees shall work as per the duty roster made available to them by the Institution from time to time.

20. Policy for Attendance/ Punctuality

- 20.1 Employees shall be prompt in reporting to work on time. It is expected that employees shall remain on the job for full working hours, unless specifically permitted.
- 20.2 An attendance register shall be maintained which the employees have to sign daily to mark their attendance. This is done for keeping a track of employees' punctuality which will be a part of their performance analysis. Those coming late will be liable for penal and/ or disciplinary action.
- 20.3 Policy for Time - Keeping BIO-enabled time recording tool shall be used by all employees to record time of entry and exit wherever provided. Accurately recording time worked shall be the responsibility of every employee. Time worked shall be the time actually spent on the job performing assigned duties.

20.4 Movement register shall be maintained by each department /Institution and employees leaving the office premises/campus during working hours shall make a record of their movements and obtain signature of their next higher authority, indicating the purpose and place of visit.

21. Publication of Holidays and Pay Days:

- a) Notice specifying the days observed by the Management as holidays shall be displayed on the Notice Boards.
- b) Employees shall be paid their salary / wages on or before seventh day of the succeeding month, unless it is postponed for a subsequent day under exceptional / unforeseen circumstances. Payment of salary will be through cheque or Bank account, as decided by the Management.

CHAPTER- IX

LEAVE

22. The employees are eligible for the following leave benefits:

- a. Casual Leave
- b. Earned Leave
- C. Maternity Leave
- d. Special Leave
- e. Leave on Loss of Pay
- f. Sabbatical Leave

23. The yearly entitlement for leave credit will be as under:

Category of Leave	Vacation staff	Non vacation staff
Casual Leave	12 days per year	12 days per year
Earned Leave	15 days per year	30 days per year

24. Casual Leave

- 24.1 Provision for Casual Leave is made for an employee to avail leave in unforeseen circumstances including illness or other exigencies, subject to a maximum of 12 days in a year, not exceeding 4 days at a time.
- 24.2 Prefixing/suffixing of Sundays and holidays are permitted while availing casual leave, provided that the total period of absence does not exceed 7 days in the aggregate. If the total period of absence exceeds 7 days, the entire period shall be treated as earned leave or leave on loss of pay, as the case may be.
- 24.3 Clubbing of casual leave with any other category of leave is not permitted. However, in exceptional cases, subject to the satisfaction of the sanctioning authority, the employee may be permitted to combine casual leave with another category of leave, for genuine purposes.

24.4 Generally, prior permission needs to be obtained before availing casual leave. When this is not practicable, HOD/ leave sanctioning authority shall be informed orally or through any other mode, the reason for proceeding on leave and the probable duration of leave, followed by written leave application.

24.5 Casual leave cannot be accumulated or carried over to subsequent year except in the case of an employee employed on temporary basis /on contract for a specific period, in which case the carry over lapses on the expiry of contract period.

25. **Earned Leave**

25.1 The employee is entitled for Earned Leave. only after confirmation of service.

The leave account of every employee shall be credited on the last day of the calendar year. The Institution may, at its discretion, give credit of earned leave for its employees on half yearly basis, as on 1st January and 1st July every year in which case the entitlement shall be calculated on the principle that vacation and non- vacation staff be eligible for 10/ 30 days earned leave for full year.

25.2 If an employee was on loss of pay during the period of reckoning, earned leave credit shall be proportionately reduced.

25.3 For those who are on temporary basis /on contract or any other type of employment for specific period where the terms of employment provides for earned leave, the earned leave credit shall be pro-rata on the last day of every month of completed service.

25.4 Normally earned leave shall not be availed for less than 3 days, except on medical grounds and/or in exceptional cases subject to the satisfaction of sanctioning authority.

25.5 Generally, an employee will not be entitled to avail earned leave for more than 3 occasions in a year. However, the competent authority may, at its discretion, sanction leave for genuine reasons, if it is satisfied with the reasons given by the employee for availing such leave.

25.6 Approved holidays and weekly off may be prefixed or suffixed to earned leave. However, public holidays / weekly off falling in between leave period shall be accounted as part of earned leave availed.

25.7 Vacation staff proceeding on earned leave should be on duty either on the last working day before vacation or on the re-opening day, absence on both days rendering the entire leave including vacation as one of unauthorized absence.

26. **Earned Leave Encashment**

26.1 The leave encashment facility is available for a confirmed employee only, and cannot be claimed as a matter of right by an employee. The employee shall be paid leave encashment only after getting approval from the competent authority.

26.2 The earned leave surrender facility for encashment of leave shall be restricted to 30 days in a block of three years.

26.3 In order to be eligible for earned leave encashment, an employee should have a leave balance of minimum 15 /30 days remaining to his credit after surrender of leave for encashment, for vacation staff and non-vacation staff respectively.

26.4 The amount equivalent of the leave surrendered shall be calculated at the rate of 1/30th of the salary for each day of surrender, irrespective of the number of days in the calendar month in which the leave is surrendered. The salary for this purpose shall be as drawn by the employee in the immediately preceding month.

26.5 Earned leave encashment shall be subject to statutory deductions, if any. Salary for this purpose shall include Basic Pay and Dearness Allowance only and shall not include any other allowances.

26.6 An employee who has submitted resignation from the services of SDM IMD will not be eligible for leave encashment facility. No employee can claim leave encashment, if his services are terminated on disciplinary grounds.

- 26.7 An employee who is unauthorisedly absent or who is under suspension is not eligible to surrender earned leave for encashment.
- 26.8 On the death of an employee while in service, the legal heirs of the deceased employee shall be eligible to get the benefit of encashment of accumulated earned leave standing to the employee's credit, subject to the cap mentioned above. The salary for this purpose shall be as defined under Regulation 26.4 and 26.5 above.
- 26.9 The management may review, change the policy or withdraw leave encashment benefit by bringing an amendment to these regulations.

27. **Maternity Leave**

- 27.1 Female employees are eligible for Maternity Leave and benefits as per the provisions of the Maternity Benefits Act, 1961 as amended from time to time. The said leave is not available to the employees who are covered under ESI Act, 1948. Provided that such benefit shall be restricted to first two deliveries only.
- 27.2 Maternity leave may be clubbed with any other category of leave, subject to the satisfaction of the sanctioning authority.
- 27.3 No earned leave will accrue during the period of Maternity Leave / ESI leave.

28. **Special Leave**

- 28.1 Special Leave may be permitted to a faculty member by the competent authority, subject to a ceiling, for the following purposes:
- i) For work in connection with examinations conducted by Colleges/ Universities.
 - ii) For attending the meetings of the Academic Council, Senate, Syndicate, Faculties and Board of Studies of the Universities in Karnataka.
 - iii) For attending the meetings of statutory bodies in their individual capacity, as a member of the said body.
 - iv) Where the faculty member is required to associate with accreditation team for inspection work.

- v) For participation in sports events of international importance as a duly nominated representative on behalf of India.
- vi) For participation in coaching or training conducted at different institutes of national importance.
- vii) For participation in conferences, seminars and workshops.

28.2 {a) However, if the faculty member is required to attend meetings of statutory bodies for any specific requirement of the Institution, then such leave shall be treated as "On other duty" or "on official duty"(OOD).

{b) The principle of OOD is also applicable where the faculty member is required to participate in sports events of national importance as a duly nominated person on behalf of the State, Zone or Circle.

28.3 Special Leave shall be strictly restricted to the minimum number of days required for the purpose, including the actual travel period.

28.4 Special Leave may be combined with any other category of leave.

28.5 The Heads of Institutions shall take prior permission from the Secretary before availing special leave or before proceeding on OOD. They shall also nominate a person to be in-charge of the Institution during their absence.

28.6 The Head of the Institution shall be the sanctioning authority for Special Leave up-to 15 days in an academic year in respect of a faculty working under him. The details of such leave sanctioned by the Head of the Institution shall be forwarded to the office of the Secretary for information. Any request for Special Leave beyond 15 days in an academic year shall be forwarded to the office of the Secretary for sanction, with recommendations / views of the Head of the Institution.

29. **Leave on Loss of Pay:**

29.1 When no other kind of leave is available at the credit of an employee, extra ordinary leave without pay may be granted to him, if the Management is satisfied of the necessity for grant of such leave. The maximum limit under this category of leave is restricted to 180 days in entire service.

- 29.2 Leave on loss of pay and allowances shall not be accounted as service for the purpose of earning annual increment by an employee. Accordingly, such leave shall have the effect of postponing the annual increment, unless the competent authority decides otherwise.
- 29.3 Leave on loss of pay shall be treated as break in service and such period of absence shall not be counted as service for the purpose of terminal benefits including gratuity.
- 29.4 Approved holidays and weekly off may be prefixed or suffixed to leave on Loss of pay. However, public holidays / weekly off falling in between leave period shall be accounted as part of leave on Loss of pay availed.
- 29.5 An employee remaining absent without permission for 10 days or more beyond the period for which leave without pay was granted to him, will be deemed to have abandoned his service and his employment will automatically cease on the 11th day of his absence.
30. **Absence without leave:**
- a) No employee shall remain absent without permission.
- b) If an employee remains absent for more than 10 days or absents himself beyond a period of leave originally granted or subsequently extended, he shall lose his lien on employment unless he returns within 3 days of the expiry of the said absence and explains to the satisfaction of the Management, the reasons for his inability to return on expiry of the leave. If the explanation is found satisfactory by the Management, the absence shall be treated as "Leave without pay".
31. **Sabbatical leave**
- 31.1 A confirmed employee is eligible for sabbatical leave which shall be on par with leave on loss of pay for all practical purposes. The purpose may be study abroad or visiting children /near relatives who are residing abroad or any other valid reason acceptable to the Management. There is a cap of two years for leave under this category and it is only one time facility in entire service.

31.2 National and Festival Holidays

The list of National and Festival Holidays shall be notified by the Management before the commencement of the calendar year.

32. General Rules on Leave matters

- i) No leave can be claimed as a matter of right by an employee. Grant of leave is subject to the exigencies of work and the decision of the Management in this regard shall be final.
- ii) An employee who desires to proceed on leave other than casual leave shall apply in writing to the competent authority, duly furnishing his leave address. Such application shall be made not less than 15 days prior to the date of commencement of leave, except under unforeseen circumstances including illness, for which satisfactory explanation shall be given in writing.
- iii) Where an employee is compelled to avail leave suddenly on account of sickness or unforeseen circumstances, such absence must be intimated within 24 hours followed by submission of a formal leave application.
- iv) After proceeding on leave, if the employee requires extension of leave for any valid reason, an application shall be made before expiry of the sanctioned leave, duly furnishing the leave address, mail id and contact phone number, so as to send a reply or to communicate to him in case of need. Unless the employee receives the confirmation of such extension of leave, it will be presumed that his request for extension has been rejected and he should report for duty.
- v) An employee may cancel the entire leave sanction obtained by him or resume duty before expiry of leave period but he can do so only after obtaining prior permission from the appropriate authority. The leave sanctioning authority is the appropriate authority for this purpose.
- vi) No employee who has submitted resignation shall be permitted to avail any leave, save casual leave, standing to his credit.,
- vii) Leave cannot be granted to an employee who is placed under suspension.

viii) During leave period, the employee is eligible for full salary and emoluments, except where the leave is on loss of pay or the employee has abstained from work after leave is refused by the sanctioning authority.

CHAPTER- X

EXIT POLICY AND TERMINAL BENEFITS

33. Resignation

- 33.1 A permanent employee under non-teaching category may resign from the services of the Institution by giving three month notice of his intention to resign from the services of the Institution.
- 33.2 A permanent employee under teaching category may resign from the services of the Institution by giving prior notice of not less than three months to the academic year closure date or as per the guidelines from respective regulatory authority or as per the terms and conditions of employment of such an employee.
- 33.3 The Management may at its discretion waive or reduce the requirement of notice period or payment of emoluments in lieu of such notice period.
- 33.4 The Management may refuse to accept the resignation of an employee during the pendency of any departmental proceedings against him, if the Management desires to continue the proceedings.
- 33.5 If an employee gives notice of his intention to resign, the Management may accept the resignation and release him at once or at any time before the date of expiry of the notice period in which case he will be paid only for the period he actually works.
- 33.6 An employee on probation or fixed term employment or a part time employee may resign from service by giving requisite notice in writing as per the terms and conditions set out in his appointment order.
- 33.7 No employee shall resign by sending undated or predated letter.
- 33.8 An employee shall not ordinarily resign from the services without adhering to the terms and conditions thereof, in contravention of the above, during the course of an academic year.

34. Retirement/ Superannuation

- 34.1 The age of retirement of an employee of the Institution is at the completion of sixty years. The Management may at its discretion, re-appoint to avail the services of an employee who has completed sixty years of age by an order in writing for a fixed term.
- 34.2 An employee shall retire from the services on the last day of the calendar month in which he completes sixty years of age.

35. Voluntary Retirement

- 35.1 An employee may opt for voluntary retirement after attaining the age of 55 years provided he has completed active service of 25 years in SDMIMD, by giving three month notice in writing. The notice period counts from the date of acknowledgement issued by the Management.
- 35.2 The right to accept the voluntary retirement request of an employee remains solely at the discretion of the Management.
- 35.3 Employees who exit on voluntary retirement and superannuation are treated on par for the purpose of retirement benefits such as gratuity and encashment of leave.

36. Discharge from Service or Termination of Employment

- a. The Management shall have the right to terminate the service of a permanent employee for proper reason by giving three month advance notice or three month pay in lieu of notice subject to the provisions of the Karnataka Education Act, 1983.
- b. No notice is necessary in the case of termination of the services of temporary or probationary or part time employee or fixed term employee and their services may be terminated at any time subject to provisions of law applicable in such cases.
- c. The services of an employee of the Institution found guilty of any acts of misconduct may be terminated by the Management in accordance with the provisions contained in these Service Regulations;

- d. Retrenchment of any employee shall be done as per the provisions of the Karnataka Education Act, 1983 and the Rules framed there under.
 - e. An employee of the Institution may be discharged from service on the grounds of mental or physical unfitness when so certified by the competent medical authority. An order relating to discharge or termination of service shall be in writing, under the orders of authorized signatory, and shall be served on the employee concerned.
- 38 The employee who exits due to his termination/ dismissal/ discharge / removal / compulsory retirement from the services, shall give complete account of the Institution's property, more fully mentioned here-under:
- a) On termination /dismissal /discharge /removal / compulsory retirement from service, an employee shall hand over / give proper account of identity card, reports and records, papers, books, tools, instruments and any other property belonging to the Institution in his possession, custody or charge, before settlement of outstanding salary and other benefits due to him.
 - b) The value of all shortages / damage to the Institution's property which was in the employee's possession, custody or charge shall be recoverable from him and without prejudice to any other mode of recovery, may be recovered by adjustment against whatever dues are payable to him by the Institution.
 - c) The employee shall be required to compensate for all losses/ damages caused by him to the Institution's premises and all movable property therein.
 - d) Failure to comply with all or any of the above provisions shall entitle the Institution to withhold the employee benefits due to him and make appropriate recovery therefrom and to take such other action as deemed fit in the circumstances of the case, which may also include initiation of legal proceedings against the employee.

39. **TERMINAL BENEFITS**

- 39.1 **Provident Fund:** Employees are eligible for Provident Fund benefits as per the provisions of "the Employees Provident Funds and Miscellaneous

Provisions Act, 1952" and the scheme framed thereunder by the Government of India from time to time.

- 39.2 **Gratuity:** Employees are eligible for gratuity benefits as per the provisions of "Payment of Gratuity Act 1972" and the rules framed thereunder from time to time. All employees working without break continuously on whole time basis for 5 years and above are eligible for gratuity.
- 39.3 Terminal benefits to Grant-in-aid employees shall be as per the rules applicable to them under the guidelines framed by the respective regulatory authority and they are not eligible for any terminal benefits from SDMIMD.

CHAPTER-XI

CODE OF CONDUCT

40. Rules of Code of Conduct

40.1 Every employee of SDMIMD, irrespective of his cadre, seniority or position, shall be governed by the Code of Conduct as specified in this Chapter and every employee shall be liable for disciplinary action for breach of any provision of the Code of Conduct.

41. Compliance with Law, Ethical Conduct and Respect for Human

41.1 Conscious of being part of the Institution, employees shall comply with all applicable laws of land and regulations, and conduct themselves as members of a law abiding Trust in an ethical and responsible manner while maintaining a high level of corporate and employee ethics.

41.2 Employees shall familiarize themselves with the cultures, customs and history of the Institution while performing their duties for the Institution and respect them.

41.3 Employees shall respect human rights and shall not discriminate against persons for reasons based on caste, creed, sex, language, social status, age or physical / mental disability.

41.4 Employees shall not indulge knowingly or unknowingly in any act deemed to be contrary to the established laws of the state and/ or any other statutory bodies including rules and regulations, terms and conditions made for this purpose.

41.5 Employees shall discharge duties with utmost integrity, discipline, honesty, devotion and diligence and do nothing which is unbecoming of an employee or which is likely to tarnish the image of the Institution.

41.6 Employees shall not take active part in politics and /or stand for election.

41.7 Employees shall not bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service.

- 41.8 Employees shall constantly strive and behave in good manner for the sake of upholding good reputation of the Institution amongst the public.
- 41.9 Employees shall not be guilty of any act or any conduct which involves moral turpitude.
- 41.10 Employees shall be punctual in attendance and in respect of the work assigned.
- 41.11 Employees shall possess valid Identity Card issued by the Institution, while on duty.
- 41.12 Employees shall not remain absent from duty without sanctioned approval from the appropriate authority.
- 41.13 Employees shall not neglect duties assigned, knowingly and /or intentionally.
- 41.14 Employees shall not demand dowry and get involved or support any act of the nature of domestic violence.
- 41.15 No employee shall indulge in or encourage any form of malpractice connected with any activity (teaching or administrative) of the SDMIMD. Disregarding or failing to comply with this standard of work ethics and conduct shall lead to disciplinary action. Cases of fraud and dishonesty will attract penalty of dismissal.

42. **Office Environment, Sexual Harassment and Improper Behavior**

- 42.1 In order that the employees with their individuality and diversity perform their duties towards the Institution to the best of their ability, employees shall respect the character and individuality of one another and make every effort to ensure that the office decorum is maintained, thereby making it comfortable zone to work.
- 42.2 Employees shall not engage in any sexual harassment or any other behavior which may appear to be sexual harassment or make others feel uncomfortable. The Institution reaffirms its policy of zero-tolerance to sexual harassment and is committed to create an environment that

respects and protects the rights of all its employees, irrespective of their gender.

42.3 Employees shall not involve in any improper behaviors including drug and alcohol consumptions and activities related to gambling.

42.4 Employees shall not disturb the sound discipline, environment and good order of the office by conduct which is contrary to public order/ good moral standards.

43. Fair Trade Practices; Procurement Activities

43.1 Employees shall consistently ensure fairness and justness in selecting suppliers, and avoid any potential "conflict of interest" while striving to procure the most superior goods and services.

43.2 No employee other than the one authorized by the Management shall interact with the media on matters concerning the Institution.

44. Conflicts of Interest and Distinction between Public and Private

44.1 Employees shall not use the Institution's property, assets including telephone, internet or information system for any purpose other than for official purpose.

44.2 Employees shall not, without the prior approval of the Management, be engaged in any other occupation, profession, business provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character, or participate in sports activities as amateur, subject to the condition that the same does not come in the way of discharging official duties effectively.

45. Favors and Gifts

45.1 An employee shall not accept or permit any member of his family or any other person acting on his behalf to accept any economic favors such as money, gifts or other favors in return for the performance of his duty, by virtue of his position in the Institution.

46. Treatment of Information {Privacy Code}

- 46.1 Employees are liable to maintain strict control of secrets, plans and policies, customer data base and information, software and hardware configuration and technology/ software used by the Institution, its reverse engineering, etc., information which may affect the goodwill, rights, titles of the Institution and personal information held by and pertaining to the Institution and do not divulge such information to any third party or use it for any purpose other than for the affairs of Institution.
- 46.2 Employees shall treat any confidential information disclosed by a third party in the same manner as if it were the confidential information of the Institution.
- 46.3 If an employee of the Institution becomes acquainted with any important information pertaining to the Institution thereof which may materially influence the interest of the Institution and its activities, he will be under fiduciary duty of not disclosing such information in the interest of the Institution, unless the Management makes it known to public.

47. Compliance with Procedures of various Business Laws and Regulations

- 47.1 Employees shall be aware of the contents of the laws and regulations applicable to the services for which they are responsible and shall comply with the prescribed procedures for obtaining permits and other procedures.

48. Institution Funds and Accounting Reports

- 48.1 Employees shall properly manage the Institution's assets and funds and use them only for appropriate purposes. Employees shall not establish or maintain any off-Balance Sheet assets or funds.
- 48.2 Employees shall make timely and appropriate accounting reports by consistently ensuring the accuracy thereof and shall not make any false or misleading entries in accounting books and records.

49. Social Contribution

- 49.1 As good corporate citizens, employees should strive to maintain harmony with the local or global communities in which they perform and to improve corporate value on a sustainable basis by building trusting relationships with the various customers /stakeholders in the Institution. At the same time, employees shall make positive social contributions towards the realization of thriving and hospitable local or global communities and shall work to create a sustainable Trust.
- 49.2 No employee shall indulge and/ or support communal violence and sectarian approach.

50. Protection of the Environment

- 50.1 Employees shall comply with all laws and regulations concerning environmental protection and actively engage in educational activities related to environmental protection and the efficient use of resources and energy.
- 50.2 Employees shall contribute to the development and spread of environmental friendly technologies and shall always take into consideration issues of safety.

51. Action against Anti-social Group

- 51.1 If an unreasonable demand is made by an anti-social group, such as corporate racketeer or an organized crime group, employees shall steadfastly refuse such demands and shall not resort to an easy monetary settlement.
- 51.2 Employees shall not enter into any transaction with any anti-social group or any entity connected therewith.

52. Quality of Service and Protection of Customer Data

- 52.1 Employees shall give highest priority to customer safety and protection of customer data, and trust and shall seek to secure, in line with the related laws and regulations as well as related internal rules, etc., adequacy and safety at all stages.

52.2 Employees shall be willing to listen with sincerity to the opinions of customers, their grievances and shall reflect upon them in carrying out the situation in efficient and effective manner in present as well as in future.

53. Reporting Route, Sanctions and Protection to the Reporter

53.1 If employees find evidence or indication of any violation of these guidelines, they shall report it to or seek consultation with respect thereof with their direct superiors or Competent Authority of the Institution.

53.2 Employees shall co-operate in any investigation of such alleged violation. If, as a result of an investigation, it becomes clear that there was a violation of these guidelines, sanctions will be imposed on the violator and / or his superior/s in accordance with the employment regulations and other rules of the Institution.

53.3 Institution ensures that no retaliatory action will be taken against employees for reporting an alleged violation, and the Institution will undertake every effort to protect these employees from suffering any disadvantage at their respective work places.

54. In addition to the above, the following shall apply to teaching staff in particular

i) With loyalty, sense of dedication and courteous behavior at all times, he should be an inspiration to the students

ii) under his care he should do and say all that is in his power to promote harmony and team spirit among members of staff and encourage helping one another

iii) He is expected to be objective in his judgments and should not make any sustained neglect in correcting the assignments done by the students

iv) He shall not be late to class and while in class, shall use the entire time for teaching which should include varied techniques

v) "Off class" periods shall normally be spent in preparation of lessons and evaluation of submission by students, counselling the students and

helping the authorities by taking up additional responsibilities as specified from time to time

- vi) Complaints from the parents, if any, are to be properly addressed, by respecting their views and proper handling of the issues raised by them
- vii) He shall promote students for extensive use of library and technology

55. Penalties

For violation of any of the rules contained herein or any orders issued by the Institution or for any other reason considered appropriate, an employee shall be liable for any sanctions /penalties which refers to and follows disciplinary procedure.

56. Acts of Misconduct

Notwithstanding to the general meaning of the terms of misconduct, the following acts and/ or omissions, which are illustrative and not exhaustive, shall be treated as minor or major misconduct within the meaning of these Regulations:

57. Minor Misconduct

- a. Willful slowing down in performance of work or abetment or instigation thereof or fasting with an explicit view to influence the decision of the Management
- b. Non-observance of safety measures or failure to use safety appliances like helmets, seatbelts, etc., or interference with safety devices or fire-fighting equipment or dis- obedience of a safety instruction by the superior
- c. Carrying Institution's goods, files or office documents to home or any other place outside the work premises without prior permission in writing from the appropriate authority
- d. use of any of the Institution's facility /equipment or any other thing for personal use without sanction or authority
- e. Habitual late attendance and /or absence without leave and/ or late attendance on more than three occasions in a month or similar omissions of leaving the office premises before office time

- f. Assaulting, abusing or intimidating any employee of the Institution either within the premises, campus or at any other place
- g. Money lending or other private business without the written permission of the Management or having private financial dealings with persons or firms who have business relations with the Institution, for the sale and purchase of any material or equipment or for any other purpose.
- h. Holding meetings within the work premises or any other premises owned by the Institution without prior written permission of the Management.
- i. Habitual neglect of work or negligence in work.
- j. Obtaining or attempting to obtain leave of absence on false pretext
- k. Publication of any article relating to the work of the Institution without obtaining prior written permission of the Management
- l. Handling or attempting to handle any machine, equipment, apparatus or vehicle not entrusted to the charge of the employee
- m. Interfering in the work of other employees and/ or the Management
- n. Doing private or personal work within the work premises without the prior permission of the appropriate authority
- o. Refusing to undergo training as and when required by the Management
- p. Striking work or adopting go-slow methods, either singly or along with others, in contravention of these regulations or any statute, law, agreement, memorandum of settlement agreed from time to time and for the time being in force Inciting, whilst on the premises of the employer, any employee or employees to strike work or adopt go-slow methods.
- q. Drunkenness, fighting, riotous, indecent or disorderly behavior or conduct likely to cause breach of peace or conduct endangering the life or safety of any other person
- r. Indiscipline or breach of any rules or instructions for the maintenance and/ or instructions for running of any department or maintaining its cleanliness

- s. Displaying or distributing in the Institution premises hand-bills, pamphlets, play cards, posters, banners without the prior written permission of the employer / Management
- t. Spitting, gossiping within the premises of the Institution
- u. Sleeping or dozing whilst on duty
- v. Absence from place of work without the permission from next higher authority / HOD / office manager, as the case may be
- w. Interference, tampering with records, attendance registers, etc., either pertaining to himself or other employees
- x. Willful non-cooperation with fellow employee for proper discharge of duty at any time
- y. Giving interview to press, radio and television without permission from the Management
- aa. Loitering, idling or wasting time during working hours
- bb. Not wearing the complete uniform provided by the Institution, if any, during working hours or wearing uniform improperly while on duty
- cc. Not obliging for security check by the security personnel at the gates and / or not possessing Employee Identity Card issued by the Institution while on duty
- dd. Riotous or disorderly behavior during working hours or any act subversive of discipline at the Institution premises or within the campus
- ee. Carrying concealed weapons, quarrelling, fighting, causing or attempting to cause bodily injury to another employee, drunkenness, boot legging or conduct which violates the common decency or morality of the community or threatening or intimidating any employee of the Institution
- ff. Committing nuisance in the Institution premises
- gg. Refusing to accept transfer order
- hh. Proxy punching/ registering of attendance or abetting in the act of punching/ registering attendance of another employee

58. Major Misconduct

- a. Striking work or inciting others to strike work in contravention of the provision of any law or rule having the force of law
- b. Theft, fraud, breach of trust or dishonesty by misappropriation of funds in connection with or damage to the Institution's property or of another employee within the work premises
- c. Disclosing to an unauthorized person or persons any confidential information with regard to work or any techniques used in the Institution which comes into the possession of an employee during the course of his duty
- d. Giving false information regarding one's name, father's / husband's name, date of birth, qualification, details of previous employment/ salary particulars, address, etc., at the time of securing employment or thereafter
- e. Demanding, taking or giving bribes/ gifts or any illegal gratification or indulging in any corrupt practice and/ or lending or borrowing money to and from subordinate employee
- f. Canvassing for a Union or an association or party membership within the Institution premises or collection of union dues or subscription within the premises without permission or except in accordance with the provision of any rules or law for the time being -in force
- g. Refusal to work on a job or a mission, which does not call for any additional skill or experience and can be done by the employee without adversely affecting his service conditions
- h. Attempting to obtain any benefit under false pretext or by making false statements
- i. Bringing or possessing or using alcoholic drinks, charas, bhang, ganja within the Institution's premises or reporting for work while under the influence of alcoholic drinks, drugs or narcotics

- J. Refusal to accept a charge sheet, a lawful order from a higher authority or any other communication from the Competent Authority either in person, by post or through courier
- k. Habitual breach or gross and/ or deliberate violation of service regulations / internal rules and regulations
- l. Photo or otherwise copying and taking the extracts of official documents with a view to keeping /storing them at home or to maintain files at home
- m. Not informing the Management, when an employee comes to know about the breach of trust committed by another employee
- n. Writing of anonymous or pseudonymous letters, criticizing superiors or co- employees of the Institution and making false reports against them
- o. Any act subversive of discipline and efficiency and any act involving moral turpitude committed within the premises of the Institution, campus and outside, if the same has bearing on the services of the employee
- p. Threatening or intimidating any employee within the premises /campus of the Institution or outside, on matters concerning the Institution
- q. Gambling or money lending or doing any other private business within the premises /campus of the Institution
- r. Resorting to picketing, hunger strike with allegations against higher authority /Institution, whether within the premises of the Institution or outside, on matters concerning the Institution
- s. Theft of property belonging to the Institution or other employees within the Institution premises
- t. Indulging in political activities within the Institution premises
- u. Falsification of record and /or defalcation
- v. Spreading or giving false information which may bring disrepute to the Management or is employees or willfully spreading panic among the employees
- w. Any act of misconduct committed by employee outside the Institution premises which are rationally connected with the Institution

- x. Forging the signature of a superior or that of any other person
- y. Conviction by a Court of Law for any offense involving moral turpitude
- z. Sexual harassment to any female employee of the Institution. For this purpose, sexual harassment includes unwelcome sexually determined behavior (whether directly or by implication) such as:
 - i) Physical contact and advances
 - ii) Demand or request for sexual favors
 - iii) Sexually colored remarks
 - iv) Showing pornography
 - v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

59. Sexual Harassment Complaints Committee:

- a) Any female employee complaining of sexual harassment may lodge a complaint with the Complaints Committee.

The Committee will meet at such intervals as it may decide and consider complaints received in this behalf.

- b) The Complaints Committee shall, after conducting such enquiry as it deems fit on the complaints received, submit its findings to the Management. The said findings of the Committee shall be the basis for imposing punishment against the employee who is found guilty of sexual harassment.
- c) The Complaints Committee shall be constituted of 7 members of whom not less than 50 % shall be women members, three from the Management and three from employee cadre and one social worker/ legally trained person. A woman member from employee class shall be the chairperson of the Committee.

60. Interpretation of Misconduct:

- 60.1 An act on the part of an employee contrary to any of the Code of Conduct mentioned in this Chapter, with such other modifications brought in and

to be brought out from time to time by the Management with due notification to the employees and such of those acts of misconduct shall be construed to be as an act of misconduct on the part of the employee concerned, within the meaning of these regulations.

60.2 Any act mentioned as minor misconduct under these regulations can be treated as a major misconduct depending upon its gravity, at the sole discretion of the Disciplinary Authority, which will attract penalty as considered appropriate under the circumstances of the case.

61. Punishment for Misconduct

In awarding punishment under these Regulations, the Disciplinary Authority shall take into account the gravity of the misconduct, the previous record of the employee and any other extenuating circumstances that may exist.

62. Penalty for Minor Misconduct:

If the Disciplinary Authority is convinced that the employee is guilty and the nature of misconduct is treated as Minor Misconduct, any one of the following penalties may be imposed on the erring employee:

- a) Censure
- b) Warning
- c) Noting adverse remarks in personal records/ employee profile in the system
- d) Monetary fine or recovery of moiety
- e) Reduction in salary
- f) Stoppage of one or more increments without cumulative effect

63. Penalty for Major Misconduct:

If the Disciplinary Authority comes to a conclusion that the charges against the employee are proved after enquiry, and the nature of misconduct is treated as "major misconduct" in such a case, any one of the following penalties may be imposed.

- a) Monetary fine or recovery of moiety Reduction in salary

- b) Stoppage of one or more Increments with cumulative effect
- c) Withholding promotion
- d) Reversion to a lower grade of post or a lower stage in time scale
- e) Compulsory Retirement
- f) Discharge or removal from service which shall not be a disqualification for future employment
- g) Dismissal from service, which shall ordinarily be a disqualification for future employment

CHAPTER - XII

DISCIPLINARY ACTION PROCEDURE

Whenever an incidence of an act of misconduct by an employee surfaces and comes to the notice of the Disciplinary Authority, it shall call for details to review and decide on the gravity and nature of misconduct and also to decide further course of action to be initiated.

64. SUSPENSION

- a) Where disciplinary proceedings against an employee is contemplated or is pending or where criminal proceedings are initiated against him in respect of any offence or under investigation or trial and the Management is satisfied that it is necessary or desirable to place the employee under suspension, it may, by an order in writing, suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the employee within a week from the date of suspension.
- b) An employee who is placed under suspension under clause (a) above shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely:
 - i) Where the enquiry contemplated or pending is departmental, the subsistence allowance shall, for the first ninety days from the date of suspension, be equal to one half of the basic salary, applicable dearness allowance and other allowances to which the employee would have been otherwise entitled if he were to be on leave with pay.
 - ii) If the departmental enquiry gets prolonged and the employee continues to be under suspension for a period exceeding ninety days, for reasons not directly attributable to the employee, subsistence allowance for such period shall be equal to three-fourths of his basic pay and applicable dearness allowance and other allowances;
 - iii) Where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the employee, for the period of

suspension exceeding ninety days, the subsistence allowance shall be reduced to one-fourth of such basic pay with corresponding dearness allowance and other allowances.

In cases (ii) and (iii) referred above, the reasons for the delay are to be properly recorded.

- iv) Where the enquiry is by an outside agency or where criminal proceedings against the employee are under investigation or trial the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic pay, applicable dearness allowance and other allowances to which the employee would have been entitled to, if he were to be on leave with pay. If such enquiry or criminal proceedings gets prolonged and the employee continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three-fourths of such salary.
- v) The payment of subsistence allowance under these regulations shall be subject to the employee not taking up any employment during the period of suspension. The Management can ask the employee concerned to mark his attendance during his suspension period and / or instruct the employee to submit a declaration at the end of every month that he was not employed during the period, before disbursing the subsistence allowance.
- c) During the period of suspension, if the employee concerned attains the age of superannuation, payment of subsistence allowance shall be stopped with effect from the deemed date of retirement. However, disciplinary action shall continue till a logical conclusion is arrived at and all terminal benefits shall be released only after final disposal of charge-sheet and awarding of punishment or exoneration, as the case may be, is conveyed to the employee by the appropriate authority.
- d) If on the conclusion of the enquiry as the case may be of the criminal proceedings, the employee is found guilty of charges framed against him and it is considered, after giving the employee concerned a reasonable opportunity of making representation on the penalty proposed, that an

order of dismissal or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the Management shall pass an order accordingly.

- e) In case the order of dismissal is issued to the employee, he shall be deemed to have been absent for duty during the period of suspension and shall not be entitled for salary for such period, but the subsistence allowance paid to him shall not be recovered. In case of other penalties imposed against the employee, the Management shall decide as to how the period of suspension shall be treated and decision of the Management shall be final.
- f) If on the conclusion of the enquiry, or as the case may be of the criminal proceedings, the employee is found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same salary as he would have received if he had not been under suspension. Accordingly, he is entitled to receive the differential amount, after deduction of the subsistence allowances paid to him for such period.

65. DISCIPLINARY ACTION PROCEDURE

65.1 Where the Disciplinary Authority is satisfied that the misconduct on the part of the delinquent employee is a "Minor Misconduct"- it may bring to his notice in writing the nature of misconduct on his part and call for explanation as to why disciplinary proceedings should not be contemplated against him. On receiving a written explanation from the delinquent employee, admitting the charges of misconduct levelled against him, the Disciplinary Authority may depending upon the gravity and nature of misconduct decide to

- a) allow the matter to rest by duly cautioning the employee
- b) impose any one of the penalties stipulated for "Minor Misconduct"

65.2 Where the delinquent employee from whom explanation is called for the alleged acts of minor misconduct contests the alleged acts of misconduct on his part, the Disciplinary Authority may decide either to initiate regular disciplinary proceedings against him or decide to impose any one of the penalties applicable for an act of "Minor Misconduct" duly informing him

in writing as to the nature of penalty decided to be imposed and proceed accordingly for imposing the penalty.

65.3 Where the Disciplinary Authority decides to contemplate disciplinary proceedings against a delinquent employee for his act of "Major Misconduct" or even in an act of specific "Minor Misconduct" where imposition of penalty is to be decided only upon conducting the process of disciplinary proceedings, the delinquent employee will be issued with a charge-sheet informing him of nature and details of misconduct on his part. An explanation will be called for in writing against the charges of misconduct levelled against him.

65.4 The following provision should be made in the charge-sheet

- a) Calling for a reply from the charge-sheeted employee to the charges levelled against him in the charge-sheet, by giving reasonable time
- b) Listing out all the documents relied upon by the Disciplinary Authority to establish the charges levelled against the charge-sheeted employee
- c) List of witness relied upon by the Disciplinary Authority in support of the charges levelled against the charge-sheeted employee.
- d) Upon receipt of the charge-sheet, the charge-sheeted employee may or may not submit his reply, because submission of reply to charge-sheet is not mandatory.
- e) Upon expiry of a reasonable period from the date of issuance of charge-sheet, irrespective of whether reply to the charge-sheet from the charge-sheeted employee is received or not, the Disciplinary Authority shall furnish the following
 - i. Making available photo copies of the documents relied upon by the Disciplinary Authority to establish the charges levelled against the charge-sheeted employee.
 - ii. Names of the witnesses relied upon the Disciplinary Authority to establish the charges levelled against the charge-sheeted employee
 - iii. Name and address of the Inquiring Authority appointed by the Disciplinary Authority to conduct the inquiry against the charge-sheeted employee

- iv. Name and address of the Presenting Officer appointed by the Disciplinary Authority to present the documents during the inquiry
- 65.5 Inquiry Authority to be appointed by the Disciplinary Authority shall be an individual from the institution and he shall not be below the rank of charge-sheeted employee.
- 65.6 Where the Disciplinary Authority decides to appoint a "Committee of persons" as Inquiry Authority, the Committee so constituted to conduct the inquiry should contain not less than three officials from the Institution, each not below the rank of the charge-sheeted employee.
- 65.7 During the enquiry, the employee shall be permitted to produce records and examine witnesses in his defence, peruse records produced in support of the allegations against him and cross-examine witnesses examined against his interest. Reasonable opportunity shall be given to the employee to defend his case, to explain his position with available documents.
- 65.8 The charge-sheeted employee has an option to represent his case during the conduct of inquiry by taking the assistance of another employee of the Institution, who will be called Defence Representative. The name and address of Defence Representative opted by the charge-sheeted employee shall be informed to the Inquiry Authority at the beginning of the inquiry itself. There is no provision to substitute the Defence Representative at any time during the course of inquiry. There is no provision to avail the services of an outsider or any legal practitioner to represent the charge-sheeted employee.
- 65.9 When inquiry is concluded, the inquiry authority shall submit its findings with reference to each and every charge levelled against the charge-sheeted employee in the charge-sheet. The findings should not be of descriptive nature but should confine to wordings "proved" or "not proved"; if not proved fully or partly, reasoning must be given by the inquiry authority.

65.10 Upon receipt of the report from the inquiry authority on the findings of the inquiry conducted, the Disciplinary Authority shall decide on the nature of punishment to be imposed to the charge-sheeted employee. In awarding the punishment, the Authority shall take into account the gravity of misconduct, the previous record of the employee and any other extenuating circumstances that may exist.

65.11 Where the punishment proposed to be imposed by the Disciplinary Authority is in the nature of

- 1) Compulsory Retirement Dismissal
- 2) Discharge
- 3) Removal from service, the Disciplinary Authority shall obtain the concurrence / views from the office of the Secretary at Ujire or Dharwad, as the case may be, and proceed further.

65.12 Where the punishment proposed to be imposed is decided to be Compulsory Retirement / dismissal / discharge or removal from service, the charge-sheeted employee shall be informed the nature of punishment proposed to be imposed on him, to provide him one more opportunity to explain as to why the proposed punishment should not be imposed on him. Upon receipt of reply from the charge-sheeted employee, the Disciplinary Authority shall take a final view on the course of action.

65.13 The order from the Disciplinary Authority covering the penalty imposed must specify the date from which the punishment imposed is effective. Such order of the Disciplinary Authority must be delivered to the charge-sheeted employee against his acknowledgement.

65.14 Where the penalty imposed is of the nature of compulsory retirement /dismissal /discharge or removal from service, requisite notice as applicable to termination of employee from service must be given or salary in lieu of notice period is to be paid.

66. Provision for Appeal

66.1 Aggrieved by the nature of penalty imposed by the Disciplinary Authority, the charge-sheeted employee may prefer an appeal to the Appellate

Authority in writing within a period of not more than 90 days from the date of the order imposing the penalty on him. However, the Appellate Authority may entertain the appeal received even after the specified period, if he is satisfied that the Appellant charge-sheeted employee had a sufficient cause / valid reasons for delayed submission of the appeal.

66.2 The Appellate Authority may call for additional documents to review before taking a decision on the appeal preferred by the Appellant charge-sheeted employee.

66.3 Written order of the Appellate Authority shall be communicated to the Appellant charge-sheeted employee within a reasonable period of time, against his acknowledgement and the same shall be binding on him in all respects.

67. MERCY AND REVIEW PETITION

After disposal of the appeal by the Appellate Authority, on receipt of the order passed by him, the aggrieved charge-sheeted employee may prefer a mercy petition or a review petition to the President. The President may call for the records of the case, review, and

- a) confirm, modify or set aside the order;
- b) remit the case to the authority which made the order or to any other authority directing further action or inquiry as he considers proper in the circumstances of the case;
- c) pass such other orders as he deems fit and necessary.

CHAPTER XIII

68. SERVICE CERTIFICATE

Every permanent employee shall be entitled to service certificate at the time of discharge or retirement or resignation or retrenchment from service.

69. SUFFICIENCY OF SERVICE OF NOTICE

Any Notice or Charge Sheet required to be delivered to an employee may be served personally or by registered post addressed to the last known address of the employee concerned. If the whereabouts of the employee are not known or if he avoids or refuses service, a copy of the Notice or Charge Sheet may be posted on the Notice Board of the Institution and such posting shall constitute adequate service of Notice or Charge Sheet as the case may be.