



भारतीय समुद्री विश्वविद्यालय
INDIAN MARITIME UNIVERSITY
(Central University, Govt. of India)

Ref. No. IMU/HQ/ADMN/Ordinance/2017

25.04.2017

CIRCULAR

[Executive Council resolution No. EC 2017-38-20]

Sub: Amendment to 'Ordinance Governing the Control and Appeal of the Employees of the University' – Reg.

Ref: Executive Council resolution vide item no. EC 2017-38-37.

"Ordinance Governing the Control and Appeal of the Employees of the University"

PART – I GENERAL

1. (1) This Ordinance replaces "Chapter 3 - Ordinances Governing the Control and Appeal of the Employees of the University" that was notified in the Official Gazette No. 76 on 12.05.2009.
- (2) It shall be deemed to have come into force from 14th November 2008.
2. In this Ordinance unless the context otherwise requires:-
 - (a) "Appointing Authority" means the authority empowered to make appointments.

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- (b) "Disciplinary Authority" in relation to the imposition of penalty on an employee means the authority as such competent under this Ordinance to impose on him any of the penalties specified in para 6.
 - (c) "Employee" means any teacher or non-teaching staff of the University who has been appointed by the University or who stood transferred to the University by virtue of Section 49 of the IMU Act 2008 and includes deputationists of the University.
3. This Ordinance shall apply to all the employees of the University except persons on daily wages/consolidated pay.

If any doubt arises as to whether this Ordinance applies to any person, the matter shall be referred to the Executive Council which shall decide the same.

4. Nothing in this Ordinance shall operate to deprive any employee of any right or privilege to which he is entitled by the terms of any agreement subsisting between any such person and the University on the commencement of this Ordinance.

"PART – II SUSPENSION

- 5.(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered by the Executive Council in that behalf may place an employee under suspension –
- (a) where a disciplinary proceeding against him is contemplated or is pending or



(b) where a case against him in respect of any criminal offence is under investigation, enquiry or trial:

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

Note: The Registrar shall be the competent authority to suspend non-teaching employees of Group 'B' and Group 'C'; the Vice Chancellor shall be the competent authority to suspend teaching as well as non-teaching employees of Group 'A'; while the suspension of the Pro-Vice Chancellor, Registrar, Controller of Examinations, Finance Officer and Campus Directors shall be done by the Executive Council.

(2) An employee shall be deemed to have been placed under suspension by an order of appointing authority:-

(a) with effect from the date of this detention if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours.

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation: The period of forty-eight hours referred to in para 5(2)(b) shall be computed from the commencement of the imprisonment after the



conviction and for this purpose intermittent period of imprisonment, if any, shall be taken into account.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service, imposed upon an employee under suspension is set aside on appeal or on review under this Ordinance and the case is remitted for further enquiry or action or with any direction, the orders of his suspension shall be deemed to have continued in force on and from the date for the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further enquiry against him on the allegation which the penalty of dismissal, removal, or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.



(5) (a) An order of suspension made or deemed to have been made shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any such proceedings.

(c) An order of suspension made or deemed to have been made may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(d) An order of suspension made or deemed to have been made shall be reviewed by the authority competent to modify or revoke the suspension, before the expiry of one hundred and eighty days from the effective date of suspension and pass orders either extending or revoking the suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under para 5(2), if the employee continues to be under suspension at the time of completion of one hundred and eighty days of suspension and the one hundred eighty days period in such case will count



from the date the employee detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later.

PART – III PENALTIES AND DISCIPLINARY AUTHORITIES

6. The following penalties may for good and sufficient reasons and as hereinafter provided, be imposed on an employee namely:-

Minor Penalties

- (i) Censure
- (ii) Withholding of promotion
- (iii) Recovery from the pay of the whole or part of any pecuniary loss caused by him to the University by negligence or breach of laws of the University or directions of superior authorities.
- (iv) Withholding of increments of pay. Provided that where such an order cannot be given effect to for any reason, the monetary value equivalent to the amount of increments ordered to be withheld can be recovered from pay to the extent necessary.

Major Penalties

- (v) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the further increments of his pay.



- (vi) Reduction to a lower time-scale of pay, grade or post or service shall ordinarily be a bar to the promotion of the employee to the time-scale of pay grade, post or service from which he was reduced with or without further directions regarding conditions of restoration to the grade or post of service from which such reduction has been made.
- (vii) Compulsory retirement
- (viii) Removal from service.
- (ix) Dismissal from service

Explanation: The following shall not amount to a penalty within the meaning of this para, namely:-

- (a) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
- (b) Non promotion of an employee whether in a substantive or officiating capacity, after consideration of his case for promotion to a grade or post to which the employee is eligible;
- (c) Reversion of an employee appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the laws and orders governing such probation.
- (d) Reversion of an employee officiating in a higher grade or post to a lower grade or post, on the ground that the employee is considered to be unsuitable for such higher grade or post or on any administrative ground unconnected with the conduct.



- (e) Replacement of the services of an employee, whose services had been borrowed from outside authority, at the disposal of such authority.
- (f) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.
- (g) Termination of the services :-
 - i. of an employee appointed on probation during or at the end of the period of his probation on grounds of unsatisfactory performance or gross indiscipline or grave misconduct; or
 - ii. of a temporary employee in accordance with the terms of appointment; or
 - iii. of an employee employed under an agreement, in accordance with the terms of such agreement.

7. (1) The Executive Council may impose any of the penalties specified in para 6 on any employee except the imposition of a Major Penalty on a deputationist or a deemed deputationist which must be referred to the concerned appointing authority.

(2) The Vice-Chancellor may impose on any employee any of the Minor Penalties specified in clauses (i), (ii), (iii) and (iv) of para 6.

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(3) The Registrar may impose on any non-teaching employee of Group 'B' or Group 'C' any of the Minor Penalties specified in clauses (i), (ii), (iii) and (iv) of para 6.



Provided that an appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any penalty.

8. (1) The Executive Council or any other authority empowered by it by general or special order may –
 - (a) Institute disciplinary proceedings against any employee;
 - (b) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under this Ordinance any of the penalties specified in para 6.
- (2) A disciplinary authority competent under this Ordinance to impose any of the penalties specified in clauses (i) to (iv) of para 6 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clause (v) to (ix) of para 6 notwithstanding that such disciplinary authority is not competent under those rules to impose any of the latter penalties, and shall make a report to the Executive Council along with its recommendations.”

PART – IV PROCEDURE FOR IMPOSING PENALTIES

9. (1) No order imposing any of the penalties specified in clauses (v) to (ix) of para 6 shall be made except after an enquiry held as may be, in the manner provided in this para and para 11.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for enquiry into the truth of any imputation of misconduct or misbehaviour against any employee. It may itself enquire into, or appoint under this para an authority to enquire into the truth thereof.



Explanation: Where the disciplinary authority itself holds the enquiry, any reference in sub-para (7) to sub-para (20) (22) to the enquiring authority shall be construed as a reference to the disciplinary authority.

- (3) Where it is proposed to hold an enquiry against an employee under this para and para 11, the disciplinary authority shall draw up or cause to be drawn up:
 - (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
 - (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain:
 - (a) A statement of all relevant facts including any admission or confessions made by the employee.
 - (b) A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.
- (4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained, and shall require the employee to submit within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.
- (5)(a) On receipt of the written statement of defence the disciplinary authority may itself enquire into such of the articles of charge as are not admitted, or



if it considers it necessary to do so, appoint under sub-para (2) an Inquiring authority for the purpose and where all the articles of charge have been admitted by the employee in his written statement of defence the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Para 10.

(b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-para (2) an Inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any article of charge or appoints an Inquiring authority for holding an Inquiry into such charge, it may by an order, appoint an employee to be known as the "presenting officer" to present on its behalf the case in support to the articles of charge.

(6) The disciplinary authority shall, where it is not the inquiring authority forward to the Inquiring authority.

(i) a copy of the articles of charge and statement of the imputations of misconduct or misbehaviour ;

(ii) a copy of the written statement of defence, if any, submitted by the employee;

(iii) a copy of the statements of witnesses, if any, referred to in sub para (3);

(i) evidence proving the delivery of the documents referred to in sub-para (3) to them;

(ii) a copy of the order appointing the Presenting Officer.

- (7) The employee shall appear in person before the enquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour as the Inquiring authority may, by a notice in writing specify in this behalf, or within such further time, not exceeding fifteen days, as the inquiring authority may allow.
- (8) The employee may take the assistance of any other employee to present the case on his behalf but shall not engage a legal practitioner for the purpose.
- (9) If the employee who has not admitted any of the articles of charge in his written statement of defence, appears before the Inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.
- (10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.
- (11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead guilty, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that employee may for the purpose of preparing his evidence;

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-para (3)
- (ii) submit a list of witnesses to be examined on his behalf.

Note: If the employee applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-para (2) the inquiring authority shall furnish to the employee with such copies as early as possible and in any case not less than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

- (iii) Give a notice within ten days of the order or within such further time not exceeding ten days as an inquiring authority may allow, the production of any documents which are in possession of the University but not mentioned, in the list referred to in sub-para 3.

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

- (12) The inquiring authority shall, on receipt of the notice for the production of documents forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that, the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its

opinion, not relevant to the case or not in the best interests of the University.

- (13) On receipt of the requisition referred to in sub-para (12) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that, if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents could be against the public interest of the University, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicated the information to the employee and withdraw the requisition made by it for the production of such documents.

- (14) On the date fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witness shall be examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross examined. The inquiring authority may also put such questions to the witnesses as it thinks fit.

- (15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, may in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee, or may itself call for new evidence or recall and re-examine any witnesses and in such case the employee shall be entitled to have, if he demands it, a copy



of the list of further evidence proposed to be produced and an adjournment of the inquiry for at least three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interests of justice.

Note: New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) When the case of the disciplinary authority is closed, the employee shall be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.
- (17) The evidence on behalf of the employee shall then be produced. The employee may examine himself in the own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority.
- (18) The inquiring authority may, after the employee closes his case, and shall if the employee has not examined himself generally question him on the

circumstances appearing against the employee in the evidence for the purpose of enabling the employee to explain any circumstances appearing in evidence against him.

- (19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective case, if they so desire.
- (20) If the employee to whom the copy of the articles of charge has been delivered, does not submit the written statement of the defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this para, the inquiring authority may hold the inquiry *ex-parte*.
- (21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of para 6 but not competent to impose any of the penalties specified in clauses (v) to (ix) of the para has itself enquired into or caused to be inquired into the articles of any charge and that authority having regard to its own findings or having regard to its decision on any of the opinion that the penalties specified in clauses (v) to (ix) of para 6 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
- (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witnesses



and may impose on the employee such penalty as it may deem fit in accordance with this Ordinance.

- (22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by itself.

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- (23) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain –
- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (b) the defence of the employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge.
 - (d) the findings on each article of charge and reasons therefor.

Explanation:



If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of the charge different from the original articles of the charge, it may record its findings on such article of charge:

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

- (ii) The inquiring authority, where it is not itself the disciplinary authority shall forward to the disciplinary authority the records of inquiry which shall include –
 - (a) The report prepared by it under clause (i)
 - (b) The written statement of defence, if any submitted by the employee;
 - (c) The oral and documentary evidence produced in the course of the enquiry.
 - (d) Written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiry and
 - (e) The order, if any made by the disciplinary authority and the inquiring authority in regard to the inquiry.

- 10. (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of para 9 as far as may be.



- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
 - (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clause (i) to (iv) of para 6 should be imposed on the employee, it shall notwithstanding anything contained in para 11, make an order imposing such penalty.
 - (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of para 6 should be imposed on the University employee, it shall make an order imposing such penalty and it shall not be necessary to give the University employee any opportunity of making representation on the penalty proposed to be imposed.
- 11.(1) Subject to the provision of sub-para (3) of para 10, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of para 6 shall be made except after –
- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of



- making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in sub-paras (3) to (23) of para 9 in every case in which the disciplinary authority is of the opinion that such inquiry is necessary.
 - (c) Taking the representation if any, submitted by the employee under clause (a) and the record of inquiry, if any, held, under clause (b) into consideration, and
 - (d) recording a finding on each imputation of misconduct or misbehaviour;
- (2) Notwithstanding anything contained in clause (b) of sub-para (1) if in a case it is proposed, after considering the representation, if any, made by the employee under clause (a) of that sub-para to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-para (3) to (23) of para 9, before making any order imposing on the employee any such penalty.
- (3) The record of the proceedings in such cases shall include –
- (a) a copy of the intimation to the employee of the proposal to take action against him;
 - (b) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
 - (c) his representation, if any,



- (d) the evidence produced during inquiry;
- (e) the findings on each imputation of misconduct or misbehaviour; and
- (f) the orders on the case together with the reasons thereof.

12. Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of inquiry, if any, held by the disciplinary authority and a copy of its findings, on each article of charge, or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority unless they have already been supplied to him.

13. (1) Where two or more employees are concerned in any case, the Executive Council or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Subject to the provisions of sub-para (2) of para 7 any such order shall specify

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;
- (ii) the penalties specified in para 6 such disciplinary authority shall be competent to impose;
- (iii) whether the procedure laid down in para 9 and para 10 or para 11 shall be followed in the proceedings.



14. Notwithstanding anything contained in para 9 to para 13 –

- (1) where any penalty is imposed on an employee on the ground of conduct which has led to this conviction on a criminal charge, or
- (2) where the disciplinary authority is satisfied, for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in this Ordinance,

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

15.(1) Where the services of an employee are lent to an outside authority (hereinafter in this para referred to as the 'borrowing authority') the borrowing authority shall have the power of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceedings against him;

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

- (2) In the light of the findings in the disciplinary proceeding conducted against an employee

- (i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of para 6 should be imposed on the employee, it may after consultation with the University, make such orders on the case as it deems necessary;

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

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of para 6 should be imposed on the employee it shall replace his services at the disposal of the University and transmit to it the proceedings of the inquiry and thereupon the University may pass such orders thereon as it may deem necessary; Provided that, before passing any such order, the disciplinary authority shall comply with the provisions of sub-para (3) and (4) of para 10.

Explanation : The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, after holding such further inquiry as it may deem necessary, as far as may be, in accordance with para 9.

16. (1) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services have been borrowed from an outside authority lending his services (herein after in this para referred to as "the lending authority"), the lending authority shall forthwith be informed of the circumstances leading to the order of the suspension of the



employee or of the commencement of the disciplinary proceedings, as the case may be

(2) If, in the light of the findings in the disciplinary proceedings conducted against the employee, the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of para 6 should be imposed on him, it may, subject to the provisions of sub-para (3) of para 10, after consultation with the lending authority, pass such orders on the case as it may deem necessary:

(i) Provided that in the event of a difference of opinion between the University and the lending authority, the services of the employee shall be placed at the disposal of the lending authority for further action. Provided further that this shall not be applicable to the case of deemed deputationists who stood transferred permanently to the University under Section 49(i) of the IMU Act 2008. In the case of deemed deputationists, in the event of a difference of opinion between the University and the Director-General of Shipping, the matter shall be referred to the Ministry of Shipping whose decision shall be final.

(ii) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of para 6 should be imposed on the employee it shall transmit the proceedings of the inquiry to the lending authority for such action as it may deem necessary.

PART – V APPEAL

17. Notwithstanding anything contained in this part, no appeal shall lie against –



- (i) any order made by the Executive Council ;
- (ii) any order of an interlocutory nature other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under para 9.

18. Subject to the provisions of para 17, an employee may prefer and appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under para 5.
- (ii) an order imposing any of the penalties specified in para 6 whether made by the disciplinary authority or by an appellate authority;
- (iii) an order enhancing any penalty imposed under para 6;
- (iv) an order which -
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service, as regulated by rules or by agreement;
or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) An order –
 - (a) stopping him at the efficiency bar in the-time scale of pay on the ground of his unfitness to cross the bar;
 - (b) reducing or withholding the pension or denying the maximum pension admissible to him under the paras;



- (c) reverting him, while officiating in a higher grade or post to a lower grade or post otherwise than as a penalty;
- (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowances;
 - i. for the period of suspension ; or
 - ii. for the period from the date of his dismissal, removal, or compulsory retirement from service or from the date of his reduction to a lower grade, post, time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement, or reduction to a lower grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement to his service, grade or post shall be treated as a period spent on duty for any purposes.

Explanation: In this para, the expression 'employee' includes a person who has ceased to be in the service of the University.

The expression 'pension' includes additional pension, gratuity and any other retirement benefits.

19. (1) An employee, including a person who has ceased to be in the service of the University, may prefer an appeal against all or any of the orders specified in para 18 to the Executive Council or the Appointing Authority concerned.

(2) Notwithstanding anything contained in sub-para (1) –

(a) An appeal against an order in common proceeding held under para 13 will lie to the authority to which the authority functioning as the disciplinary authority for the purposes of that proceeding is immediately subordinate.

(b) Where the person who made the order appealed against becomes by virtue, of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

20. No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of sixty days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

21. (1) Every person preferring an appeal shall do so separately and in his own name.



(2) The appeal shall be presented to the authority to whom the appeal lies a copy being forwarded by the appellant to the authority which made the order appealed against. It shall not contain any disrespectful or improper language and shall be complete in itself.

(3) The authority which made the order appealed against shall on receipt of copy of the appeal, forward the same with its comments thereon together with the relevant records, to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

22.(1) In the case of an appeal against an order of suspension the appellate authority shall consider whether in the light of the provisions of para 5 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in para 6 or enhancing any penalty impose under the said para the appellate authority shall consider-

(a) Whether the procedure laid down in this Ordinance has been complied with:

(b) Whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) Whether the penalty or the enhanced penalty impose is adequate or inadequate, or severe and pass orders-



- (i) confirming, enhancing, reducing, or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that –

- (i) if such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of para 6 and an inquiry under para 9 has not already been held in the case, the appellate authority shall subject to the provisions of para 14 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of para 9 and thereafter on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-para (4) of para 10 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit.
- (ii) No order imposing an enhanced penalty shall be made in any case unless the appellant has been given a reasonable opportunity as far as may be, in accordance with the provisions of para 11 of making a representation against such enhanced penalty.
- (iii) In an appeal against any other order specified in para 18, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.



23. The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART – VI REVISION AND REVIEW

24. (A) (1) Notwithstanding anything contained in this Ordinance:-

(i) The Executive Council; or

(ii) The appellate authority, within six months of the date of the orders proposed to be revised, may, at any time, either on its own motion or otherwise call for the records of any inquiry and revise any order made under this Ordinance from which an appeal is allowed but from which no appeal has been preferred and may –

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by a revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of para 6 or enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in para 9 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the basis of the evidence adduced during the enquiry.

- (2) No proceeding for revision be commenced until after –
 - (i) the expiry of the period of limitation for an appeal, or
 - (ii) the disposal of the appeal, where any such appeal has been preferred.
- (3) An application for revision shall be dealt with in the same manner as if it were an appeal under this Ordinance.

(B) (1) Subject to other provisions of this Ordinance, the Executive Council has the power to review any order made by it if the order is found to contain any mistake of fact or mistake of law or arithmetical mistake or clerical mistake or any other mistake apparent on the face of the record. Such a review may be done only once, and on the basis of a petition filed by the affected party within thirty days from the date of receipt of the order.

- (2) The power to review must be exercised only in the rarest of rare cases, and only after the Executive Council is satisfied that the material error has



resulted in a wrong order. There shall be no reopening of the case except for a reconsideration of its previous decision by the Executive Council based on the records already available and in the light of the points raised in the review petition.

PART VII MISCELLANEOUS

25. Every order, notice and other process made or issued under this Ordinance shall be served in person on the employee concerned or communicated to him by registered post and/or e-mail and such mode of delivery shall be deemed to be a proper service.
26. Save as otherwise expressly provided in this Ordinance, the authority competent under this Ordinance to make an order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in this Ordinance or condone any delay.
27. If any doubt arises as to the interpretation of any of the provisions of this Ordinance, the matter shall be referred to the Executive Council which shall decide the same and its decision shall be final.”

