

Maharshi Panini Sanskrit Evam Vedic Vishwavidyalaya, Ujjain

STATUTE NO.12

CONDITIONS OF SERVICE FOR UNIVERSITY EMPLOYEES

(Refer Section 33(e) of the Act.)

(For the purpose of this Statute, the Act means Maharshi Panini Sanskrit Evam Vedic Vishwavidyalaya Adhiniyam 2006 (15 of 2008))

Part I-Applicability and Definitions :

1. Save as otherwise provided in the Act. and the Statutes, the provisions of this Statute shall apply to all employees of the University other than those whose services have been lent to the University by the central or state government.
2. In this Statute :
 - (a) "Pay" means the amount drawn monthly by the University employee as :
 - (i) the pay, including special pay or additional pay or technical pay or personal pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre and
 - (ii) any other emoluments which may be specially classed as pay by the Executive Council.
 - (b) "Average Pay" means the average monthly pay earned during the 10 complete months immediately preceding the months in which the University employee proceeds on leave or is suspended;
 - (c) "Substantive Pay" means pay other than special pay.
 - (d) "Vacation Post" means a post involving teaching duties in an educational institution entitled to the Winter and Summer vacations.
 - (e) "Normal Rent" means rent payable under paragraph 20 below.
 - (f) "Presumptive rent" in relation to a house belonging to University employee or his spouse, or children or father or mother in which he lives and for which he does not pay any rent to any body is :
 - (i) The rental value of the house taken into account by the Property Tax-Officer for calculation of property tax payable to Government;

Or

 - (ii) The rental value determined by local authorities (e.g. Municipal committee, Corporation etc.) for any purpose;

Or

- (iii) The reasonable rent of the locality in which the house is situated as per the guidelines of the collector of the district subject to the satisfaction of the Registrar.

Part II-Classification of Posts, Appointment and Tenure :

3. (a) Posts in the University shall belong to the class and shall carry the scales of pay as prescribed by the state government and adopted by the Executive Council of the University.
- (b) The rates of dearness allowance on pay drawn in the scales shall be as may be sanctioned by the state government from time to time for its employees.

Provided that the rates at which dearness allowance is to be paid shall not be sanctioned by the Executive Council except with the prior approval of the state government.

4. (1) (a) Except the officers of the University for which special provisions for appointments have been made in the Act and subject to clause (b) below, the Executive Council shall have power to appoint all other officers of the University and the teachers of the University.
- (b) Subject to the provisions of the relevant Statute for appointment of non-teaching employees, the Kulpati shall have the power to appoint the class III, class IV, work-charged and contingency-paid staff of the University. He may delegate powers of appointment to the Registrar in respect of class III and class IV employees.

Provided that the percentage of posts in the University Service to be filled by direct recruitment will be reserved for member of the Scheduled Cast/Scheduled Tribes/O. B. C./Women, possessing the requisite minimum qualifications, as per the state government rules and directives :

- (2) (a) Save as otherwise provided in the statutes and the ordinances the qualifications for appointment to the posts in various classes in the University shall be such as may be determined by the Executive Council from time to time.
- (b) The category of posts (excluding teaching posts and posts of officers of the University), the percentage of such posts to be filled ordinarily by promotion and the lower category from which such promotions are to be made shall be specified by the Executive Council. Such promotions shall be considered by the appointing authority once a year. All promotions shall be made on the basis of seniority-cum-merit subject to the rejection of the unfit and also subject to application of reservation policies framed by the state government from time to time.
- (3) The age of retirement of a University employee other than Teachers will be sixty years.

The age of retirement of University Teachers will be sixty two years.

The age of retirement of a University employee in class IV service shall be sixty two years.

Provided that the Executive Council, in a special case, may grant to an employee who has reached the age of super-annuation an extension for a further period not exceeding two years if the Executive Council is satisfied that such extension is in the interest of the University.

Provided further that the age of retirement of a University employee/teacher shall be amended *mutatis mutandis* when the state governments amends it and the Executive Council of the University adopts it.

5. (1) Ordinarily appointment against a permanent post shall in the first instance be on probation for a period of two years. The period of probation may be extended by such further period as the appointing authority may deem fit, but in no case the total, period of probation shall exceed three years.
 - (2) No person shall ordinarily be appointed to a post in university service without the production of a certificate of health and physical fitness given by a medical board of government district hospital. The certificate must be affixed to the first pay bill of the employee. The fees prescribed in case of such examination shall be paid by the employee.
6. Temporary appointment may be made to a temporary post or in a leave vacancy in respect of a permanent post. Where the temporary post is subsequently made permanent in an identical payscale or the leave vacancy becomes permanent, the temporary appointee, if appointed in accordance with the procedure for filling the post on permanent basis shall be deemed to have been on probation for the period of his continuous service and shall be entitled to confirmation on satisfactory completion of the prescribed period of probation.
7. (a) The whole time of University employee is at the disposal of the University and he may be employed in any manner required by the proper authority, without claim for additional remuneration.
 - (b) (i) The Executive Council may permit a University employee to perform a specified service for a private person, body or Government and to receive a remuneration therefor in the form of a fee if it is satisfied that this can be done without detriment to his official duties or responsibilities;

Provided that the University employee shall be required to deposit the required percentage of amount of the fee, so received to the fund of the University as provided in state government rules except in cases covered by exception 4 below SR 2 of rule 47 of M.P. Fundamental Rules.

- (ii) The appointing authority may grant or permit a University employee to receive an honorarium as remuneration for work performed, which is occasional in character, Provided that the prior consent of the appointing authority has been obtained and the amount of the remuneration has been settled in advance.

- (iii) The Kulpati/Executive Council may depute a University officer/teacher/employee to perform specified service for private institution/body or government on deputation as per delegation of powers. The terms and conditions of deputation shall be as per state government rules in force from time to time.
8. The Head of the branch or department or institution under whom the employee is working shall send to the Registrar in the form prescribed by the Kulpati.
- (a) every year not later 31st May, a report on the work and conduct of the employee during the preceding year ending on 31st March.
- (b) atleast one month before the date of the expiry of the probationary period of a University employee a report about the work and conduct of the employee appointed to a permanent post stating his opinion about the employee's fitness or otherwise for confirmation in service.
9. A temporary appointment may be terminated by either party without assigning any reason by giving to the other one month's notice or one month's salary of the employee concerned in lieu thereof. No such notice or payment of salary shall be necessary in case of termination of service of work-charge or contingency-paid employee.
10. (a) If the appointing authority does not find that the work and/or conduct of the employee on probation is satisfactory, his services may be terminated. In case of termination of the services of the employee on probation, one month's notice shall be given to him or in lieu of notice he shall be paid salary of one month. The probationer may also terminate the engagement by giving one month's notice or one month's salary to the University.
- (b) If the probationer was appointed by promotion and his work and/or conduct is not satisfactory the appointing authority may revert him to the post held by him before such appointment and such reversion shall not be deemed to be a penalty.
- (c) Every person appointed to a permanent post under the University by promotion or by direct recruitment shall on satisfactorily completing his period of probation, be eligible for confirmation on that post.
11. On confirmation on a permanent post, a University employee acquires a lien on that post. A University employee holding a permanent post substantively, if appointed substantively to another post, acquires a lien on the second post and ceases to hold any lien on the first one.
12. A permanent employee shall be required to give three months notice in case he wishes to resign or he shall pay to the University three month's salary in lieu of such notice. If the University terminates the services of a permanent employee, a notice to that effect shall be served on him three month before the date on which he is to be relieved. In the absence of such notice, the University shall pay him three month's salary. Such notice shall not be necessary if the employee is removed from service, dismissed or compulsorily retired.

Provided that where a permanent employee is relieved after three months notice by him or payment of three months salary in lieu of such notice to take up appointment elsewhere,

his lien shall be maintained in the University for a period of two years from the date of his relief or till the date of his confirmation on the other post, whichever is earlier.

13. (a) The services of a university employee may be terminated on any of the following grounds:
- (i) Willful neglect of duty.
 - (ii) Misconduct.
 - (iii) Physical or mental unfitness.
 - (iv) When the post he is holding is abolished.
 - (v) Conviction in a court of law for an offence involving moral turpitude.
- (b) The following lapses would constitute misconduct on the part of persons holding teaching posts in the University Teaching Departments:
- (i) Failure to perform his academic duties such as lectures, demonstration, assessment, guidance invigilation, etc.
 - (ii) Gross partiality in assessment of students, deliberately over-marking/ under-marking or attempts at victimization on any grounds.
 - (iii) Inciting students against other students, colleagues or University administration.
 - (iv) Raising questions of caste, creed, religion, race or sex in his relationships with his colleagues and trying to use the above considerations for improvement of his prospects.
 - (v) Refusal to carry out the decisions by appropriate administrative and academic bodies and/or functionaries of the University. This will not inhibit his right to express his differences with their policies or decision.
14. Before leaving University service an employee, whether appointed temporarily or on probation or permanently shall hand over the charge of his post to the employee duly authorized to receive charge and shall return to the University all articles entrusted to him for his use and shall pay up in full all the charges due from him for occupation of residential quarters, if any, inclusive of Municipal taxes, water and electric charges etc. If he fails to do so, the Head of the branch or institution in which he is employed shall have the right to recover the amount due from him from the arrears of salary due to him or from the University contribution to his Provident Fund.
15. A University employee shall subscribe to the New Pension Scheme in accordance with the provisions of the Statutes.
16. An employee of the University shall begin to draw the pay and allowances, if any, attached to his post with effect from the date he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

17. (i) No University employee shall be granted leave of any kind for a continuous period exceeding five years;
- (ii) Where the University employee does not resume duty after remaining on leave for a continuous period of five years, he shall be deemed to have resigned and shall accordingly cease to be in University employment.

Provided that the Executive Council may determine otherwise, in any special case, in view of the exceptional circumstances.

18. The pay of a University employee in the time scale of pay in which he is appointed shall be regulated by the Fundamental Rules of Madhya Pradesh government. Annual increment shall ordinarily be drawn as a matter of course unless it is withheld.

Part III-Residential Accommodation :

19. The Executive Council may make rules laying down the principles governing the allotment of such buildings or such portions thereof, as may be available to employees serving under the administrative control of the University for residential purposes.
20. When University employees are provided with unfurnished University quarters, they shall pay monthly rent at the rates as prescribed by the state government for its employee according the type of accommodation provided.
21. The employees who have not been provided with University accommodation shall be eligible to house rent allowance at the rates sanctioned by the state government for its employees subject to the conditions laid down by the state government for grant of such allowance.

Part IV-Leave :

22. The rules for all kinds of leave to University employees, i.e., earned leave, half pay leave, extra ordinary leave, special disability leave, study leave, maternity leave, medical leave etc. shall be the same as applicable to the state government employees, in force from time to time.

23. (A) CASUAL LEAVE :

- (i) Casual leave cannot be claimed as right and its grant is always subject to the exigencies of service and subject to maximum of 13 days in a calendar year.
- (ii) Casual leave may be granted as and when occasion arises at the discretion of the sanctioning authority, provided that the total period of absence, including sunday and other holidays shall not exceed 8 days at a time.

Note : Holidays or Sundays will not count as casual leave.

- (iii) Casual leave cannot be combined with any other kind of leave.

(B) SPECIAL CASUAL LEAVE :

- (i) An employee summoned to serve as juror or assessor or to give evidence before the Court of Law as a witness in a civil or criminal case in which his private interests are not at issue may be given this leave. The leave so granted should be sufficient to cover the period necessary for such job.
- (ii) It may also be granted when an employee is deputed to attend reference libraries of other institutions and conferences or educational gathering of learned and professional society in the interests of the University or other academic work which will include working on the committees appointed by the Universities/Government/University Grants Commission, lecturing and examination work; or such other work as may be specified by the Executive Council.
- (iii) Special Casual leave under clause (ii) above shall be admissible only for non-remunerative work and shall not exceed fifteen days in a calendar year.

Provided that for non-remunerative work on the committees appointed by the Universities/Government/University Grants Commission, the Kulpati may, at his discretion, sanction special casual leave for a further period not exceeding fifteen days in a calendar year.

- (C) In case of University employees selected under the various cultural exchange/national lecture/exchange programme etc. sponsored by the government of India/state government/U.G.C. and other statutory bodies as a member of delegation or to deliver specialised lectures in India or abroad the period of absence from the University shall be counted as Duty.

24. Leave to the extent prescribed below but not exceeding in any case the period earned may be sanctioned by the authority mentioned against each :

Kind of Leave 1	Category of employee 2	Sanctioning authority 3	Extent of powers 4
(A) Casual leave	(i) Heads of departments and Registrar.	Kulpati	Full
	(ii) Departmental employee (teachers other than Head of the department, laboratory, ministerial and class IV staff).	Head of the concerned department	Full
	(iii) Registrar's office staff.	Deputy Registrar/Assistant Registrar of respective sections. Registrar	Upto 5 days at a time Full

Kind of Leave 1	Category of employee 2	Sanctioning authority 3	Extent of powers 4
(B) Special Casual leave	All employees other than Kulpati	Kulpati	Full
(C) Leave other than casual or special casual leave	(i) Kulpati	Kuladhipati	Full
	(ii) Heads of departments and Registrar	Kulpati	Upto 2 months
		Executive Council	Full
	(iii) All class I and class II employees	Kulpati	Upto 3 months
		Executive Council	Full
	(iv) Class III and class IV staff in University Teaching Departments	Head of the concerned department	Upto one month
Kulpati		Full	
(v) Class III and class IV staff other than (iv) above	Registrar	Upto one month	
	Kulpati	Full	

25. The benefit of surrender and encashment of earned leave will be admissible to the University employees as per the rules applicable to the state government employees from time to time.

Part V-Suspension, Penalties and Disciplinary Authority :

26. The rules and directives as prescribed from time to time by the state government for its employees shall also be applicable to the University employees/teachers.

27. (1) The appointing authority may by an order place an employee, under suspension :

- (a) When 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, inquiry or trial.

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

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

- (3) 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 appointing authority.
28. (1) The appointing authority may, for good and sufficient reasons, impose on an employee the following penalties :
- (a) Censure;
 - (b) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the University by negligence or breach of orders;
 - (c) withholding of increments of pay;
 - (d) reduction to lower time scale of pay, grade or post;
 - (e) compulsory retirement;
 - (f) removal from service;
 - (g) dismissal from service which shall ordinarily be a disqualification for future employment in the University.

Besides the above, the penalty of fine not exceeding Rupees Fifty may be imposed on a class IV employee for petty carelessness, unpunctuality, idleness or similar misconduct of a minor nature.

Provided that if it is intended to impose minor penalties as enumerated in clause (a) to (c) of sub-paragraph (1) above, the Registrar in respect of class III and IV employees and the Kulpati in respect of other employees including the teaching staff may institute disciplinary proceedings and may pass appropriate orders.

- (2) The appointing authority may institute disciplinary proceeding against an employee of the University.
 - (3) No order imposing any of the penalties specified in (d) to (g) of sub-paragraph (1) above other than fine shall be made except in accordance with the procedure for imposing penalties on government servant prescribed by the state government and in force at the time the appointing authority orders an inquiry against the employee concerned.
 - (4) For imposing penalties specified in clause (a) to (c) of sub-paragraph (1) above, a summary procedure as prescribed in the state government rules may be followed *mutatis mutandis*.
29. (1) Where any penalty is imposed on an employee by the Registrar, the employee concerned may prefer an appeal to the Kulpati within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.

- (2) Where any penalty is imposed on an employee by the Kulpati, the employee concerned may prefer an appeal to the Executive Council within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
 - (3) Where any penalty is imposed on an employee by the Executive Council, he may prefer an appeal to the Kuladhipati within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
 - (4) 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 contain all material statements and arguments on which the appellant relies; shall not contain any disrespectful or improper language and shall be complete in itself.
 - (5) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any unavoidable delay and without waiting for any direction from the appellate authority.
 - (6)
 - (i) The appellate authority may confirm, enhance, reduce or set aside the penalty or remit the case to the authority which imposed the penalty with such directions as it may deem fit in the circumstances of the case.
 - (ii) The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.
30. An University employee under suspension shall not be granted any leave.
31. An employee under suspension will be entitled for subsistence allowance and allowances as per state government rules in force.
32. When a University employee who has been dismissed, removed, or suspended, is reinstated, the authority competent to order reinstatement shall make a specific order :
- (a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty; and
 - (b) whether or not the said period shall be treated as period spent on duty for all purposes.

Part VI-Miscellaneous :

33. Every employee shall at all times :
- (a) Maintain absolute integrity;
 - (b) Show devotion to duty; and
 - (c) Do nothing which is unbecoming of an employee of the University.

34. No employee shall join or continue to be a member of such association the objects or activities of which are prejudicial to the interest of the University or public order, decency or morality.
35. No employee shall :
- (i) engage himself or participate in any demonstration which is prejudicial to the interest of the University, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence, or
 - (ii) resort to or, in any way, abet any form of violence in connection with any matter pertaining to his service or the service of any employee.
36. (i) No employee shall except with the previous sanction of the University own wholly or in part, or conduct, or participate in the editing or management of any newspaper or periodical publication.
- (ii) No employee shall except with the previous sanction of University or the prescribed authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously in any news paper or periodical or write a book.

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

37. No employee shall except in accordance with any general or special order of the University or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, an official document or any part thereof or information to any other employee or any other person to whom he is not authorised to communicate such document or information.
38. No employee shall 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 under the University.
39. No University employee shall, except with the previous written sanction of the University, join any college/school or appear at any examination conducted by the University or any other University or Board.

Permission to attend classes or take an examination will be granted only, if it is consistent with University interest and it cannot be claimed as a matter of right.

40. No University employee except those specifically employed on a part-time basis shall, without the previous permission of the University, apply for any post, outside the University.
41. Any infringement of provisions of paras 33 to 40 of this Statute shall be regarded as subversive of good discipline and misconduct and will well justify the initiation of disciplinary action against such employee.

42. All provisions pertaining to discipline as contained in rule 4 of M. P. Civil Services (Conduct) Rules shall be deemed to be part of University Conduct Rules not provided in the provisions of para 33 to 40 of University Rules.

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