THE MANOHAR PARRIKAR
INSTITUTE FOR DEFENCE STUDIES AND ANALYSES
(RECRUITMENT AND PROMOTION)
RULES – 1984

Chapter – I
PRELIMINARY

The Manohar Parrikar Institute for Defence Studies and Analyses hereby adopt the following Regulation namely:

1. SHORT TITLE

(1) These Regulations may be called the Manohar Parrikar Institute for Defence Studies and Analyses Recruitment and Promotion Rules 1984.

(2) These Rules shall come into force from 25.5.1984

2. APPLICATIONS

(1) These Rules shall apply to every employees of the Institute.

(2) Notwithstanding anything contained in Clause (1) the Executive Council may by agreement with an employee make such special provisions regarding his conditions of service as it considers necessary and thereupon these Rules shall not apply to such employee to the extent to which the special provisions are inconsistent therewith.

3. DEFINITIONS

i). In these Rules unless the context otherwise requires – "Director" means the Director of the Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi as the Headquarters.

ii). "Appointing Authority" in relation to any post under the Institute means the authority competent to make appointment to that post.

iii). "Borrowed employee" means an employee of any other authority whose services are obtained by the Institute on loan.

iv). "Controlling authority" means in relations to posts in all the grades – the Director

v). "Employee" means a person serving the Institute in any post.

vi). "Foreign service" means service for which an employee receives, with the approval of the Controlling Authority, his pay from any source other than the funds of the Institute.

vii). "Pay" means the pay admissible on the relevant date and includes special pay and personal pay but shall not include any allowances, fee or honorarium.

viii). "*Sanctioning Authority" in relation to posts:*
ix). Executive Council for Class I, II & III posts.
(ii) Director for Class IV posts.

(i) "Schedule" means the Schedule to these rules

(j) Selection Committee

(1) "Selections Committee" means the Committee constituted by the Executive Council from time to time.

(2) All words and expressions used but not defined in these Rules and used into Rules of the Institute shall have the meaning assigned to them in the said Rules.

Chapter – II
CREATION AND GRADATION OF POSTS

4. GRADES AND CATEGORIES

(1) The posts under the Institute shall be of the grades and categories specified in the Schedule.

(2) The Executive Council may direct –

(i) the creation of any new grade or category of posts;

(ii) the abolition of any grade or category of posts; or

(iii) the transfer of any category of posts from one grade to another; and, there upon the Schedule shall amended in accordance with such direction.

5. NUMBER AND DUTIES OF POSTS

The Sanctioning Authority in relation to any category of posts shall have the power-

(i) to determine the number of posts in that category;

(ii) to create or abolish any post in that category;

(iii) to determine whether any posts created in that category shall be temporary;

(iv) to specify the period for which a temporary post is created; and

(v) to determine the duties attached to any post in that category.

Chapter – III
RECRUITMENT

6. APPOINTING AUTHORITIES

Appointment to a post under the Institute shall be made –

(i) in the case of Class I and II posts by the Executive Council

(ii) in the case of Class III posts by the Director

(iii) in the case of Class IV post by the Administrative Officer

7. METHODS OF RECRUITMENT

(1) Recruitment to a post under the Institute may be made –

(i) by promotions

(ii) by direct recruitment

(iii) by appointment of a borrowed employee

(iv) by appointment of a pensioner

(2) The Appointing Authority shall in each case determine the method of which a vacancy shall be filled.

(3) The posts in the senior most research grade will always be filled on the bases of merit only. For this purpose every time the post is to be filled, it should be advertised and selection should be made both from the candidates available from the open market and from the eligible candidates from within the Institute.

8. RECRUITMENT BY PROMOTION

(1) Appointment to a post in any grade by promotion shall be made, whether in a substantive or officiating capacity amongst the employees serving in the posts in the next lower grade; unless employees with requisite qualifications are not available from promotion and direct recruitment becomes necessary.

(2) Every appointment by promotion shall be by selection on the bases of merit with due regard to seniority.

9. APPOINTMENT

(i) Appointment to the posts in Class I & II shall be made by the Executive Council on the recommendations of the Selection Committee appointed for the purpose from time to time.

(ii) The age, educational and other qualifications for appointment to the post and method of recruitment shall normally be as prescribed in the Schedule appended to these Rules. These can however be modified or amended by the Executive Council to suit any particular appointment.

10. DIRECT RECRUITMENT

Appointment to any post by direct recruitment for all the grades may be made –

(i) in Grades III & IV from amongst candidates recommended by the local Employment Exchange on requisition

(ii) from amongst candidates applying in response to any advertisement; and

(iii) from among personnel already in employment in reputed institutions and retired personnel.

11. APPOINTMENT OF A BORROWED EMPLOYEE

A borrowed employee may be appointed to any post with the approval of the Executive Council on such terms and conditions as it may deem appropriate.

12. CONDITIONS OF ELIGIBILITY

(i) For departmental promotion an individual should have rendered continuous service in the lower grade as prescribed in the Schedule.

(ii) He should not be more than 52 years of age provided the upper age limit may be relaxed in respect of category of a person by the Executive Council.

(iii) He should possess the qualification as may be specified by the Executive Council for a particular category or categories of posts.

(iv) In any extraordinary case where the Executive Council deems it necessary and desirable, a person may be promoted on the basis of proved merit in supersession of Rule 12 (i) above

13. SAVING

Nothing in these Rules shall affect reservation, relaxation, of age limit and other concessions required to be provided for the Scheduled Castes and the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Chapter – IV
TENURE

14. PROBATION

(1) Every person appointed to a post under the Institute after the commencement of these Rules whether by promotion or by direct recruitment shall be on probation in such posts for a period of two years; provided that the Appointing Authority may, in any individual case extend the period of probation.

(2) Where a person appointed to a post under the Institute on probation is, during his period of probation, found unsuitable for holding that post, or has not completed his period of probation satisfactorily, the Appointing Authority may-

i. in the case of a person appointed by promotion revert him to the post held by him immediately before such a appointment; and

(ii) in the case of a person appointed by direct recruitment, terminate his services under the Institute without notice.

(3) Every person appointed to substantive post under the Institute by the promotion or by direct recruitment shall, on satisfactorily completing his period of probation be eligible for substantive appointment to that post.

(4) A person who is temporarily appointed, is subsequently made regular in a post different from that, in which he was initially appointed, he shall be on probation in such a post for a full term of two years. In case however he is absorbed in the same post the service already rendered by him in the temporary capacity may be set off against probation period.

15. TEMPORARY AND REGULAR SERVICE

(1) An employee who is employed in the Institute for a short duration against the temporary vacancy for a specified period shall be a temporary employee of the institute.

(2) An employee who is employed in the Institute against a regular vacancy shall be a regular employee of the Institute.

16. TERMINATION OF SERVICE

(1) The service of a temporary employee may be terminated by the Appointing Authority without assigning reasons –

(i) during the period of probation following the first appointment, at any time without notice, and after

(ii) such period of probation, at any time by a notice of one month in writing given by the Appointing Authority to the employee or at any time without notice on payment of one month's pay.

(2) Without prejudice to the provision of Clause 1(i) the service of a temporary employee whose appointment is made for a specified period or against a temporary post, may be terminated by a notice of one month or on payment of pay for such period as the notice falls short of one month.

(3) The service of a regular employee may be terminated by a notice of three months or on payment of pay for such period as the notice falls short of three months or without notice on payment of three months pay, if the post to which he is regularly appointed is abolished.

(4) An employee who is given notice of termination of service under Clause (3) may be granted during the period of notice such earned leave as may be admissible to him and where the leave so admissible and granted is more than three months, his services shall be terminable on the expiry of such leave.

17. RETIREMENT

(1) An employee shall retire from the service of the Institute –

(i) academic staff on attaining the age of 60 years;

(ii) all others on attaining the age of 60 years;

(iii) on his being declared medically unfit for service by a Medical Board to be designated by the Executive Council in this behalf;

(iv) on the imposition of the penalty of compulsory retirement.

Provided, however, that it will be open to the Institute to re-employ an employee, subject to physical fitness, on his superannuation for a period of one year at a time if his services are needed by the Institute.

The retirement shall take effect from the afternoon of the last date of the month in which an employee attains the age of superannuation instead of the afternoon of the actual date of superannuation. In case of the date of birth of an employee falls on 1st of a month, he will be deemed to have retired with effect from the afternoon of the last date of the proceeding month.

18. RESIGNATION

(i) An employee may by notice of one month in writing addressed to the Appointing Authority resign from the service of the Institute.

(ii) The Appointing Authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the Institute by notice of less than a month.

Chapter – V
PAY

19. SCALES OF PAY

Scales of pay applicable to each category of post are given in the Schedule.

20. PAY AND ALLOWANCES

The employees of the Institute will be governed in the matter of pay and allowances under the same terms and conditions as applicable to Government Servants.

21. LEAVE

The employees of the Institute will be governed in the matter of leave by the same terms and conditions as applicable to Government Servants.

Chapter – VI
MISCELLANEOUS

22. RESIDUARY MATTERS

In regard to matters not specifically covered by these Rules or by Regulations or Orders made or issued thereunder or by special orders, the members of the service shall be governed by the Rules and Regulations and Orders applicable to the Government Servants in the Central Secretariat.

23. DISQUALIFICATION

No person –

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who having a spouse living has entered into or contracted a marriage with any person, shall be obliged for appointment to any of the said posts.

Provided that the Executive Council may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this Rule.

24. POWERS TO RELAX

Where the Appointing Authority is of the opinion that it is necessary or expedient to do so it may be order for reasons to be recorded in writing and in consultation with the Executive Council relax any of the provisions of these Rules with respect to any class or category of persons or posts.

25. INTERPRETATION

Where a doubt arises in regard to the interpretation of any of the provisions of these Rules or the Regulations made thereunder the matter shall be referred to the Executive Council whose decision thereon shall be final.

SCHEDULE

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1.	Director General	Apex Scale 80,000 Fixed	-	-	-	-	-	-	-	-	Appointed by Executive Council. *
2.	Deputy Director General	PB-4 37,400-67,000 GP-10,000	-	-	-	-	-	-	-	-	-do- **
3.	Asstt. Director	PB-4 37,400-67,000 GP-8,700	-	-	-	-	-	-	-	-	-do-
4.	Senior Research Associate	PB-3 15,600-39,100 GP-7,600	Selection	-	Post-Graduate degree of recognised University in any branch of Social Science with adequate research experience preferably in the field of Defence Studies or International relations or service in Government in posts connected with National Security.	Age: Nil qualification: Yes	Two years except for contract appointments	By competitive selection	A Research Associate with at least 5 years experience will be eligible for considera-tion on merit.	A Committee of the Executive Council nominated by the President	-

*** The Director General of the Institute shall be appointed by the Appointments Committee of the Cabinet (ACC) as prescribed vide DoPT letter No. 28/13/2006-EO (SM.II) dated 03rd July, 2006 and the terms of office and other conditions of services shall be as prescribed by ACC.**

**** Appointment is as per DoPT guidelines of 2006**

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
5.	Research Associate	PB-3 15,600-39,100 GP-6,600	Selection	-	-do-	-do-	-do-	-do-	A Research Officer with at least 8-10 years experience	-do-	-
6.	Senior Librarian	PB-3 15,600-39,100 GP-6,600	Selection	52 years	Master degree of a recognised University or equivalent in Library Science of a recognised University or Institution, 10 years experience in a supervisory capacity in a Library of standing including publications & bibliographies	N.A.	Two years except for contract appointments	By direct recruitment	N.A.	A committee of the Executive Council nominated by the President	
7.	Research Officer	PB-3 15,600-39,100 GP-5,400	Selection	32 years	Post-Graduate degree of recognised University in any branch of Social Science with some publications to credit	Age: Nil Qualification: Yes	-do-	By direct recruitment or by promotion	An Editorial Assistant with at least 5 years experience	-do-	
8.	Admn. Officer	PB-3 15,600-39,100 GP-6,600	Selection	-	Retired or retiring Under Secretary, CSO or Accounts Officer from the	N.A.	N.A.	By inviting a panel of retired or retiring officers from the Min. of Def.	From Accounts Officer and Asstt. Admn.	-do-	

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
					Audit or Accounts Department			Chief. Admin. Officer Controller General of Def. Accounts or by promotion	Officer with 5 years experience		
9.	Asstt. Admn. Officer	PB-2 9,300-34,800 GP-4,600	Selection by seniority cum-fitness	N.A.	Graduate	N.A.	2 Years	By promotion	An Administrative Assistant with at least 7-10 years service	-do-	
10.	Accounts Officer	PB-3 15,600-39,100 GP-5,400	Selection	-	Retired or retiring Accounts from Defence Accounts & Audit Deptt.	N.A.	N.A.	By inviting a panel of retired or retiring Accounts/Audit Officers from the Controller General of Def. Accounts and the Comptroller and Auditor Genl. of India/Director of Audit Def. Services	N.A.	A Committee of the Executive Council nominated by the President	
11.	Jr. Accounts Officer	PB-2 9,300-34,800 GP-4,200	Selection	N.A.	Commerce Graduate	N.A.	2 years	By promotion	N.A.	-do-	
12.	Librarian	PB-3 15,600-39,100 GP-5,400	Selection	-	University degree followed by Diploma in Library Science	N.A.	2 years	By promotion	Lib. Assistants with at least 8-10	Director Sr. Librarian One	

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
					(1 yr. course after graduation or its equivalent and 4 years experience) or M.A./M.Sc followed by Diploma in Lib. Sc. or its equivalent without experience.				years experience	member of Research Staff, Admn. Officer	
13.	Editorial Assistant	PB-2 9,300-34,800 GP-4,200	Selection	32 years	Master I or II class Degree of a recognised University	Age: Nil Qualification: Yes	2 years	By direct recruitment or promotion	Lib. Asstt./Com pilation Asstt. with at least 10 years experience	Director, Dy. Director, One member of Research Staff	
14.	Administrative Assistant	PB-2 9,300-34,800 GP-4,200	Non-selection	35 years	Graduate with proficiency standards as under: speed in English Shorthand 120 words per minute for 7 minutes and 100 words per minute for 10 minutes. Time allowed for transcription 45 and 50 minutes respectively.	Age: Nil Qualification: Yes	2 years	By promotion or direct recruitment	Junior Stenograph er with at least 5 years experience	Director, Dy. Director, Admn. Officer	

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
15.	Library Assistant	PB-I 5,200-20,200 GP-2,800	Non-selection	30 years	University degree or diploma in Library Science (1 year course after Graduation of its equivalent.)	N.A.	N.A.	By direct recruitment	N.A.	Director, Dy. Director, Sr. Librarian, Admn. Officer	
16.	Compilation Assistant	PB-I 5,200-20,200 GP-2,800	-do-	-do-	-do-	N.A.	N.A.	-do-	N.A.	-do-	
17.	U.D.C	PB-I 5,200-20,200 GP-2,400	-do-	-do-	Graduate	N.A	N.A	25% by direct recruitment 75% by promotion	LDC with at least 8-10 years experience	Director, Dy. Director, Admn. Officer	
18.	Stenographer (B)	PB-2 9,300-34,800 GP-4,200	-do-	-do-	Hr. Sec. or its equivalent of any recognised University with 80/40 speed shorthand and typing	N.A.	N.A.	-do-	LDC/Typist with at least 3-5 years experience	-do-	
19	Xerox Operator	PB-1 5,200-20,200 GP-2,800	-do-	-do-	Middle School pass standard	N.A.	N.A.	By promotion	Junior R. Operator with 3 years regular service in the grade	Dy. Director, Admn. Officer, Asstt. A.O.	
20.	L.D.C	PB-1 5,200-20,200 GP-1,900	-do-	-do-	Matriculation, Hr. Sec. or equivalent	N.A.	N.A.	By direct recruitment 75%. By competitive examination/te st limited to	Group 'D' employees having requisite educational qualificatio	-do-	

Sl. No.	Name of Post	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruit-ment	Education and other qualification required for direct recruitment	Whether age & Educational qualifications prescribed for the direct recruitment will apply in the case of promotion	Period of Probation	Methods of recruitment whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruit ment by promotion, transfer, grades from which promotion to be made	Composi-tion of DPC or Selection Committe e	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
								Deptt. Gp. 'D' employees 25%	n and minimum typing speed 30 w.p.m		
21.	Sr. Lib. Attendant	PB-I 5,200-20,200 GP-1,900	-do-	N.A.	-do-	N.A.	N.A.	By promotion	Lib. Attendant with 10 years regular service	Dy. Director, Librarian, Admn. Officer	
22.	Record Sorter	PB-I 5,200-20,200 GP-1,900	-do-	N.A.	-do-	N.A.	N.A		Sr. Peon with 10 years regular service	Dr. Director, Admn. Officer	
23.	Lib. Attendant	-1S 4,400-7,400 GP-1,650	Non-selection	30 years	Matriculation/Hr. Sec. with experience of having work in some libraries	N.A.	N.A.	By promotion failing which by direct recruitment	Sr. Peons /Peons with 3 years regular service in the grade	Sr. Librarian, Admn. Officer, Asstt. A.O.	
24.	Senior Peon	-1S 4,400-7,400 GP-1,650	Non-Selection	-	Middle School pass standard-ability to read and write	N.A.	N.A	By promotion	Peon with 3 years regular service in the grade	Dy. Director, Admn. Officer, Asstt. AO	
25.	Peon	-1S 4,400-7,400 GP-1,300	N.A.	28 Years	Middle School pass standard-ability to read and write	N.A.	N.A.	By direct recruitment	N.A.	-do-	

THE MANOHAR PARRIKAR
INSTITUTE FOR DEFENCE STUDIES AND ANALYSES
(CLASSIFICATION, CONTROL AND APPRAL)
RULES – 1984

1. (i) These Rules may be called the Manohar Parrikar Institute for Defence studies and Analyses (Classification, Control and Appeal) Rules 1984.

(ii) These Rules shall come into force from 25.5.1984

2. INTERPRETATION

In these Rules, unless the context otherwise, requires –
(a) 'Appointing Authority' means authority empowered to make appointment.
(b) 'Disciplinary Authority' – in relation to the imposition of penalty on an employee means the authority competent under these Rules to impose on him any of the penalties specified in Rule 7.
(c) 'Employee' means any person in the service of the Institute and includes any such person on foreign service or whose services are temporarily placed at the disposal of another institution or any other authority by the Institute.

3. APPLICATION

(i) These Rules shall apply to all employees except a person on daily wages.

(ii) If any doubt arises as to whether these Rules or any of them apply to any person, the matter shall be referred to the Executive Council which shall decide the same.

4. PROTECTION OF RIGHTS AND PRIVILEGES

Nothing in these Rules shall operate to deprive any employee of any right or privilege to which he is entitled by the term of any agreement subsisting between any such person and the Institute on the commencement of these Rules.

5. CLASSIFICATION

The services in the Institute are specified in the Schedule appended to MP-IDSA Recruitment and Promotion Rules.

6. SUSPENSION

(1) The 'Appointing Authority' or any other authority to which it is subordinate or any other authority empowered by the Institute in that behalf may place any employee under suspension:-
   (a) where a disciplinary proceeding against him is contemplated, or

   (b) where a case against him in respect of criminal offence is under investigation/enquiry or trial; provided that where an 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.

(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 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 tem of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsory retired consequent upon such conviction.

Explanation: The period of forty-eight hours referred to in Clause (b) of this sub-Rule shall be computed from the commencement of the imprisonment after the conviction.

(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 these Rules; and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty, 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 allegations on 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 the dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this Rule 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 the 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 of such proceedings.

7. PENALTIES AND DISCIPLINAR AUTHORITIES

Penalties:

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 Institute by negligence or breach of orders;

(iv) Withholding of increments of pay.

Major Penalties:

(v) Reduction to a lower stage in time scale of pay for a specified period, with further directions as to whether or not the employee will earn increment of pay during the period, the reduction will or will not have the effect of positioning the future increments of his pay.

(vi) Reduction to a lower time scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and the seniority and pay on such restoration to that grade or post.

(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 Rule namely –

(i) stoppage of an employee at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

(ii) 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;

(iii) reversion of an employee, appointed on probation to any other grade or post, to his substantive grade or post during or at the end of the period of probation in accordance with the terms of his appointment, or the Rules and other governing such probation;

(iv) 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;

(v) replacement of the services of an employee, whose services had been borrowed from outside authority, at the disposal of such authority;

(vi) compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement;

(vii) termination of services -

(a) of an employee appointed on probation during or at the end of the period of his probation, in accordance with the terms of his appointment or the Rules and orders governing such probation; or

(b) of a temporary employee in accordance with the Rules made in that behalf by the Institute; or

(c) of an employee employed under an agreement in accordance with the terms of such agreement.

8. DISCIPLINARY AUTHORITIES

(1) The Executive Council may impose any of the penalties specified in Rule 7 on any employee.

(2) Without prejudice to the provision of such Rule, any of the penalties specified in Rule 7 may be imposed by the Appointing Authority or by any other authority empowered in this behalf by a general or special order of the Executive Council.

9. AUHTORITY TO INSTITUTE PROCEEDINGS

(1) The Executive Council or any other authority empowered by it by general or special order may –

(a) institute disciplinary proceeding 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 these Rules any of the penalties specified in Rule 7.

(2) A disciplinary authority competent under these Rules to impose any of the penalties specified in Clauses (i) to (iv) of Rule 7 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in Clauses (v) to (ix) of Rule 7 notwithstanding that such disciplinary authority is not competent under those Rules to impose any of the latter penalties.

PROCEDURE FOR IMPOSING PENALTIES

10. PROCEDURE FOR IMPOSING MAJOR PENALTIES

(1) No order imposing any of the penalties specified in Clauses (v) to (ix) of Rule 7 shall be made except after an enquiry held as may be in the manner provided in this Rule and Rule 11.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint under this Rule an authority to inquire into the truth thereof.

Explanation: Where the disciplinary authority itself holds the inquiry, any reference to the inquiring 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 Rule and Rule 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 imputation of misconduct or misbehaviour in support of each article of charge which contain –

a. a statement of all relevant facts including any admission or confessions made by the employees.

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 a written statement of defence, the disciplinary authority may itself enquire into such of the articles of charges as are not admitted, or if it considers it necessary to do so, appoint under such Rule (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 sub-rule 15.

(b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge, or it may, if it considers it necessary to do so, appoint, under sub-Rule (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 of 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 the 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 statement of witnesses, if any, referred to in sub-Rule (3);

(iv) evidence proving the delivery of the documents referred to in sub-Rule (3) to them; and

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

(7) The employee shall appear in person before the inquiring authority on such a 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 of misbehaviour of 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 assistance of any other employee to present the case on his behalf but may not engage a legal practitioner of the purpose.

(9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted and written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has and 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 these 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 omits to plead guilty required the Presenting Officer to produce evidence by which he proposed to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may for the purpose of preparing his evidence –

(i) inspect within five days of the order or within such further time exceeding five days as the inquiring authority may allow, the document specified in the list referred to in sub-Rule (3);

(ii) submit a list of witnesses to be examined on his behalf; and
Note: If the employee applies orally or in writing for the supply of copies of the statement of witness, as mentioned in the list referred to in sub-Rule (3), 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) given notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the production of any documents which are in the possession of the Institute but not mentioned in the list referred to in sub-Rule 93).

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

(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 of 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, refuses to requisition such of the documents as are, in its opinion not relevant to the case.

(13) On receipt of the requisition referred to in sub-Rule (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, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate 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 and 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, re-examine the witness on any points on which they have been cross examined, the inquiring authority may also put such questions to the witness as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee, or itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, copy of the list of further evidence proposed to be produced and an adjournment of inquiry for at least three days before the production of such new evidence exclusive of the day of adjournment and day to which the inquiry is documented. The inquiring authority shall give the employee and opportunity of inspecting such documents before they are taken on 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 interest of justice.

Note: New evidence shall not be permitted or called for 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 for the disciplinary authority is closed, the employee shall be required to state his defence orally or in writing as he may prefer, the employee shall be required to sign the record. In other cases 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 his 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 by the inquiring authority.

(18) The inquiring authority may, after the employee closes his case generally question him on he circumstances appearing against the employee in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, 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 defence on or before the dates specified for the purpose, or does not appear before the inquiring authority or otherwise fails or refuses to comply with the provisions of this Rule, the inquiring authority may hold the inquiry exparte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in Clauses (i) to (iv) penalties specified in Clauses (v) to (ix) of the Rule 7 has itself inquired into or caused to be inquiry 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 findings of any inquiring authority appointed by it, is to (ix) of Rule 7 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 records or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice recall the witness and

examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these Rules.

(22) Whenever any inquiring authority, after having heard and recorded that 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 succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly by itself.

Provided that, if 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 interest of justice, it may recall examine, cross-examine and re-examine any such witnesses as herein before provided.

(23) After the conclusion of the inquiry, a report shall be prepared and it shall contain –

(a) the article of charge and 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 articles of charge;

(d) the findings of each article of charge and the reasons therefore.

Explanation:

(i) If in the opinion of the inquiring authority the proceedings of the inquiry establish article of charge different from the original articles of the charge, it may also record its findings on such article of charge.

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

(d) written briefs, if any, filed by the Presenting Officer of 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.

11. ACTION ON THE INQUIRY REPORT

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case of the inquiring authority for further inquiry and report, and inquiry according to the provisions of these Rules as far as may be.

(2) The disciplinary authority shall, if it disagrees with the finding on all or any of the articles of charge and is of the opinion that any of the penalties specified in Clauses (i) to (iv) of Rule 7 should be imposed on the employee, it shall not withstanding anything contained in Rule 12 make an order imposing such penalty.

(3) If the disciplinary authority having regard to its findings on all or any articles of charge is of the opinion that any of the penalties specified in Clauses 9i) to (iv) of Rule 7 should be imposed on the employee, it shall notwithstanding anything contained in Rule 12 make an order imposing such penalty

(4) (i) 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 Clauses (v) to (ix) of Rule 7 should be imposed on the employee, it shall –

(a) furnish to the employee a copy of the report of the inquiry held by it and its findings on such article of charge or where the inquiry has been held by an inquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for the inquiring authority;

(b) give the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence produced during the inquiry held under Rule 10.

(iii) the disciplinary authority shall consider the representations, if any, made by the employee in pursuance of the notice given to him under Clause (i) and determine what penalty, if any, should be imposed on him and made such orders as it may deem fit.

12. PROCEDURE FOR IMPOSING MINOR PENALTIES

(1) subject to the provision of sub-Rule (i) of Rule 11 no order imposing on an employee any of the penalties specified in Clauses (i) to (iv) of Rule 7 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 as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-Rule (3) to (23) of Rule 10 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 on inquiry, if any, held under Clause (b) into consideration; and

(d) recording a finding on such imputation of misconduct or misbehaviour

(2) The record of the proceedings in such cases shall include –

i. a copy of the intimation to the employee of the proposal to take action against him;

ii. a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

iii. his representation, if any;

iv. the evidence produced during the inquiry;

v. the findings on each imputation of misconduct or misbehaviour, and

vi. the orders on the case together with the reasons there.

13. COMMUNICATION OF ORDERS

Order passed by the disciplinary authority shall be communication to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings, on each articles 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 the brief reasons for its disagreement, if any, with the findings on the inquiring authority, unless they have already been supplied to him.

14. COMMON PROCEEDINGS

(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 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 common proceedings.

Note: If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceedings may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-Rule (2) of Rule 8 any such order shall specify –

i. The authority which may function as the disciplinary authority for the purpose of such common proceeding;

ii. The penalties specified in Rule 7 such disciplinary authority shall be competent to impose; and

iii. Whether the procedures laid down in Rule 10 and Rule 11 or Rule 12 shall be followed in the proceedings.

15. SPECIAL PROCEDURE IN CERTAIN CASES

Notwithstanding anything contained in Rule 11 to Rule 14 –

i. where any penalty is imposed on an employee on the ground of misconduct which has led to his conviction on a criminal charge; and

ii. where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold inquiry in the manner provided in these regulations, the disciplinary authority may consider the circumstances of the case and make such order thereon as it deems fit.

16. PROVISION REGARDING AN EMPLOYEE LENT TO OUTSIDE AUTHORITY

(1) Where the services of an employee are lent to an outside authority hereinafter in this Rule 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 proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against the employee –

(i) if the borrowing authority is of the opinion that any of the penalties specified in Clauses (i) to (iv) of Rule 7 should be imposed on the employee it may, after consultation with the lending authority make such orders on the case as it deems necessary.

(ii) if the borrowing authority is of the opinion that any of the penalties specified in Clauses (v) to (ix) of Rule 7 should be imposed on the employee it shall replace his services at the disposal of the lending authority and transmit to it the proceeding of the inquiry and thereupon the lending authority may, if it is the disciplinary authority pass such orders thereon as it may deem necessary or if it is not the disciplinary authority submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary.

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-Rule (3) and (4) of the Rule 11.

Explanation:

The disciplinary authority may make an order under the Clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry it may deem necessary, as far as may be, in accordance in Rule 10.

17. PROVISION REGARDING PERSONS BORROWED FROM OUTSIDE AUTHORITIES

(1) Where an order of suspension is made for a disciplinary proceeding is conducted against an employee whose services have been borrowed from outside authority, the authority lending his services (hereinafter in this Rule referred to as the lending authority) shall forthwith be informed of the circumstances lending to the order of the suspension of the employee of the commencement of the disciplinary proceedings as the case may be.

(2) In the light of the findings in the disciplinary proceedings concluded against the employee, if the disciplinary authority is the opinion that any of the penalties specified in Clauses (i) to (iv) of Rule 7 should be imposed on him, it may be subject to the provision of sub-Rule (3) of Rule 11 after consultation with the lending authority pass such orders on the case as it may necessary –

i. provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee, shall be replaced at the disposal of the lending authority;

ii. if the disciplinary authority is of the opinion that any of the penalties specified in Clauses (v) to (ix) of Rule 7 should be imposed on the employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

APPEALS

18. ORDERS AGAINST WHICH AN APPEAL DOES NOT LIE

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 or the nature of a step-in-aid for the final disposal of a disciplinary proceeding other than order of suspension; and

iii. any order passed by an inquiry authority in the course of an inquiry under Rule 10.

19. ORDERS AGAINST WHICH APPEAL LIES

Subject to the provision of Rule 18 an employee may prefer an appeal against all or any of the following, namely –

i. an order of suspension made or deemed to have been made under Rule 11;

ii. an order imposing any of the penalties specified in Rule 7 whether made by the disciplinary authority or by an appellate or reviewing authority;

iii. an order enhancing a penalty, imposed under Rule 7;

iv. an order which -

(a) denies or varies to his disadvantage of his pay, allowances, pension or other conditions of service as regulated by the rules or by agreement; or

(b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty;

(c) determining the subsistence and other allowance 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;

(d) determining his pay and allowances –

(i) for the period of suspension; or

(ii) for the period from the date of 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

(e) 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 or restoration to his service grade post shall be treated as a period spent on duty for any purpose.

Explanation:
In this Rule the expression ‘employee’ includes a person who has ceased to be in the service of the Institute.

20. APPELLATE AUTHORITIES

(1) An employee including a person who has ceased to be in the service of the Institute may prefer an appeal against all or any of the orders specified in Rule 19 to the authority specified in this behalf by a general or special order of the Institute or where no such authority is specified –

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; and

(b) to the Executive Council where such order is made by another authority.

(2) Notwithstanding anything contained in sub-Rule –

(i) an appeal against an order in common proceeding held under Rule 14 will lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;

(ii) 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.

Provided that the Executive Council may appoint a 'Committee of Appeals' to which all appeals against major penalty of dismissal referred to in Clauses (viii) to (ix) of Rule 7 would like against the orders of the Executive Council for final decision.

The composition and term of the Committee of Appeals and also Rules for the conduct of its business would be determined by the Executive Council.

21. PERIOD OF LIMITATION FOR APPEALS

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of fortyfive days fro m the date of 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 appellant had sufficient cause for not preferring the appeal in time.

22. FORM AND CONTENTS OF APPEAL

(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 orders appealed against. It shall contain all the material statement and arguments on which the appellant relies, 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 a 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.

23. CONSIDERATION OF APPEAL

(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 Rule 21 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 Rule 7 or enhancing any penalty imposed under the said Rule the appellate authority shall consider –

(a) whether the procedure laid down in these Rules 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 imposed is inadequate or severe, and pass orders –

i. confirming, enhancing, reducing or setting aside the penalty; or

ii. remitting the case of 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 the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in Clause (v) to (ix) of Rule 7 and an inquiry under Rule 10 has not already been held in the case, the appellate authority shall subject to the provisions of Rule 20 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 5 and thereafter on a consideration of the proceeding of such inquiry and after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-Rule (4) of Rule 11 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 Rule of making a representation against such enhanced penalty.

(3) In appeal against any other order specified in Rule 19 the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

(4) Implementation of orders in appeal –

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

REVIEW

24. NOTWITHSTANDING ANYTHING CONTAINED IN THESE RULES

(i) The Executive Council; or

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

(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 it may consider proper in the circumstances of the cases; or

(d) pass such other order as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by a reviewing 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 Rule 7 or enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these Clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 11 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

(iii) An application for review shall be dealt with in the same manner as if it were an appeal under these Rules.

MISCELLANEOUS

25. SERVICE OF ORDERS, NOTICES, ETC

Every order, notice and other process made or issued under these Rules shall be served in person on the employee concerned or communicated to him by Registered Post.

26. POWER TO RELAX TIME-LIMIT TO CONDONE DELAY

Save as otherwise expressly provided in these Rules, the authority competent under these Rules to make an order may for good and sufficient reasons, or if sufficient cause is shown, extend the time specified in these Rules or condone any delay.

27. REPEL AND SAVING

(1) An appeal pending at the commencement of these Rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these Rules as if, such order were made and the appeal were preferred under these Rules.

(2) As from the commencement of these Rules any appeal or application for review against any order made before such commencement shall be preferred or made under these Rules, as if such orders were made under these Rules.

Provided that nothing in these Rules shall be construed as reducing any period of limitation for any appeal or review provided by any Rules in force before the commencement of these Rules.

28. RESIDUARY MATTERS

In regard to matters not specifically covered by these Rules or by Regulations or Orders made or issued thereunder or by special orders, the members of the service shall be governed by the Rules and Regulations and Orders applicable to the Government Servants in the Central Secretariat.

THE MANOHAR PARRIKAR
INSTITUTE FOR DEFENCE STUDIES AND ANALYSES
(CONDUCT RULES – 1984)

1. CONDUCT

Every employee of the Institute shall at all times –

i. maintain absolute integrity and devotion to duty;

ii. do nothing which is unbecoming of an employee of the Institute;

iii. abide by and comply with the Rules of the Institute and all orders and directions of his superior authorities; and

iv. extend utmost courtesy and attention to all persons with whom he has to deal in the course of his duties

2. JOINING OF ASSOCIATIONS BY EMPLOYEES

No employee shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the Institute or public order, decency or morality.

3. DEMONSTRATION AND STRIKES

No employee shall –

i. engage himself or participate in any demonstration which is prejudicial to the interests of the Institute, public order, decency or morality, or which involves contempt of court, defamation of incitement to an offence; or

ii. resort to or, in any way, abet in any form of strike in connection with any matter pertaining to his service or the service of any other employee.

4. PRIVATE TRADE OR EMPLOYMENT

No employee of the Institute shall, except with the previous sanction of the Director, engage directly or indirectly in any trade or business or undertake any other employment for pecuniary again.

5. CANVASSING OF NON-OFFICIAL OR OTHER INFLUENCE

No employee of the Institute shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service in the Institute.

6. UNAUTHORISED COMMUNICATION OF INFORMATION

No employee shall except in accordance with any general or special order to the Institute or in the performance in good faith of the duties assigned to him communicate, directly or indirectly, any official document or part thereof or information to any other employee or any other person to whom he is not authorised to communicate such document or information.

7. INSOLVENCY AND HABITUAL INDEBTEDNESS

An employee of this Institute shall so manage his private affairs as to avoid habitual indebtedness or insolvency.

8. VINDICATION OF ACTS AND CHARACTER OF EMPLOYEE

i. An employee of the Institute shall –

(a) take due care that the performance of his duties is not affected in any way by the influence of any intoxication drink or drug;

(b) not appear in a public place in a state of intoxication.

ii. No employee, shall except with the previous sanction of the Institute, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

iii. Nothing in this Rule shall be deemed to prohibit any employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the prescribed authority regarding such action.

9. REPRESENTATION

Whenever an employee wishes to put forth any claim or seek redress of any grievance or any of wrong done to him, he must forward his case through proper channel and shall not forward such advance copies of his application to any higher authority, unless the lower authority has rejected the claim, or rufused relief, or that the disposal of the matter is delayed by more than three months. No employee shall be signatory to any joint representation addressed to the authorities for redress of any grievance or for any other matter.

10. BIGAMOUS MARRAIGES

i. No employee who has a wife/husband living shall contract another marriage without first obtaining permission of the Institute, notwithstanding that such subsequent marriage is permissible under the personal law, for the time being, applicable to him.

ii. No female/male employee shall marry any person who has a husband/wife living without first obtaining the permission of the Institute.

11. RESIDUARY MATTERS

In regard to matters not specifically covered by these Rules or by Regulations or Orders made or issued there-under or by special orders, the members of the service shall be governed by the Rules and Regulations and Orders applicable to the Government Servants in the Central Secretariat.