

C. C. A. STATUTES

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರ
ಕಾನೂನು ಸಭೆಯು
ಬೆಂಗಳೂರು, ಕರ್ನಾಟಕ-560 001
ಮುದ್ರಣ

19.3 *Mysore University Employees' (Classification, Control and Appeal) Statutes

[Under Section 35 (m) of the KSU Act, 1976]

In exercise of the powers conferred by sub-clause (h) of Clause (2) of Section 23 read with Clause (m) of Section 35 of the KSU Act 1976 (Karnataka Act 28 of 1976), the Senate of the Mysore University hereby makes the following Statutes.

Part I — GENERAL

1. Title and Commencement : (1) These Statutes may be called the "Mysore University Employees' (Classification, Control and Appeal) Statutes 1983".

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definition : In these Statutes, unless the context otherwise require—

(a) "Appointing Authority" in relation to a employee means—

(i) the authority empowered to make appointments to the respective classes of service ;

(ii) the authority which appointed the employee to such service, grade or post as the case may be.

(b) "Disciplinary Authority" in relation to imposition of penalty on an employee means the authority competent under these Statutes to impose on him that penalty ;

(c) "Employee" means any person appointed to any post in the University and includes any person whose services are temporarily placed at the disposal of any other University, Government of Karnataka or Government of any other State or Government of India or any other Organisation/Institution ;

(d) "Schedule" means Schedule to these Statutes ;

(e) "University" means the University of Mysore.

3. Application : (1) These Statutes shall apply to all classes of employees except—

(a) those employees belonging to the Industrial Establishment of the Mysore University Press to whom the provision of the Industrial Employment (standing orders) Act 1946 (Central Act XX of 1946) are applicable ;

(b) members of All India Services ;

(c) a State or Central Government Servant who is appointed on deputation to the University ;

(d) Persons in casual employment ;

(e) Persons appointed on contract.

*Assented to by the Chancellor on 16-9-1986 and communicated by the Government vide Letter No. ED 43 UMS 84 dated 18-9-1986 ; Notified by the University vide No. A5-888 (a)/76-77 dated 9-10-1986.

ಕುಲಸಚಿವರ ಜ್ಞಾನ ಸಹಾಯಕ
ಕುಲಸಚಿವರ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ
ಜ್ಞಾನ ಸಹಾಯಕಿ, ಲಂಕರಘಟ್ಟ-577 451,
ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ.

(2) If any doubt arises as to whether these Statutes apply to an employee or not, the matter shall be referred to the Chancellor whose decision thereon shall be final.

3-A Protection of Rights and Privileges conferred by any law: Nothing in these Statutes shall operate to deprive any employee of any right or privilege to which he is entitled by or under any law for the time being in force.

Part II — CLASSIFICATION

4. Classification of Services: The University services shall consist of 3 groups viz., Group 'A', Group 'B' and Group 'C' consisting of posts specified in Schedule.

Part III — DISCIPLINE AND PENALTIES

5. Nature of Penalty: (1) One or more of the following penalties for good and sufficient reasons may be imposed on an employee as hereinafter provided.

(i) fine in the case of Group 'C' employee;

(ii) Censure;

(iii) withholding of increments without affecting future increments;

(iv) withholding promotion;

(v) recovery from the pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the University, Government of Karnataka or Government of any other State, or to the Government of India, or any other Institution or organisation to whom the services of the employee had been lent;

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

(vii) reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he had been reduced, with or without further orders regarding—

(a) seniority and pay in the scale of pay, grade, post or service to which employee is reduced,

(b) conditions for restoration to the scale of pay, grade, post or service from which the employee was reduced and his seniority and on each restoration to that scale of pay, grade, post or service;

(viii) compulsory retirement;

(ix) removal from service which shall not be a disqualification for future employment.

(x) dismissal from service which shall be a disqualification for future employment.

(2) In the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty, other than those specified in items (viii) to (x) above, shall be imposed for an established charge of corruption.

Explanation: For the purpose of this Clause, the expression "Corruption" shall have the meaning assigned to the expression "Criminal Misconduct in discharge of official duty" in sub-section (1) of Section 5 of the Prevention of Corruption Act, 1947 (Central Act 2 of 1947) or the meaning assigned to the expressions "taking gratification other than legal remuneration in respect of an official act" and "obtaining valuable thing without consideration" in Section 161 and 165 respectively of the Indian Penal Code.

(3) The following shall not amount to penalty within the meaning of this Statute.

(i) withholding of increment of an employee for failure to pass a Departmental Examination;

(ii) non-promotion/non-selection to a higher post or grade to which an employee may be eligible, after consideration of his case;

(iii) reversion from a higher to a lower service, grade or post of an employee officiating in higher service, grade or post on the ground that he is considered, after trial to be unsuitable, for such higher service, grade or post on administrative grounds unconnected with his conduct (such as the return of the permanent incumbent from leave or deputation, the availability of a more suitable officer and the like);

(iv) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or at the end of period of probation in accordance with the terms of his appointment or the rules and orders governing probation;

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

(vi) termination of the services—

(a) of a person employed under an agreement, in accordance with the terms of such agreement; or

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

(c) of a temporary employee otherwise than by way of punishment.

6. Disciplinary Authorities :— (1) The Chancellor may impose any of the penalties specified in Statute 5 on any University employee.

(2) Without prejudice to Clause (1) but subject to Clause (3)—

(a) the Vice-Chancellor may impose any of the penalties specified in Statute 5 on an employee belonging to Group "B" or "C" and any of the penalties specified in items (ii), (iii), (v) of Clause (1) of Statute 5 on employee belonging to Group "A"

(b) the Registrar, the Controller of Examinations, the Finance Officer, the Heads of the Departments of University and the Principals of University Colleges, may impose on an employee belonging to Group "B" and working under them any of the penalties specified in items (ii), (iii) and (v) of Clause (1) of Statute 5 and on an employee belonging to Group "C" and working under them any of the penalties specified in items (i), (iii) and (v) of Clause (1) of Statute 5.

(3) Penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 may be imposed only by the appointing authority.

7. Suspension:—(1) The appointing authority or any authority to which it is subordinate may place an employee under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending; or

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

(2) The Registrar, the Controller of Examinations, the Finance Officer, Principals of University Colleges and the Heads of Departments of University may place under suspension any employee belonging to Group "B" or Group "C" working under him—

(a) where a disciplinary proceeding against the employee is contemplated or is pending; or

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

Provided that in any such case, the authority suspending such an employee shall forthwith report to the appointing authority the circumstances under which the order was made.

(3) Before any order of suspension is passed, the authority which makes the suspension order should satisfy itself, for reasons to be recorded in writing, that the retention of the employee in question would not be in the interest of the University.

(4) 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 conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation: The period of forty-eight hours referred to in sub-clause (b) of this Clause shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these Statutes and the case is remitted for further inquiry 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.

(6) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further inquiry 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 dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(7) (a) An order of suspension made or deemed to have been made under this statute 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 proceedings or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension the authority competent to place him under suspension, may, for reason 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.

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

(8) Where an employee has been suspended by any officer other than the Chancellor and final orders in the inquiry pending against him have not been passed within a period of six months from the date of the order of suspension, the case shall be reported to the Chancellor for such orders as he deems fit.

8. Authority to institute the Proceedings: (1) The Chancellor or any officer empowered by him by general or special orders may—

- (a) institute disciplinary proceedings against any employee;
- (b) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose, under this statute, any of the penalties specified in Clause (1) of Statute 5.

(2) The disciplinary authority competent under this Statute to impose any of the penalties specified in items (i) to (iii) and (v) of Statute 5 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5, notwithstanding that such disciplinary authority is not competent under this Statute to impose any of the latter penalties.

9. Procedure for imposing major penalties: (1) No order imposing on an employee any of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 shall be passed except after an inquiry held, as far as may be, in the manner hereinafter provided under this Statute and Statute 10.

(2) Whenever the disciplinary authority, with or without making a preliminary inquiry, is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint under this Statute any other employee of the University or any person as inquiring officer to inquire into the truth thereof.

Explanation: Where the disciplinary authority itself holds the inquiry, any reference in Clauses (7) to (22) and Clause (24) to the inquiring officer shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this Statute and Statute 10, the disciplinary authority shall draw up or cause to be drawn up—

- (i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge.
- (ii) a statement of the imputation of misconduct or misbehaviour in support of such article of charge, which shall contain—
 - (a) a statement of all relevant facts including any admission or confession made by the employee;
 - (b) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be sustained.

ಶ್ರೀಮತಿ ಕುಲಸಚಿವ
 ಕಾನೂನು ಸಂರಕ್ಷಣಾ ಮತ್ತು ಸರ್ಕಾರಿ ವಿಭಾಗ
 ಕುವೆಂಪು ವಿಶ್ವವಿದ್ಯಾನಿಲಯ
 ಕರ್ನಾಟಕ - 577451

(4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers it necessary so to do, appoint under Clause (2), an inquiring officer 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 Statute 10.

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

(c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring officer for holding an inquiry into such charge, it may, by an order, appoint an employee or a legal practitioner 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 officer, forward to the inquiring officer—

- (i) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour ;
- (ii) a copy of the written statement of defence if any, submitted by the employee ;
- (iii) a copy of the statements of witnesses, if any ;
- (iv) evidence proving the delivery of the documents referred to in Clause (4) to the employee ; and
- (v) a copy of the order appointing the ' Presenting Officer ' .

(7) The inquiring officer shall within 10 days of the receipt by him all the documents referred to in Clause (6), issue a notice in writing to the employee to appear before him and the employee shall appear in person before inquiring officer on the date, time and place so specified in the said notice or within such further time not exceeding 10 days as the inquiring officer may allow.

(8) The employee may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the presenting officer appointed by the disciplinary authority is a legal practitioner or a Law graduate, or the disciplinary authority, having regard to the circumstances of the case, so permits.

(9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statements of defence appears before the inquiring officer, such officer shall ask him whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring officer shall record the plea, sign the record and obtain the signature of the employee thereon.

(10) The inquiring officer shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

(11) The inquiring officer shall, if the employee fails to appear within the specified time or refuses or omits to plead, shall record an order that the employee may for the purpose of preparing defence—

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring officer may allow, the documents specified in the list referred to in Clause (3);

(ii) submit a list of documents and witnesses that he may require for his defence;

(iii) give a notice in duplicate within ten days of the order or within such further time not exceeding ten days, as the inquiring officer may allow for the discovery or production of the documents which are in the possession of the University but not mentioned in the list referred to in Clause (3) (b).

Note: Relevancy of the document and the witnesses referred to in item (ii) and (iii) shall be governed by the employee concerned.

(12) The inquiring officer shall, after so informing the employee, intimate the authority having custody or possession of the documents referred to in Clause (3) that he has permitted the employee to inspect the said documents and the authority having the custody or possession of the documents shall permit the employee to inspect the said documents and the statements of witnesses and also permit the employee to take extracts therefrom, or in the alternative, furnish copies thereof to the employee.

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

(14) On receipt of the requisition under Clause (13), the authority, having the custody or possession of the requisitioned documents, shall arrange to produce the same before the inquiring officer on the date, place and time specified in the requisition.

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the University. In that event, it shall inform the inquiring officer accordingly.

(15) The inquiring officer may for reasons recorded by him in writing, withdraw the requisition made to the authority having custody or possession of the documents, if in his opinion such documents are not relevant to the case or they are documents in respect of which such privilege could be claimed. If the requisition is not so withdrawn, the authority having custody or possession of the documents requisitioned shall produce the same before the inquiring officer.

(16) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the presenting officer and may be cross-examined by or on behalf of the employee. The presenting officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring officer. The inquiring officer may also put such questions to the witnesses as he thinks fit.

(17) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring officer may, in his discretion, allow the presenting officer to produce evidence not included in the list given to the employee or may himself call for fresh evidence or recall and further examine any witness and in such case, the employee shall be entitled to have, if he demands it, a copy of the list of fresh documents and witnesses proposed to be produced and examined and adjournment of the inquiry for three clear days before receiving such evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring officer shall give the employee an opportunity for inspecting such documents before they are taken on the record. The inquiring officer may also allow the employee to produce fresh evidence, if he is of the opinion that the production of fresh evidence is necessary in the interest of justice.

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

(18) 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. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the presenting officer, if any, appointed.

(19) The evidence on behalf of the employee shall then be produced. The employee may examine himself, if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring officer according to the provisions applicable to the witnesses for the disciplinary authority.

(20) The inquiring officer may, after the employee closes his case and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(21) The inquiring officer may, after the completion of the production of evidence, hear the presenting officer, if any appointed and the employee or his representative, if any; or permit them to file written briefs of their respective cases, if they so desire.

(22) If the employee to whom a copy of the articles of charge has been served, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring officer or otherwise fails or refuses to comply with the provisions of this Statute at any stage of the inquiry, the inquiring officer may hold the inquiry ex-parte.

(23) (a) Where a disciplinary authority competent to impose any of the penalties specified in items (i) to (iii) and (v) of Clause (1) of Statute 5, but not competent to impose any of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 has itself inquired into or caused to be inquired into the articles of any charge and that authority having regard to its decision on any of the findings of any inquiring officer appointed by him, is of the opinion that the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5, should be imposed on the employee that officer 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 of the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the employee such penalty as it may deem fit in accordance with these Statutes.

(24) Whenever any inquiring officer, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein and is succeeded by another inquiring officer who has and who exercise such jurisdiction, the inquiring officer so succeeding may act on the evidence so recorded by his predecessor or partly recorded by his predecessor and partly recorded by himself:

Provided that if the succeeding inquiring officer is of the opinion that further examination of any witnesses whose evidence has already been recorded is necessary in the interest of justice, he may recall and permit examination, cross-examination and re-examination of any such witnesses as hereinbefore provided.

(25) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain —

- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefor.

Explanation: If, in the opinion of the inquiring officer the proceedings of the inquiry establish any article of charge different from the original articles of charge, he may record his findings on such article of charge :

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

(ii) The inquiring officer, where he is not himself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include —

- (a) the report prepared by him under Clause (1)
- (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 or the employee or both during the course of the inquiry; and
- (e) the orders, if any, made by the disciplinary authority and inquiring officer in regard to the inquiry.

10. Action on the Inquiry Report : (1) The disciplinary authority if it is not itself the inquiring officer may, for reasons to be recorded by it in writing, remit the case to the inquiring officer for further inquiry and report, and the inquiring officer shall thereupon proceed to hold such further inquiry according to the provisions of Statute 9 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring officer on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to the findings on all or any of the articles of charge is of the opinion that one or more of the penalties specified in Clause (1) of Statute 5 should be imposed on the employee, it shall, notwithstanding anything contained in Statute 11, make an order imposing such penalty.

11. Procedure for imposing minor penalties : (1) Subject to the provisions of Clause (3) of Statute 10, no order imposing on an employee any of the penalties

specified in items (i) to (iii) and (v) of Clause (1) of Statute 5 shall be made except after—

- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity for making such representations as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in Clauses (3) to (25) of Statute 9, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking into consideration the representations, if any, submitted by the employee under Clause (a) and the record of inquiry, if any, held under Clauses (b) and (d) recording a finding on each 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 imputation of misconduct or misbehaviour served on him;
- (iii) his representation, if any;
- (iv) the evidence produced, if any, during the inquiry;
- (v) the finding on each imputation of misconduct or misbehaviour and
- (vi) the orders on the case together with the reasons thereof.

12. **Communication of Orders:** Orders made by the disciplinary authority shall be communicated to the employee, who shall 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 article of charge, or where the disciplinary authority is not the inquiring officer, a copy of the report of the inquiring officer and the statement of the findings of the disciplinary authority together with brief reasons for disagreement, if any with the findings of the inquiring officer:

Provided that it shall not be necessary to supply copies of the said documents, where the disciplinary authority exonerates the employee or where such documents have already been supplied to the employee.

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

Provided that if the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding shall be made by the Chancellor.

(2) Subject to the provisions of Clause (3) of Statutes 6 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 Statute 5 which the disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in Statute 9 and 10 or 11 may be followed in the proceeding.

14. Special procedure in certain cases : Notwithstanding anything contained in Statutes 9, 11 and 13—

- (i) where a penalty is to be imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the employee concerned has absconded, or where the officer concerned does not take part in the inquiry or where, for any reason to be recorded in writing, it is impracticable to communicate with him, or where the disciplinary authority, for reasons to be recorded in writing, it is impracticable to communicate with him, or where the disciplinary authority, for reasons to be recorded in writing, is satisfied that it is not reasonably practicable to follow the procedure prescribed in the said Statute;

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

Provided that in a case covered by item (i), no order imposing a penalty may be passed without giving the employee an opportunity to make a representation on the proposed penalty.

15. Provisions regarding lent officers : (1) Where the services of an employee are lent to Central Government or any State Government or to local or other authority (hereinafter in this Statutes referred to as *The Borrowing Authority*), the borrowing authority shall have the powers of appointing authority for the purpose of placing him under suspension and of the disciplinary authority for the purposes of taking a disciplinary proceedings against him :

Provided that the borrowing authority shall forthwith inform the lending authority the circumstances leading to the order of his suspension or the commencement of the disciplinary authority as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against such employee—

- (i) if the disciplinary authority is of the opinion that any of the penalty specified in items (i) to (iii) and (v) of Clause (1) of Statute 5 should be imposed on him, it may, subject to the provisions of sub-clause (3) of Statutes 10 after consultation with the lending authority, pass such order on the case as it deems necessary :

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

- (ii) if the borrowing authority is of the opinion that any of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may if it is the Disciplinary Authority, pass such orders thereon as it deems 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 deems necessary.

16. Provisions regarding Borrowed Officers: (1) When an order of suspension or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government, any State Government, Local bodies, or other authority, the authority lending his services (hereinafter in this statute referred to as the 'The Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings as the case may be.

(2) In the light of the findings of the disciplinary proceedings taken against such employee—

- (i) if the disciplinary authority is of the opinion that any of the penalties specified in items (i) to (v) of Clause (1) of Statute 5 should be imposed on him, it may, subject to the provisions of sub-clause (3) of Statute 10 after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the service of such 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 items (vi) to (x) of Clause (1) of Statute 5 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.

16-A. Provision regarding Re-appointed officers: Where a person who has ceased to be in University service, due to resignation, abolition of his post, termination of his appointment or any other cause, is reappointed as a employee, disciplinary proceeding may be taken against him in his new appointment in respect of any act or conduct during any period of his service in the University.

ಆರಾಜ್ಯ ಕುಲಸಚಿವ
ಮಾನವ ಸಂಪನ್ಮೂಲ ಮತ್ತು ಸಿವಿಲ್ ಕೆಲಸ ವಿಭಾಗ
ಕುವೆಂಪು ವಿಶ್ವವಿದ್ಯಾನಿಲಯ
ಫಂ.ನಂ. 577451

Part IV—APPEALS

17. Orders against which no appeal lies: Notwithstanding anything contained in the foregoing provisions, no appeal shall lie against—

- (i) any order made by the Chancellor ;
- (ii) any order of an interlocutory nature or in the nature of a step-in-aid for the disposal of a disciplinary proceeding, other than an order of suspension ;
- (iii) any order passed by an inquiring officer in the course of an inquiry under Statute 9.

18. Appeals against orders imposing penalties (1) Every employee shall be entitled to appeal to the extent and to the authorities, as hereinafter provided, and not otherwise, from an order by any authority—

- (a) imposing any of the penalties specified in Statute 5 whether made by the disciplinary authority or by an appellate authority or revising authority ;
- (b) reducing or withholding pension admissible to him under the statutes governing pension ;
- (c) placing him under suspension under Statute 7.

(2) An employee belonging to Group 'A' in the schedule may appeal to the Chancellor, against an order made by any other authority imposing upon him any of the penalties specified in Statute 5 or from an order referred to in sub-clauses (a), (b) and (c) of Clause (1).

(3) An employee belonging to Group 'B' or 'C' of the schedule may appeal against the orders passed in exercise of the powers conferred by Statute 6 to the authority immediately superior to the authority passing the order:

Provided that in the case of posts not specified in the schedule, the holder or holders of posts may appeal against the orders passed in exercise of the powers conferred by Statute 6 to the authority immediately superior to the authority passing the order.

(4) Notwithstanding anything contained in Clauses (1) to (3)—

- (a) where a 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 be to the authority to which such person is immediately subordinate ;
- (b) an appeal against an order in a common proceeding held under Statute 13 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.

19. Appeal against other order: (1) Every employee shall be entitled to appeal to the Chancellor against any order passed by a subordinate authority, which—

- (a) denies or varies to his disadvantage, his pay, allowances, pension or other conditions of service as regulated by an order, Statute or by agreement, or
 - (b) interprets to his disadvantage, the provisions of any such order, Statute or agreement whereby his pay, allowances, pension or other conditions of service are regulated.
- (2) An appeal against an order—
- (a) reverting to a lower service, grade or post, otherwise than as a penalty;
 - (b) reducing or withholding the pension or denying the maximum pension admissible to him;
 - (c) determining the subsistence and other allowances to be paid to the employee 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 his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade or post, time scale or stage in a time scale of pay, to the date of his reinstatement or restoration of his service, 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 service, grade, post, time scale or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post, time scale or stage in a time scale shall be treated as period spent on duty for any purpose, shall lie—
 - (i) in the case of an order made in respect of an employee on whom the penalty of dismissal from service can be imposed only by the Chancellor, to the Chancellor; and
 - (ii) in the case of an order made in respect of any other employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation :—In these Statutes,

- (i) the expression "employee" includes a person who has ceased to be in University service.
- (ii) the expression "Pension" includes additional pension, gratuity and any other retirement benefits.
- (3) Notwithstanding anything contained in these Statutes, there shall be no appeal against non-selection for a selection post.

20. **Period of Limitations for an Appeal:** - No appeal under this part shall be entertained unless it is submitted within a period of three months from the date of order appealed against:

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

21. **Form and Contents of Appeal:** (1) Every person submitting an appeal shall do so separately and in his own name.

(2) Every appeal preferred under these Statutes shall be accompanied by a copy of the order appealed against, shall contain all material statements and arguments relied on by the appellant and shall be complete in itself and shall not contain any disrespectful or improper language.

22. **Submission of Appeals:** Every appeal shall be submitted directly to the appellate authority.

23. **Summary Dismissal of Appeals:** The appellate authority may summarily dismiss the appeal if—

- (i) it is an appeal against the order from which no appeal more lies; or
- (ii) it does not comply with any of the provision of Statute 21; or
- (iii) it is not submitted within the period specified in Statute 20 and no reasonable cause is shown for the delay; or
- (iv) it is a repetition of an appeal already decided and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for reconsideration of the case; or
- (v) it is addressed to an authority to which no appeal lies under these Statutes; or
- (vi) it contains materials or documents which are treated as confidential and which the appellant could have come to know only as a result of breach of Statute 10 of the Mysore University Employees' (Conduct) Statutes 1983:

Provided that in every case in which an appeal is so summarily dismissed, the appellant shall be informed of the fact and reasons for it.

24. **Consideration of Appeals:** (1) In the case of an appeal against an order of suspension, the appellate authority, after calling for the relevant records, shall consider whether in the light of the provisions of Statute 7 and having regard to the circumstances of the case, the order of the suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against the order imposing any of the penalties specified in clause (1) of Statute 5, the appellate authority after calling for the records of the case, should consider—

- (a) whether the procedure prescribed in these Statutes has been complied with, and if not, whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;
- (b) whether the findings are justified;
- (c) whether the penalty imposed is excessive, adequate or inadequate and pass orders—
 - (i) setting aside, reducing, confirming or enhancing the penalty; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

Provided that

- (i) the appellate authority shall not impose any enhanced penalty unless such authority or the authorities, which made the order appealed against is competent to impose such penalty;
 - (ii) no order imposing the enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which may wish to make against the proposed enhanced penalty.
 - (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 and the inquiry under Statute 9 has not already been held in the case, the appellate authority shall, subject to the provisions of Statute 14, itself hold such inquiry or direct such inquiry to be held and thereafter on consideration of the proceedings of such inquiry, pass such orders as it may deem fit.
- (3) In the case of an appeal against any order specified in Clause (b) of Statute 18 or Statute 19, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

Part V—REVIEW

25. Chancellor's power to Review: Notwithstanding anything contained in these Statutes, the Chancellor may, on his own motion or otherwise, after calling for records of the case, review any order which is made or is appealable under these Statutes or the Statutes repealed by Statute 30 and

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;
- (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as he consider proper in the circumstances of the case; or
- (d) pass such other orders as he deems fit.

Provided that

- (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation, which he may wish to make, against such penalty or enhanced penalty;
- (ii) if the Chancellor proposes to impose any of the penalties specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 in a case where an inquiry under Statute 9 has not been held, he shall, subject to provisions of Statute 14, direct such inquiry be held thereafter, on consideration of the proceedings of such inquiry, pass such orders as he may deem fit:

Provided further that no application by an employee for reviewing an order shall lie in a disciplinary proceeding imposing any penalty other than those specified in items (iv) and (vi) to (x) of Clause (1) of Statute 5 and in respect of which an appeal is provided.

26. Review of orders in disciplinary cases: The authority to which an appeal against an order imposing any of the penalty specified in Clause (1) of Statute 5 lies, may, of its own motion or otherwise, call for the records of the case in the disciplinary proceeding, review any order passed in such a case and pass such orders as it deems fit, as if the employee had preferred an appeal against such order:

Provided that no action under these Statutes shall be initiated after one hundred and eighty days from the date of the order to be reviewed.

Part VI — MISCELLANEOUS

27. Appearance of Legal Practitioner: Save as otherwise provided in these Statutes, no legal practitioner shall be allowed to appear in any proceedings under these Statutes.

28. Services of order, Notices, etc: (1) Every order, notice and other process made or issued under these Statutes shall be served in person on the employee concerned or communicated to him by registered post.

(2) Where the employee refuses to receive, or keeps out of the way for the purpose of avoiding the service of such order, notice or other process, the same may be served by affixing a copy thereof on the notice board of the office of the disciplinary authority or of the inquiring officer and upon some conspicuous part of the house, if any, in which he is known to have last resided, or by publication in two daily newspapers having wide circulation in the State.

29 Power to relax time limit and to condone delay: Save as otherwise expressly provided by these Statutes, the authority competent under these statutes to make any order may, for good and sufficient reasons or if sufficient cause is shown,

extend the time specified in these Statutes for anything required to be done under these Statutes or condone any delay.

30. Repeal and Savings: (1) The Mysore University Services (Classification, Control and Appeal) Rules 1965 and any notification issued, rules and orders made under any such rules and all other rules and orders made by any competent authority to the extent to which they apply to persons to whom these Statutes apply and in so far as they relate to the classification of the University employees specified in the schedule or confer powers to make appointments, impose penalties or entertain appeals are hereby repealed:

Provided that

(a) such repeal shall not affect the previous operations of the said rules, notifications or orders or anything done or any action taken thereunder;

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these Statutes shall be continued and disposed of, as far as may be, in accordance with the provisions of these Statutes.

(2) Nothing in these Statutes shall operate to deprive any person to whom these Statutes apply, of any right of appeal which had accrued to him under the rules, notifications or orders repealed by Clause (1) in respect of any orders passed before the commencement of these Statutes.

(3) An appeal pending at or preferred after the commencement of these Statutes against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these Statutes.

Schedule to Statute No. 4

Group 'A'

I. Pay Scale: Rs. 1,950-2,450

1. Registrar, if employee of the University
2. Finance Officer, if employee of the University
3. System Manager

II. Pay Scale: Rs. 1,725-2,350

4. Administrative Officer
5. Deputy Registrar
6. Deputy Controller of Examinations
7. Director of Prasaraanga
8. System Engineer, Computer Centre

ಉಪ ಕುಲಸಚಿವ
ಮಾನವ ಸಂಪನ್ಮೂಲ ಮತ್ತು ನಿರ್ವಹಣೆ ವಿಭಾಗ
ಕುವೆಂಪು ವಿಶ್ವವಿದ್ಯಾನಿಲಯ
ಶಂಕರಘಟ್ಟ - 577451

9. Maintenance Engineer
 10. Controller of Examinations, if employee of the University
 11. Executive Engineer, if employee of the University
 12. Deputy Finance Officer, if employee of the University
- III. *Pay Scale: Rs. 1,600-1,800*
13. Director, Institute of Correspondence Course and Continuing Education
- IV. *Pay Scale: Rs. 1,500-2,500*
14. Professors (Post-graduate)
 15. Dean of Student Welfare
- V. *Pay Scale: Rs. 1,320-2,250*
16. Professors (Under-Graduate)
- VI. *Pay Scale: Rs. 1,200-2,175*
17. Readers (Under-graduate)
 18. Assistant Controller of Examinations
 19. Chief Editor
 20. Deputy Director, Oriental Research Institute
 21. Deputy Director, Institute of Kannada Studies
 22. Deputy Director, Prasaraṅga
 23. Assistant Dean of Student Welfare
 24. Executive Editor
 25. Co-ordinating Editor
 26. Science Editor
 27. Humanities Editor
 28. Director, University Printing Press
 29. Medical Officer
 30. Assistant Finance Officer, if employee of the University
 31. Assistant Registrars
- VII. *Pay Scale: Rs. 1,200-1,900*
32. Readers (Post-Graduate)
- VIII. *Pay Scale Rs. 1,050-1,950*
33. Lecturers (Under-graduate)
 34. Assistant Executive Engineer
 35. Superintendent, Central Workshop
 36. Assistant Directors
 37. Maintenance Engineer (Junior)
 38. Programmers
 39. Research Officer
 40. Private Secretary to Vice-Chancellor
 41. Deputy Editor (English and Kannada Dictionary)

- IX. *Pay Scale: Rs 1,000-1,500*
 42. Librarian
- X. *Pay Scale: Rs. 950-1,800*
 43. Project Co-ordinator, NSS
- XI. *Pay Scale: Rs. 900-1,750*
 44. Epigraphist
- XII. *Pay Scale: Rs. 700-1,600*
 45. Lecturers (Post-Graduate)
- XIII. *Pay Scale Rs. 700-1,300*
 46. Documentation-cum-Reference officer
- XIV. *Pay Scale Rs. 700-1,250*
 47. Deputy Director, Institute of Correspondance Course and Continuing Education
 48. Director, Physical Education
- XV. *Pay Scale: Rs. 700-1,100*
 49. Assistant Director, Mineralogical Institute
- XVI. *Pay Scale: Rs. 400-950*
 50. Asst. Director of Physical Education
 51. Deputy Librarian

Group 'B'

- I. *Pay Scale: Rs 1,050-1,950*
 1. Asst. Epigraphist
 2. Curator
 3. Editorial Assistant
 4. Coach
 5. Superintendent
- II. *Pay Scale: Rs. 920-1,725*
 6. Translator
 7. Asst. Translator
 8. Editor
 9. Asst. Editor
 10. Research Assistant Grade-I
 11. Asst. Superintendent of Gardens
 12. Asst. Editor Grade-J
 13. Asst. Editor Grade-II
 14. Epigraphical Assistant
 15. Computer Operator (Junior)
 16. Antiquity Assistant
 17. Physical Assistant
 18. Co-ordinator

19. Asst. Librarian
20. Chemical Assistant
21. Oriental Pandit
22. Asst. Engineer
23. Research Assistant
24. Stationery Assistant
25. Field Assistant
26. Curator
27. Statistical Assistant

III. *Pay Scale Rs. 860-1,650*

28. Research Assistant Grade-II
29. Senior Assistant

IV. *Pay Scale Rs. 750-1,500*

30. Foreman (Yuvaraja's College, Mysore)
31. Glass Blower
32. Draftsman
33. Junior Engineer
34. Horticultural Assistant Grade-I
35. Swimming Coach
36. Nurse
37. Foreman (Printing Workshop)
38. Photographer (Ancient History and Archaeology Department; and Zoology Department)

V. *Pay Scale Rs. 700-1,600*

39. Statistician
40. Co-ordinator (Examination Reform Cell)

VI. *Pay Scale : Rs. 700-1,300*

41. Asst. Librarian (Post-Graduate Centre—B.R. Project)

VII. *Pay Scale : Rs. 675-1,320*

42. Sub Asst. Editor
43. Photographer
44. Store-keeper
45. First Division Clerk
46. Stenographer
47. Store-keeper (B R. Project)
48. Asst. Librarian (Oriental Research Institute)
49. Field Assistant (Institute of Correspondence Course and Continuing Education)

- 50. Sub-Editor
- 51. Taxidermist

VIII. Pay Scale: Rs 630-1,200

- 52. Key Punch Operator
- 53. Laboratory Assistant
- 54. Herbarium Keeper
- 55. Micro Technician
- 56. Cost Accountant
- 57. Proof Reader, Grade-I
- 58. Technician
- 59. Folklore Modeller and Artist
- 60. Administrative Assistant
- 61. Store-Keeper (Prasaranga)
- 62. Technical Assistant (Manuscript)
- 63. Technical Assistant (Language Laboratory)
- 64. Stage Assistant (Fine Arts College)
- 65. Asst. Librarian (Post-graduate Centre, B.R. Project)
- 66. Horticulture Assistant (B.R. Project)
- 67. Mechanic (Central Workshop)
- 68. Technical Assistant (Journalism Department)
- 69. Laboratory-cum-Library Assistant
- 70. Junior Translator
- 71. Laboratory Assistant

IX. Pay Scale: Rs 550-1,050

- 72. Mechanic
- 73. Sanitary Inspector
- 74. Tracer
- 75. Horticultural Assistant, Grade-II
- 76. Laboratory Technician
- 77. Pharmacist
- 78. Draftsman (Geography Department and Institute of Development Studies)
- 79. Technical Assistant (Geography Department)

X. Pay Scale Rs. 500-1,200

- 80. Technical Assistant (Psychology Department)

XI. Pay Scale: Rs 490-950

- 81. Section Cutter
- 82. Telephone Operator
- 83. Mechanic
- 84. Wireman

ಉಪ್ ಕುಲಸಚಿವ

ಮಾನ್ಯ ಸಂಪನ್ಮೂಲ ಮತ್ತು ನಿರ್ವಹಣೆ ವಿಭಾಗ

ಕುವೆಂಪು ವಿಶ್ವವಿದ್ಯಾನಿಲಯ

ಶಂಕರಘಟ್ಟ - 577451

85. Foreman
86. Proof Reader, Grade II
87. Library Assistant
88. Swimming Instructor
89. Electrician
90. Second Division Clerk
91. Typist-cum-Clerk
92. Store-keeper
93. Carpenter

XII. *Pay Scale: Rs 460-1,000*

94. Radiographer

XIII. *Pay Scale: Rs. 400-950*

95. Physical Culture Instructor

Group C

I. *Pay Scale: Rs. 410-700*

1. Meter Reader
2. Driver
3. Fitter
4. Cook
5. Caretaker
6. Workshop Assistant
7. Animal Caretaker
8. Tractor Driver
9. Fieldman
10. Attender-cum-Technician
11. Jamedar
12. Daffedar
13. Attender
14. Laboratory Attenders
15. Mechanic (Physics Department)
16. Field Assistant

II. *Pay Scale: R. 390-550*

17. Gardener/Malies
18. Field Assistant
19. Guard

20. Ward Attendent (Male)
21. Ward Attendent (Female)
22. Bill Collector
23. Helper
24. Life Saver
25. Peon/Maid Servant
26. Watchman
27. Helper
28. Scavenger
29. Sweeper
30. Museum Keeper

III. *Pay Scale: Rs. 175-350*

31. Electrician
32. Welder

IV. *Pay: Rs. 150/-*

33. Asst. Cook

19.4. *Mysore University Employees' (Conditions of Service) Statutes (Revised) 1984

In exercise of the powers conferred by Clause (h) of Sub-section (2) of Section 23 read with Clause (m) of Section 35 of the KSU Act, 1976 (Karnataka Act 28 of 1976), the Senate of the Mysore University hereby makes the following Statutes, namely:—

1. **Title and Commencement** :—(1) These Statutes may be called the "Mysore University Employees' (Conditions of Service) Statutes, 1984".

(2) They shall come into force on the date of the publication by the University.

(3) They shall apply to all employees of the University of Mysore;

Provided that nothing in these Statutes shall apply to—

- (a) a member of the All India Services;
- (b) a State or Central Government Servant, who is appointed on deputation;
- (c) an employee of the Mysore University in the Mysore University Printing Press, for whom the provisions of the Industrial Employment (Standing Orders) Act, 1946 applies;
- (d) persons in Casual Employment;
- (e) persons appointed on contract.

*Assented to by the Chancellor on 18-2-1988 and communicated by the Government vide Letter No. ED 60 UMS 87 dated 1-3-1988; Notified by the University vide No. A,3-845/83-84 dated 28-3-1988.