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[PART III – SECTION 4]

[Miscellaneous Notifications including Notifications, Orders, Advertisement and Notices
issued by Statutory Bodies]

MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF CULTURE,
New Delhi

No. F. 13-8/81-CH.5 G.S.R. – In exercise of the powers conferred by sub-section (1) of Section 6 of the Victoria Memorial Act, 1903 (10 of 1903), the Trustees with the previous approval of the Central Government hereby make the following regulations, namely: –

1. Short Title and Commencement: –

- (1) These regulations may be called the Victoria Memorial Service Regulations, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions: – In these regulations, unless the context otherwise requires, –

- (1) “Act” means the Victoria Memorial Act, 1903 (10 of 1903);
- (2) “Government” means the Central Government;
- (3) “Memorial” means the Victoria Memorial, Calcutta;
- (4) “Trustees” means the Board of Trustees of the Victoria Memorial, Calcutta, constituted under Section 2 of the Act.

3. Classification of Posts and Scales of Pay: – The Classification of posts under the Memorial and the scale of pay attached thereto shall be as specified below: –

- (i) Class I: Posts carrying a pay or a scale of pay with a maximum of not less than Rs. 1300/- (pre-revised)
- (ii) Class II: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 1300/- but not less than Rs. 900/- (pre-revised)
- (iii) Class III: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 900/- but not less than Rs. 260/- (pre-revised)
- (iv) Class IV: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 260/- (pre-revised)

4. Creation of Posts: –

The Trustees may, with the previous sanction of the Government, and subject to such conditions as it may impose, create such posts as may be necessary for the care or maintenance of the Memorial, fix or alter the scales of pay attached to such posts and re-classify such posts.

5. Appointment: –

- (1) Subject to such qualifications and other requirements as may be prescribed by the Trustees of the Memorial, with the approval of the Central Government, recruitment to all posts in the Memorial shall be made by: –
 - (a) direct recruitment by advertisement or through the Employment Exchange or both, or;
 - (b) promotion; or
 - (c) transfer on loan or otherwise from museums under the Central Government or museums aided by the Central Government or statutory bodies carrying out such activities as carried out by the memorials / museums.

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

(2) Appointments to all posts shall be made on the recommendation of a Selection Committee consisting of: –

(a) (In the cast of Class 1 posts): –

- (i) Chairman Executive Committee of the Trustees;
- (ii) two members nominated by the Trustees from among themselves;
- (iii) Secretary and Curator, Victoria Memorial;
- (iv) one expert in the branch of knowledge to which the post pertains to be nominated by the Trustees;
- (v) a representative or nominee of the Government of India from Ministry / Department dealing with the matters relating to the Victoria Memorial.

(b) (In the case of Class II and Class III posts): –

- (i) a member nominated by the Trustees from among themselves;
- (ii) an expert in the branch of knowledge to which the post pertains to be nominated by the Trustees;
- (iii) Secretary and Curator, Victoria Memorial; and
- (iv) a representative / nominee of the Government of India in the Department / Ministry dealing with the matters relating to Memorial.

(c) (In case of Class IV posts): –

- (i) Secretary and Curator of the Memorial; and
- (ii) a senior Class I officer of the Memorial.

(3) The Trustees shall be the appointing authority for all Class I posts and the Secretary and Curator of the Memorial shall be the appointing authority for other lower classes of posts.

(4) Recruitment to all posts in the Memorial shall be made subject to the production of a medical certificate of physical fitness as laid down in Appendix I to these regulations and subject to verification of character and antecedents of the persons concerned, except in such cases where the Trustees consider for reasons to be recorded in writing if any relaxation in physical standards of fitness is necessary.

6. Probation: –

(1) Every person appointed to a post in the Memorial after the commencement of these regulations, whether by promotion or by direct recruitment, shall be on probation for a period of one year.

Provided that the appointing authority may, for reasons to be recorded in writing extend the period of probation of an employee upto a period not exceeding two years.

(2) A probationer who in the opinion of the appointing authority is found fit for holding the post to which he / she is appointed shall be confirmed on completion of the period of probation.

(3) A probationer who in the opinion of the appointing authority is found unfit for holding the post to which he / she was appointed shall be discharged if he / she is a direct recruit or be reverted to his / her substantive post if he / she is a promotee.

7. Termination of Service: –

(1) The services of a temporary employee may, at any time , be terminated by the appointing authority, without assigning any reason, after giving a notice of not less than one month in writing or one month's pay and allowances in lieu of such notice and where such notice falls short of one month, by giving pay and allowances for the period by which it falls short of one month.

(2) Without prejudice to the provisions of sub-regulation (1), the services of a temporary employee may be terminated without notice –

(i) if his / her appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created; or

(ii) if his / her appointment is made for a specified period, on the expiry of such period.

(3) The services of a probationer may be terminated or he / she may be reverted to a lower post by an order as the case may be and no formal proceedings under sub-regulation (5) of regulation 12 shall be necessary.

(4) The services of a permanent employee may, if the post to which he / she is substantively appointed is abolished, be terminated by the Trustees by giving him or her notice of not less than three months in writing, or three months' pay and

allowances in lieu of such notice, and pay and allowances for such period by which the notice falls short of three months.

- (5) An employee who is given notice of termination of service under sub-regulation (1) or sub-regulations (3), may be granted during the period of notice such earned leave exceeding the period of notice as may be admissible to him / her and where leave is so granted his / her services shall stand terminated on the expiry of the period of notice or of leave whichever is later.
- (6) An employee may offer to resign from the service of the Memorial by giving at least three months notice where he or she is a permanent employee and one month's notice where he or she is a probationer or a temporary employee.

8. Retirement: –

- (1) (a) Except as otherwise provided in this regulation, every employee of the Memorial other than a Class IV employee shall retire on the last day of the month he / she attains the age of 58 years.

(b) With the sanction of the Trustees an employee to whom clause (a) applies may on grounds of public interest to be recorded in writing, be granted extension of service beyond the last day of the month he / she attains the age of 58 years.

Provided that no extension under this clause shall be granted beyond 60 years of age and such an extension shall not be granted for any period exceeding one year at a time.

- (2) Notwithstanding anything contained in sub-regulation (1), the Trustees may, if they are of opinion that it is in the public interest so to do, retire an employee to whom clause (a) of sub-regulation (1) applies after he / she has attained the age of 55 years by giving him / her notice of not less than 3 months in writing or three months pay and allowances in lieu of such notice.
- (3) Any employee to whom clause (a) of sub-regulation (1) applies may by giving notice of not less than three months in writing to the Trustees, retire from service after he / she has attained the age of 55 years.

Provided that it shall be open to the Trustees to withhold such permission to an employee under suspension who seeks to retire under this sub-regulation.

- (4) Every Class IV employee shall retire on the last day of the month he / she attains the age of 60 years.

9. Re-Employment: –

Where the Trustees are of the opinion that it is necessary so to do in the public interest, or in the interest of the Memorial, they may, subject to such terms and conditions as they may determine, re-employ a person who has retired under regulation 8.

Provided that no re-employment under this regulation shall be made after a person belonging to Class I, II and III post has attained the age of sixty years and sixty-two years to a person belonging to Class IV post.

10. Provident Fund: –

For the benefit of the employees there shall be a General Provident Fund to be governed by the Victoria Memorial Hall such as General Provident Fund Regulations, 1972 as amended from time to time.

11. Retiring and other benefits: –

(1) The regulations for the time being in force for regulating the conditions on which Pension including Family Pension, Gratuity, Children's Educational Allowance, Leave Travelling Allowance, Leave Travel Concession and Medical benefits as admissible to the employees of the Central Government, shall apply to the employees of the Memorial from time to time.

Provided that the Medical benefits shall be admissible subject to such conditions and restrictions as may be imposed by the Trustees from time to time.

(2) The following categories of employees shall be provided with such uniform as the Trustees may prescribe from time to time, for use by the employees while they are on duty: –

(a) All Class IV staff.

(b) Driver and Carpenter.

12. Suspension and Penalties: –

(1) An employee may be dismissed or removed from service or reduced in rank on the ground of conduct which has led to his / her conviction on a criminal charge.

(2) (a) The appointing authority or any authority to which it is subordinate or disciplinary authority empowered in that behalf by the Board of Trustees may place an employee under suspension: –

- (i) Where a disciplinary proceeding against him / her is contemplated or is pending; or
 - (ii) Where a case against him / her in respect of any criminal offence is under investigation, inquiry or trial.
- (b) An employee shall be deemed to have been placed under suspension by an order of the appointing authority or any authority to which it is subordinate or disciplinary authority empowered in that behalf by the Board of Trustees: –
- (i) With effect from the date of detention if he / she is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours;
 - (ii) With effect from the date of conviction for an offence if he / she is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsorily retired consequent on such conviction.
- (c) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the appointing authority or any other authority to which appointing authority is subordinate.
- (3) An employee placed under suspension shall be entitled to a payment of subsistence allowance at such rate not exceeding one-half of his / her pay on the date of suspension plus usual allowances admissible on the date of suspension.

Provided that such payment shall be subject to deductions subject to a maximum of one half of the total amount of subsistence allowance every month on account of Income-Tax, house rent, charges for electricity etc., recovery of loans and advances, over payment made to him / her by the Memorial and loss caused to the Memorial for which he / she has been held responsible.

- (4) The following penalties may, for good and sufficient reasons and as hereunder provided, be imposed on an employee: –
- (i) Censure;
 - (ii) Withholding of increments or promotion;
 - (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Memorial by negligence or breach of orders or directions of superior authorities;
 - (iv) Reduction to a lower post or a lower time-scale or to a lower stage in the time-scale;

- (v) Compulsory retirement; and
- (vi) Dismissal or removal from service.

(5) No order imposing any penalty on any employee shall be passed, except after –

- (a) The employee is informed in writing of the proposal to take action against him / her and the allegations on which such action is proposed to be taken and is given an opportunity to make any representation in writing or in person he / she may wish to make;
- (b) Such representation, if any, is taken into consideration by an Enquiring Officer; and
- (c) The report of the Enquiring Officer is taken into consideration by the disciplinary authority.

(6) (a) Where an order of suspension is made or a disciplinary proceeding is commenced against a borrowed employee the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or, as the case may be, the commencement of the disciplinary proceeding;

(b) In the light of the findings in the disciplinary proceedings taken against such an employee –

- (i) If the Trustees are of the opinion that any of the penalties specified in clauses (iv) to (vi) of sub-regulation (4) should be imposed on him / her, they shall replace his / her services at the disposal of the lending authority and transmit the proceedings of enquiry for such action as it may deem necessary;
- (ii) If the Trustees are of the opinion that any other penalty should be imposed on him / her, they may, after consultation with the lending authority, pass such orders on the case as they may deem necessary.

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

(7) An employee may appeal against an order of suspension or an order imposing upon him / her any of the penalties specified in sub-regulation (4) to the authority specified in this behalf in the Schedule annexed to these regulations.

(8) No appeal preferred under these regulations shall be entertained unless such appeal is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant.

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

13. Whole time Employment: –

Unless in any case it be otherwise distinctly provided, the whole time of an employee of the Memorial shall be at the disposal of the Trustees. An employee may, however, be entitled to overtime allowance for extra work in accordance with the instructions issued by the Government of India from time to time.

14. Existing Employees Deemed to have been Appointed under these Regulations: –

Every person holding a post in the Memorial immediately before the commencement of these regulations shall on such commencement, be deemed to have been appointed under the provisions of these regulations to the corresponding post and shall continue to draw the pay drawn by him / her immediately before such commencement.

15. Service Books and Character Rolls: –

- (1) The Trustees shall maintain a Service Book and a Character Roll in respect of each employee adopted in such form and setting out such particulars as may be prescribed for corresponding employees of Central Government from time to time.
- (2) The entries in the Service Book of an employee shall be made by the Trustees or caused to be made by the Trustees' officer maintaining accounts of the Memorial.
- (3) The entries in the Character Roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall, be reviewed by the next higher authority with its remarks: –

Provided that, –

- (i) Where the authority to which an employee is immediately subordinate is the Trustees, the entries in the Character Roll shall be made by the Chairman of the Trustees and no counter-signature shall be necessary; and
- (ii) Where such next higher authority is the Trustees, the Character Roll shall be countersigned by the Chairman of the Trustees.

16. Power to Relax: –

Notwithstanding, anything contained in these regulations, the Trustees may relax any of the provisions of these regulations if it is satisfied that it is necessary so to do in the interest of the Memorial or in the public interest or in order to relieve any employee of the Memorial from any hardship or financial loss arising from the operation of such provision.

17. Other terms and conditions: –

- (1) Where a doubt arises as to the interpretation or application of all or any of the provisions of the Rules or regulations made under the Act, the decision of the Central Government thereon shall be final.
- (2) Any matter relating to the conditions of service of officers and other employees of the Trustees for which no provision is made in these regulations, shall be determined by the Trustees, by general or special orders with the approval of the Central Government.

THE SCHEDULE

(Regulation 7 and 12)

Designation of post and / or Class	Appointing authority	Disciplinary authority	Appellate authority
Class I	Trustees	Trustees	Central Government
Class II	Secretary and Curator	Secretary and Curator	Trustees
Class III	Secretary and Curator	Secretary and Curator	Trustees
Class IV	Secretary and Curator	Secretary and Curator	Trustees

APPENDIX I

(SUB-REGULATION (4) OF REGULATION 5)

“I hereby certify that I have examined _____ a candidate for employment in the Victoria Memorial Hall, and cannot discover that _____ has any disease (communicable or otherwise), constitutional weakness or bodily infirmity

except _____ I do not consider this a disqualification for employment, in the Victoria Memorial Hall, Calcutta.”

- Note:*
1. Such a certificate shall be signed by a Medical Board in the case of a Class I Officer of the Museum and by a Civil Surgeon or a District Medical Officer of equivalent status in the case of Class II and Class III employees other than Class IV employees of the Museum.
 2. In the case of Class IV employees, Medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification recognised under the Indian Medical Council Act, 1956 (102 of 1956).

Sd/- ILLEGIBLE
SECRETARY & CURATOR
VICTORIA MEMORIAL