



**UNIVERSITY OF GRANTS COMMISSION  
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NEW DELHI**

**The University Grants Commission Employees (Classification; Control and Appeal) Regulations 1967**

**Preamble**

In exercise of the powers conferred by clause (c) of sub-Section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956) read with rule 9 of the University Grants Commission (Terms and Conditions of service of employees) Rules, 1958, the University Grants Commission, with the approval of the Central Government, hereby makes the following regulations namely:

**PART - I : GENERAL**

**1. Short title and commencement**

- (i) These regulations may be called the University Grants Commission Employees (Classification, Control and Appeal) Regulations, 1967.
- (ii) They shall come into force on the 1st April, 1967.

**2. Interpretation**

In these regulations unless the context otherwise requires :

- (a) "Appointing Authority" in relation to an employee of the University Grants Commission means- The authority empowered to make appointment to the cadre of which the employee is for the time being a member or to the grade in which the employee for the time being is included.
- (b) "Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act 1956.
- (c) "Disciplinary Authority" – In relation to the imposition of a penalty on an employee means the authority competent under these regulations to impose on him any of the penalties specified in regulation 10.
- (d) "Employee" means any person in the service of the University Grants Commission who is a member of a cadre or grade of posts created under the

Commission and includes any such person on foreign service or whose services are temporarily placed at the disposal of a University/College or any other authority by the Commission and also any person in the service of a State Government or Central Government or a local or other authority, University or College or any other autonomous body whose services are temporarily placed at the disposal of the commission

(e) "Schedule" means schedule to these regulations.

**3. ....**

(i) These regulations shall apply to all the employees except—

(a) A person on daily wages; and

(b) A person in casual employment.

(ii) If any doubt arises - (a) whether these regulations or any of them apply to any person or (b) whether any person to whom the regulations apply belongs to a particular cadre, the matter shall be referred to the Commission which shall decide the same.

**4. Protection of rights and privileges conferred by agreement**

Nothing in these regulations 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 Commission on the commencement of these regulations.

**PART - II : CLASSIFICATION**

**5. Classification of posts**

The posts in the University Grants Commission shall be classified as follows:

(i) Class I

(ii) Class II

(iii) Class III

(iv) Class IV

**6. Constitution of Cadre and grade**

The posts in Class I, Class II, Class III and Class IV shall consist of cadre and grades of a cadre specified in the schedule.

### **PART - III : APPOINTING AUTHORITIES**

#### **7. Appointment to Class I Posts**

All appointments to Class I posts shall be made by the Commission.

Provided that any post the maximum remuneration of which exceeds Rs. 2,000/- p.m. shall not be created by the Commission without the prior sanction of the Central Government.

#### **8. Appointments to other posts**

All appointments to the Class II, Class III and Class IV posts shall be made by the authorities specified in the schedule.

### **PART - IV : SUSPENSION**

#### **9. Suspension**

(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Commission in that behalf may place an employee under suspension –

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) where a case against him in respect of 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 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 term of imprisonment exceeding forty-eight hours and is not forth with dismissed; or removed or compulsorily retired consequent to such conviction.

**Explanation:** The period of forty-eight hours referred to in clause (b) or this sub-regulation 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.

(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 regulations 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 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 or circumstances of the case, decides to hold further enquiry against him on the allegations on which the penalty of dismissal, removal, 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 regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- (b) where an employee is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (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 authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

## **PART-V : PENALTIES AND DISCIPLINARY AUTHORITIES**

### **Penalties**

10. 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 Commission by negligence or breach of orders;
- (iv) Withholding of increments of pay.

**Major Penalties**

- (v) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the 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 to the time-scale of pay, grade or post further directions regarding conditions of restoration to the grade or post from which the employee was reduced, with or without further directions regarding conditions of restoration to the grade or post from which employee was reduced and the seniority and pay on such restoration to that grade or post;
- (vii) compulsory retirement;
- (viii) removal from service which shall not be a disqualification for future employment under the Commission;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Commission.

**Explanation**

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

- (i) withholding of increment of pay of an employee for his failure to pass any departmental examination in accordance with the regulations or orders government the grade or post to which he belongs or the post which he holds or the terms of his appointment;
- (ii) stoppage of an employee at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) 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;
- (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) reversion of an employee, appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing such probation;

- (vi) replacement of the services of an employee, whose services had been borrowed from a State Government or an authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such employee and had been borrowed;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannation or retirement;
- (viii) termination of the 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 Commission; or
  - (c) of an employee employed under an agreement in accordance with the terms of such agreement.

## **11. Disciplinary Authorities**

- (1) The Commission may impose any of the penalties specified in Regulation 10 on any employee;
- (2) Without prejudice to the provisions of sub-regulation, any of the penalties specified in Regulation 10 may be imposed by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the Commission.

## **12. Authority to institute proceedings**

- (1) The Commission or any other authority empowered by it by general or special order may—
  - (a) institute disciplinary proceedings against any employee;
  - (b) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in Regulations 10.
- (2) A disciplinary authority competent under these regulations to impose any of the penalties specified in clauses (i) to (iv) of regulation 10 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (v) to (ix) of regulation 10 notwithstanding that such disciplinary authority is not competent under these regulations to impose any of the latter penalties.

### 13. PART VI : PROCEDURE FOR IMPOSING PENALTIES

#### Procedure for Imposing Major Penalties

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of regulation 10 shall be made except after an enquiry held is far as may be, in the manner provided in this regulation and regulation 14.

(2) Whenever the disciplinary authority 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 enquire into, or appoint under this regulation or under the provision of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

**Explanation:** Where the disciplinary authority itself holds the inquiry and reference in sub-regulation 7 to sub-regulation 20 and in sub-regulation 22 to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this regulation and regulation 14, the disciplinary authority shall draw up or cause to be drawn up.

- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
- (ii) a statement of the imputations of misconduct or misbehaviour in support of each article 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 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 charges 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 to do, appoint, under sub-regulation 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 finding on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation 14.

- (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-regulation 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 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 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 statements of witnesses, if any, referred to in sub-regulations;
  - (iv) evidence proving the delivery of the documents referred to in sub-regulation 3 to the employee; and
  - (v) a copy of the order appointing the "Presenting Officer".
- (7) The employee shall appear in person before the inquiring authority on such day and such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour as the inquiring authority by a notice in writing specify in this behalf, or within such further time not exceeding ten days, as the inquiring authority may allow.
- (8) The employee may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits.
- (9) If the employee who has not submitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority-, such authority shall ask him whether he is guilty or has any defence to make and If he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.
- (10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employees pleads guilty.
- (11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by

which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence,

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

**Note:** If the employee applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-regulation 3, the inquiring authority shall furnish to the employee with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of the Commission but not mentioned in the list referred to in sub-regulation 3.

**Note:** The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Commission.

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

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion not relevant to the case.

(13) On receipt of the requisition referred to in sub-regulation (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 would 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 or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The 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 authority. The Inquiring authority may also put such questions to the witnesses as it things 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 may 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, a copy of the list of further evidence proposed to be produced and an adjournment of inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

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

(16) When the case 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.

(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 and examination by the Inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

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

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective case, if they so desire.

(20) If the employee to whom a copy of the articles of charge has been delivered, 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 authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry ex-parte.

(21)(a) Where a disciplinary authority competent to impose, any of the penalties specified in Clauses (i) to (iv) of regulation 10 (but not competent to impose any of the penalties specified in clauses (v) to (ix) of regulation 10) has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it is of the opinion that the penalties specified in clauses (v) to (ix) of regulation 10 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 not on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary the interests of Justice recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such as it may deem in accordance with these regulations.

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

Provided that if the succeeding inquiring authority is of the opinion that further examination on 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 hereinbefore provided.

- (23) (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 charges;
  - (d) the findings on each article of charge and the reasons therefor.

**Explanation:**

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

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

- (ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:—
- (a) the report prepared by it under clause (j);
  - (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 the inquiring authority in regard to the inquiry.

#### **14. 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 to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation 13 as far as may be.

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

(3) If the disciplinary authority having regard to its findings on all of any the articles of charge is of the opinion that any or the penalties specified in clauses (i) to (iv) of regulation 10 should be imposed on the employee, it shall notwithstanding anything contained in regulation 15 make an order imposing such penalty;

- (4)(i) if the disciplinary authority having regard to its findings on all or any or the articles of charge, is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 10 should be imposed on the employees, it shall—
- (a) furnish to the employee a copy of the report of the inquiry held by it and its findings on each 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 its disagreement, if any, with the finding of 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 may be allowed with to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under regulation 13.

- (ii) the disciplinary authority shall consider the representation, 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 make such order as it may deem fit.

### **15. Procedure for imposing minor penalties**

(1) Subject to the provisions of sub-regulation (3) of regulation 14, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of regulation (10) shall be made except after—

- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in sub regulation(3) to (23) of regulation 13 in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the employee under clause(a) and the record of enquiry, if any, held under clause (b) into consideration; 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 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 therefor.

### **16. Communication or Orders**

Orders made by the disciplinary authority shall be communicated 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 article of charge, or, where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for

its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

### **17. Common Proceedings**

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

**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 proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-regulation 4 of regulation II, 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 regulation 10 which such disciplinary authority shall be competent to impose;

(iii) Whether the procedure laid down in regulation 14 and regulation 15 or regulation 16 shall be followed in the proceeding.

### **18. Special procedure in certain cases**

Notwithstanding anything contained in regulation 13 to regulation 17.

(i) where any penalty is imposed on an employees on the ground of conduct which has led to his conviction on a criminal charge, or

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

### **19. Provisions regulating officers sent to state Government etc.**

(1) Where the services of an employee are lent to a Central or State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this regulation referred to as the (borrowing authority), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the employees (hereafter in this regulation referred to as the "lending authority") of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding 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 regulation 10 should be imposed on the employee, it may, after consultation with the lending authority, make such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the 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 clauses (v) to (ix) of regulation 10 should be imposed on the employee, 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 may deem necessary, or, if it is look 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-regulations 3 and 4 of regulation 14.

**Explanation:** The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be in accordance with regulations 13.

## **20. Provision regarding officers borrowed from State Government etc.**

(1) Where an order of suspension is made or a disciplinary proceedings is conducted against an employee whose services have been borrowed from the Central or State Government or an authority subordinate thereto or a local or other authority, the authority lending her services (hereinafter in the regulation referred to as the lending authority) shall forthwith be informed of the circumstances leading to the order or the suspension of the employee or of the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the employee if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 10 should be imposed on him, it may, subject to the provisions of sub-regulation 3 of regulation 14, after consultation with the lending authority, pass such orders on the case as it may deem necessary.

- (i) provided that in the event of a difference of opinion between the 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 regulation 10 should be imposed on the employee, it shall replace the services of such 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.

### **PART-VII : APPEALS**

**21. Orders against which an appeal lies:** Notwithstanding anything contained in this part, no appeal shall lie against:

- (i) any order made by the Commission;
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order or suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under regulation 13.

**22. Order against which appeal lies:** Subject to the provisions of regulation 21, an employee may prefer an appeal against all or any of the following orders, namely:

- (i) an order of suspension made or deemed to have been made under regulation 9.
- (ii) an order imposing any of the penalties specified in regulation 10 whether made by the disciplinary authority or by any appellate or reviewing authority;
- (iii) an order enhancing any penalty, imposed under regulation 10.
- (iv) an order which
  - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of services as regulated by regulation or by agreement; or
  - (b) interprets to his disadvantage the provisions of any such regulation or agreement;
- (v) an order—
  - (a) stopping him at the efficiency bar in the time scale of pay on the ground of this unfitness to cross the bar;
  - (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty;

- (c) reducing or withholding the pension or denying the maximum pension admissible to him under the regulations;
- (d) determining the substance and other allowances to be paid to his for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowance, or
  - (i) for the period of suspension, or
  - (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement to his grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower grade, post, time scale of pay or stage in a time of pay to the date of his reinstatement or restoration to his grade or post shall be treated as a period spent or duty for any purpose.

**Explanation:** In this regulation—

- (i) the expression “employee” includes a person who has ceased to be in the service of the Commission;
- (ii) the expression ‘pension’ includes gratuity, and any other retirement benefit.

**23. Appellate Authorities:** (1) An employee including a person who has ceased to be in the service of the Commission, may prefer an appeal against all or any of the orders specified in regulation 22 to the authority specified in this behalf either in the schedule or by a general or special order of the Commission 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; or
  - (b) to the Commission, where such order is made by any other authority.
- (2) Notwithstanding anything contained in sub-regulation 1,
- (i) An appeal against an order in a common proceeding held under regulation 17 shall 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.

**24. Period of limitation for appeals:** No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five 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.

**25. 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 order appealed against. It shall contain all the material statements and arguments on which the appellant relied, 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.

**26. Consideration of appeal:** (1) In the case of an appeal against an order or suspension, the appellate authority shall consider whether in the light of the provisions of regulation 9 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 regulation 10 or any penalty imposed under the said regulation, the appellate authority shall consider

(a) whether the procedure laid down in these regulations has been complied with, and if not, whether such non-compliance has resulted in the violation of any provisions of the constitution of India or in the failure of justice;

(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 adequate, inadequate or severe;

and pass orders—

(i) Confirming, enhancing, reducing, or setting aside the penalty, or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

provided that—

- (i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (v) to (ix) of regulation 10 and an inquiry under regulation 13 has not already been held in the case, the appellate authority shall, subject to the provisions of regulation 18, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation 13 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-regulation 4 of regulation 14 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) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (v) to (ix) of regulations 10 and on inquiry under regulation 18 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-regulation 4 of regulation 14 of making a representation against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and
  - (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of regulation 14, of making a representation against such enhanced penalty.
- (3) In an appeal against any other order specified in regulation 22 the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

27. Implementation of orders in Appeal: The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

#### **PART-VIII: REVIEW**

28. (1) Notwithstanding anything contained in these regulations,
- (i) The Commission, or
  - (ii) the appellate authority, within, six months of the date of the order proposed to be reviewed,—

may at any time, either on its own motion or otherwise call for the records of any inquiry and review any order made under those regulations or under the regulations in force immediately before the commencement of these regulation from which an appeal is allowed but from which no appeal has been preferred/ or from which no appeal is allowed, and may—

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority: to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any 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 those clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in regulation 13 and if the cause against the penalty proposed on the evidence adduced during the inquiry.

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

## **PART-IX: MISCELLANIOUS**

### **29. Service of Orders, notices etc.,**

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

### **30. Power to relax time-limit and to condono delay**

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

### **31. Repeal and Saving**

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

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

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

### **32. Removal of doubts**

If any doubt arises as to the interpretation of any of the provisions of these regulations, the matter shall be referred to the Commission which shall decide the same.