

CHAPTER 5

DISCIPLINARY ACTION, PENALTIES AND APPEAL

The employees of the Institute are governed by the Conduct Rules as laid down by the institute in consultation with the Central Government Statute 25 and all other rules as are/may be adopted after approval by the Board of Governors. Penalties as given in Statutes 26(5) may, for good and sufficient reasons, be imposed on any member of the staff of the Institute. The Statutes of the Institute [26(6) to 26(8)] also provide the manner in which these penalties can be imposed on the erring employees. The Board of Governors may consider that:

“If on a particular matter, no rules are provided in the Statutes of the Institute, the Govt. of India rules on the subject may be applied if they are adopted by the Board. However, in cases where the Institute feels that the Govt. of India rules on a subject need modification in view of Institute’s conditions, the Institute may frame its own rules with the approval of the Board of Governors.

Further pending amendment to the Statutes such Government of India orders which are considered more appropriate than the existing provisions in the Statutes and which are adopted by the Board of Governors, be implemented in the Institute.”

These conduct rules may therefore be applied in conjunction with Central Civil Services (Conduct) Rules and Central Civil Services (Classification, Control and Appeal) – CCS (CCA) Rules.

The Board of Governors has also approved that CCS (CONDUCT) RULES 1964, CCS (CCA) Rules 1965, Fundamental & Supplementary Rules, Medical Attendance Rules, General Financial Rules, as applicable to the employees of Govt. of India from time to time be adopted in so far as they are not inconsistent with the Act/Statutes and decisions of Board of Governors (BOG), so that the relevant rules and provisions are made applicable to the employees of this Institute with reference to their service conditions and powers vested to the different authorities of this Institute under Statutes. It is also proposed that if any question arises relating to interpretation of these rules or relevancy of these rules, it shall be referred to the BOG whose decision thereon shall be final.

5.1 DISCIPLINARY AUTHORITIES

The following are the disciplinary authorities for the various categories of staff:

Director: In the case of staff appointed by him, and also for Office Superintendents, STA’s and other equivalent non-academic posts.

Board of Governors: In the case of any member of the staff.

5.2 APPELLATE AUTHORITIES

The following are the appellate authorities:

Board of Governors: In the case of an order imposing any penalty passed by the Director. There is no further appeal on the decision of the Board in such cases.

Visitor: In the case of an order imposing penalty by the Board.

5.3 LIST OF PENALTIES

The penalties that can be imposed are listed in Statutes 26(5) and are given below:-

- (i) Censure.
- (ii) Withholding of increments or promotion.
- (iii) Recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders.
- (iv) Reduction to lower service, grade or post or to a lower time-scale or to a lower stage in a time-scale.
- (v) Compulsory retirement.
- (vi) Removal from service which shall not be a disqualification for future employment in the Institute.
- (vii) Dismissal from service which shall ordinarily be a disqualification for future employment in the Institute.

NOTE: Warning, admonition, reprimand, caution and displeasure are not formal punishments / penalties.

5.4 DISCIPLINARY PROCEEDINGS

There are two basic differences between the penalty proceedings for penalties listed at Serials (i) to (iii) and for penalties at Serials (iv) to (vii) at Para 5.3 above.

NOTE: As per the ruling of the Supreme Court of India, if Withholding of increments or promotion is with cumulative effect, it will be treated as a penalty falling alongwith Serials (iv) to (vii).

- (a) The penalty at serials (iv) to (vii), at para 5.3 are termed as Major penalties and for these penalties formal charges should be drawn up, which should be supported by detailed statement regarding Imputations, List of Witnesses and List of Documents. The penalty at serials (i) to (iii) at para 5.3 are termed as Minor penalties and for such proceedings, the Statement of imputations of charges are sent to the delinquent official.
- (b) In Major penalty proceedings all relevant documents are allowed to be inspected by the Delinquent Officer. In minor penalty proceedings it is not necessary that the documents should be shown to him. However, if the case against him is itself based on documents (for example he is charged with interpolating some documents), then it would be unfair to deny him access to those documents.

5.5 SUSPENSION

The Director may place a member of the staff appointed at the Institute under suspension:

- (a) Where a disciplinary proceeding against him is contemplated or is pending.
- (b) Where a case against him in respect of any criminal offence is under investigation or trial.

Where however a member of the staff is detained in custody for a period exceeding forty eight hours, whether in connection with a criminal offence or under any law for time being in force providing for preventive detention, such member of the staff shall be deemed to have been placed under suspension with effect from the date on which he was so detained. An employee under suspension is regarded as subject to all other conditions of service applicable generally to employees and cannot leave the Station without prior permission of the Institute authority.

5.6 SUBSISTENCE ALLOWANCE DURING SUSPENSION

During the period of suspension, the member of the staff shall be entitled to the payments, as specified in Statutes 26(2).

5.7 REVOKING OF SUSPENSION

The revoking of suspension is dealt with under the CCS (CCA) Rules 10(5)(c) and the circumstances under which this can be listed are described also in the CCS/CCA Rules. It may be noted that if the investigation is likely to take more time than prescribed under the CCS (CCA) Rules, revoking of suspension and permitting the staff member to resume duty should be considered. If the presence of the staff member is considered detrimental to the collection of evidence, etc., or if he/she is likely to tamper with the evidence, he/she may be transferred on revocation of the suspension order. When documentary and oral evidence has already been collected and the risk of tampering with evidence by the official no longer exists, the revocation of suspension should be considered by the competent authority when however, there is still such a risk, the question of his/her transfer should be considered keeping in view the nature and gravity of offence committed by him/her.

5.8 PROCEDURE FOR IMPOSING PENALTIES

The procedure for imposing penalties is laid down in Statute 26(6) to 26(8) after the list of penalties. Formal penalties must be recorded in the Service Book of the employee and a copy kept along with his/her Confidential Reports. Other punishments need not be recorded, except that a Warning given after disciplinary proceedings should be recorded. In case of an officer on deputation, the borrowing authority may start proceedings but the lending authority should be informed and vice-versa. If at the conclusion of the proceedings started by him, the borrowing authority is of the view that a major penalty should be imposed on the delinquent official; the borrowing authority should replace his/ her services at the disposal of the lending authority and transmit the record of the proceedings to the lending authority. The borrowing authority can impose a penalty on the delinquent officer but if this is not agreed to by the lending authority, then his services shall be replaced at the disposal of the lending authority.

5.9 ACTS, CONDUCT AND COMMISSIONS/OMISSIONS WHICH AMOUNT TO MISCONDUCT LEADING TO DISCIPLINARY ACTION

The employees of the Institute shall be governed by the Conduct Rules as laid down in by the Institute in consultation with Central Government and any violation of these rules may lead to disciplinary action.

- I. The initiation of disciplinary proceedings for various penalties depends on the gravity of derelictions to be judged by the Disciplinary Authority.
- II. Generally, for Minor penalty proceedings could be dereliction of duty such as inefficiency or incompetence, disobedience of orders, habitual late coming or minor violations of conduct rules constitute the basis.
- III. Cases which may generally merit action for imposing one of the Major penalties are:

1. Where there is a reasonable ground to believe that a penal offence has been committed by the employee but the evidence forthcoming is not sufficient for prosecution in a court of law, e.g.
 - (a) Possession of disproportionate assets;
 - (b) Obtaining or attempting to obtain illegal gratification;
 - (c) Misappropriation of Government property, money or stores;
 - (d) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate.
2. Falsification of Government records.
3. Gross irregularity or negligence in the discharge of official duties with a dishonest motive.
4. Misuse of official position or power for personal gain.
5. Disclosure of secret or confidential information even though it does not fall strictly within the scope of the Official Secrets Act.
6. False claims on the Institute-like TA, Reimbursement etc.
7. Sexual harassment.

5.10 PRINCIPLES OF NATURAL JUSTICE

The principles of natural justice have been evolved through various judicial pronouncements and are intended to provide the minimum protection to an individual against any arbitrary procedure that may be adopted by the authorities in departmental inquiries. These principles require:

- (a) That every person against whom disciplinary proceedings are contemplated must have a reasonable notice of the case he has to meet;
- (b) That he must have a reasonable opportunity of being heard in his defense;
- (c) That the hearing must be conducted by an impartial, unbiased officer(s) that is, a person who is neither directly nor indirectly a party to the case or has an interest in it.
- (d) That the disciplinary authority must act in good faith and not arbitrarily but reasonably. The reasonable opportunity mentioned at (b) above includes:
 - (i) An opportunity to the person concerned to deny his guilt and establish his innocence. He will get this opportunity if he is told clearly what the charges leveled against him are and the allegations on which such charges are based.
 - (ii) An opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself and any other witnesses in support of his defense; and
 - (iii) An opportunity to make his representation as to why the punishment should not be inflicted on him. This opportunity can be provided only if the competent authority after applying its mind to the gravity or otherwise of the charges against him proposes to inflict the appropriate penalty out of the list of penalties provided for in the rules relating to such disciplinary matters.

For unbiased hearings mentioned at (c) above, the Inquiry Officer should not obviously have any personal interest in the case. During hearings, he is expected to be serene and even-handed, even though his patience at times may be tried. At the same time, he cannot permit either party to engage in every trick to delay proceedings and put a spoke in the wheel of justice.

5.11 PROCEEDINGS FOR INQUIRY

The flow chart of various steps in the conduct of an enquiry and award of a punishment after receiving a complaint is given at **Annexure 5.1** and the guidelines are as under:

- (a) The proceedings commence with the issue of a chargesheet to the delinquent official. The charge-sheet should contain facts and circumstances serving as the basis for the charge so that the delinquent official may have a reasonable opportunity to know fully what the charges leveled against him are and what the background is, so that he may be in a position to answer the charges and prepare him in the departmental inquiry. The charge-sheet to be issued to the delinquent official should include the following:
 - (i) a statement of charges
 - (ii) a statement of imputation of misconduct/misbehavior leading to a distinct charge
 - (iii) a list of witnesses and a list of documents in support of charges and
 - (iv) a memorandum requiring the delinquent official to submit a reply within a reasonable time (say 10 days from the date of receipt) asking him to state whether he pleads guilty and whether he wishes to be heard in person.
- (b) After receiving the explanation from the delinquent official, the disciplinary authority may appoint an impartial officer to hold the inquiry on his behalf.
- (c) When the Inquiry Officer is appointed, the disciplinary authority should simultaneously appoint a Presenting Officer. It should not be difficult to expect in very complex cases for the disciplinary authority to appoint a staff member from the Institute, conversant with the case other than the one who has carried out a preliminary inquiry into it. The Presenting Officer is to conduct the proceedings on behalf of the Institute before the Inquiry Officer. He will lead evidence in support of the charges and cross-examine the witnesses deposing on behalf of the delinquent official. The delinquent official may be allowed to have a staff member of the institute as Defense Assistant. Refusal to engage a Lawyer/Advocate to the delinquent official does not amount to denial of reasonable opportunity or violation of the natural justice. If however, the disciplinary authority appoints a legal practitioner as a Presenting Officer, it is only appropriate that the delinquent official should be informed and also allowed to engage a legal practitioner.
- (d) The departmental inquiry should be commenced with an advance notice to the delinquent official intimating him the date, time and place of the inquiry and calling upon him to appear before the Inquiry Officer together with his witnesses, if any. A list of witnesses to be examined for the Institute should be furnished to the delinquent official in advance.
- (e) On the first day of inquiry if the delinquent official who is served with the notice of the inquiry is absent, the Inquiry Officer may give him another opportunity to appear instead of proceeding with the Inquiry.
- (f) When the delinquent official appears with reference to the notice of hearing, the Inquiry Officer should read the charges in the presence of the delinquent official and say these charges have been leveled against him on the evidence of certain persons and documents, if any.
- (g) The witnesses on behalf of the disciplinary authority should be examined in the presence of the delinquent official and their evidence taken and recorded in his presence. The strict provisions of the Evidence Act however do not apply to such domestic inquiries. The delinquent official should be called upon to cross examine the witnesses and the Inquiry Officer should record the statements made by them in such cross examinations in the presence of the delinquent official.

- (h) The Inquiry Officer may take the signatures of the delinquent official on each day's proceedings and if he refuses to sign, such refusal may be noted by the Inquiry Officer in the proceedings.
- (i) After the Institute closes its side, the delinquent official should be given a reasonable opportunity to produce his witnesses to give evidence of his side. He and his witnesses may be cross-examined by the Presiding Officer. If the delinquent official says that he has no evidence to offer or he fails to appear before the Inquiry Officer or protracts the proceedings inspite of reasonable opportunities to produce his evidence, the Inquiry Officer should record it in the proceeding and he may then close the case. The Inquiry Officer should then obtain a brief from the Presenting Officer as well as from the Defense Assistant/Delinquent Employee.
- (j) The Inquiry Officer may also take the signature of each witness to the evidence recorded by him. This equally applies to the evidence of the delinquent official.
- (k) The Inquiry Officer should then draw up the report and forward it to the disciplinary authority. This should contain a brief resume of the charges framed against the delinquent official, the explanation of the delinquent official, the substance of the evidence of witnesses examined during the inquiry and the documentary evidence placed on record. It should also set out the conclusions on the charges supported by the evidence placed on record. He should conclude which of the imputations/ charges are proved. In case a particular charge, as such is not established, but part of the allegation referred to it in the statement of imputations is established, the inquiry officer should specifically bring this point out. The Inquiry Officer should forward along with his report all the record and the proceedings of the Inquiry.

5.12 EXAMINATION OF INQUIRY REPORT

The disciplinary authority will examine the inquiry report and record his findings in respect of each article of charge. In case of dis-agreement of findings, reasons for disagreement should be recorded, by the Disciplinary authority. In case where a clear finding is not possible and where there has been a lacuna in the procedure or evidence, the disciplinary authority may remit the case for further inquiry and report. If it is found that there has been mis-carriage of justice and that it would be improper to send it back to the same Inquiry Officer, the Disciplinary Authority may order a fresh inquiry. If the defect in proceedings has taken place at a particular stage, then he may get further inquiry by the same Inquiry Officer, if available, from the stage at which the defect or lacuna crept in.

5.13 DECISION OF PENALTY AND ITS IMPOSITION

- i) The disciplinary authority considers the type of penalty that the delinquent official deserves. He takes into account the seriousness of the misconduct/misbehavior and the propriety of the official continuing in the same position/pay scale/grade/pay. Lack of integrity or lack of devotion to duty which clearly indicates that a person is not fit to remain in position, rank or status will be judged as deserving Major penalty. It may be mentioned that malafides is not an essential element of misconduct but it is an aggravating factor. He also sees whether the delinquent official has heightened misconduct by concoction of evidence or lessened it by genuine repentance. He sees

whether the breach of rules is trivial or whether it has been committed by a senior officer from whom greater prudence or responsible conduct is expected. He will assess the circumstances to see whether the delinquent official, as a prudent person, could have committed misconduct/ misbehavior without intending or knowing the results thereof. He also sees that the penalties decided are uniform. In all the cases, where an inquiry has been held for major penalties and the disciplinary authority, if different from the inquiring authority shall before making a final order in the case, forward a copy of the Inquiry Report to the delinquent official with the following endorsement: "The report of the Inquiry Officer is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within 10 days of receipt of this letter."

- ii) After the Disciplinary Authority comes to a decision regarding guilt of the delinquent official and the penalty to be imposed, he should issue a notice to the delinquent official telling him the penalty proposed to be imposed and to show cause within a stipulated period. On receipt of the explanation from the delinquent official or in the event of non-receipt of any explanation from the delinquent official, the disciplinary authority should decide upon, finally the penalty and communicate the same to the delinquent official forthwith and take necessary further action thereon.
- iii) If the disciplinary authority finds that the charges are not proved and the delinquent official is innocent, he will decide exoneration. If the complaint is false and malicious, he will also suggest appropriate action against the complainant.
- iv) In passing final orders, disciplinary authority should see that the orders are self-contained, reasoned, practical and complete. The decision taken by the disciplinary authority is a judicial decision and once it is arrived at, it is final and it should be communicated by that authority without modification or alteration in any manner.
- v) Normally, more than one penalty will not be imposed except that the penalty of recovery from his pay of any pecuniary loss due to the delinquent official's act of commission or omission may be imposed alongwith any other penalty.

5.14 APPEAL AGAINST THE ORDER IMPOSING PENALTY

A member of the staff aggrieved by any order imposing penalty on him may prefer an appeal against the order in terms of statutes 26(9) to 26(13).

5.15 REINSTATEMENT

A member of the staff of the Institute who has been dismissed, removed or suspended may be reinstated in terms of provisio laid down in Statute 26(14).

5.16 QUICK DISPOSAL OF DISCIPLINARY CASES

In order to ensure quick disposal of disciplinary cases, the Board of Governors may prescribed a maximum of 5-6 sittings for completion of disciplinary inquiries relating to offences of minor nature and 6-10 sittings for inquiries involving major offences.

5.17 CCS RULES VIS-A-VIS STATUTES ON PENALTIES

(i) CENSURE

This is covered under CCS/CCA Rule 11(I). According to GOI instructions, an order of “Censure” is formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal punishment, and nothing can amount to a ‘Censure’ unless it is intended to be such formal punishment and imposed for “good and sufficient reason” after following the prescribed procedure. A record of ‘Censure’ should be kept in employee’s Confidential Report dossier.

(ii) Withholding of Increments or Promotion

The withholding of increments is covered under CCS (CCA) Rules 11(iv), and withholding of promotion under Rule 11(ii). According to CCS (CCA) Rule 16, minor penalties are to be imposed after giving reasonable opportunity of making representation, and holding an inquiry if such withholding of increments is likely to affect adversely the amount of pension payable to the employee, or withholding increments of pay for a period exceeding three years, or withholding of increments of pay with cumulative effect for any period.

(iii) Recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of order.

This penalty can be imposed only when it is established that the employee was responsible for act or acts of negligence or breach of orders or rules and that such negligence or breach caused the loss. Recovery from pay as a punishment for any pecuniary loss caused by negligence or breach of orders should not exceed one-third of basic pay (i.e. excluding dearness pay or any other allowances) and should not be spread over a period of more than three years.

(iv) Reduction to Lower Service, Grade or Post or to a Lower Time-scale or to Lower Stage in a Time Scale.

Reduction to lower service, grade or post or reduction to a lower time-scale has been dealt with in GOI instructions under CCS Rule 11. According to this:-

- (a) Every order passed by a competent authority under Sub-rule (1) and (2) of Fundamental Rule 29 imposing on a Government servant the penalty of reduction to a lower service, grade or post or to a lower time-scale should indicate:
 - (i) the date from which it will take effect and in case where the reduction is proposed to be imposed for a specified period (in terms of years and months) for which the penalty shall be operative.
 - (ii) the extent (in terms of years and months), if any, to which the period referred to an item (i) shall operate to postpone future increments on restoration after the specified period. The period specified under this subclause shall be in no case exceed the period specified under sub-clause (i) above.
 - (iii) the stage in the time scale to which the employee is reduced.

It should be noted that reduction to a lower stage in a time scale is not permissible under the rules for an unspecified period or as a permanent measure. Also when an employee is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i) above.

The question as to what should be the pay of an employee on the expiry of the period of reduction should be decided as follows:

- (i) if the original order to reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the employee should be allowed the pay which he would have drawn in the normal course but for the reduction.
- (ii) If the original order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the employee shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

It has been decided that in future while imposing the penalty of reduction to a lower stage in the time scale of pay, the operational portion of the penalty order should be worded as in the form given below:

“It is therefore, ordered that the pay of Shri/Smt. _____ be reduced by _____ stages from Rs. _____ to Rs. _____ in the time-scale of pay of Rs. _____ for a period of _____ years/months with effect from _____. It is further directed that Shri/Smt. _____ -will/will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will/will not have the effect of postponing his future increments of pay.”

(V) Compulsory Retirement

No narration of compulsory retirement is available in the CCS (CCA) Rules except its listing as a major penalty, and that the compulsory retirement in accordance with the provisions relating to superannuation or retirement does not amount to a penalty. In the CCS (Pension) Rules 40, the following provision has been stated in respect of Compulsory retirement pension:

“A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two-third and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.” The matter of compulsory retirement is also dealt with under F.R.56 (i).

(vi) Removal from Service

No detailed narration is available in the CCS (CCA) Rules, except its listing as a major penalty. It has been casually referred to at F.R.52. However, the conditions of inquiry and show cause apply to imposition of this penalty. This major penalty shall not be a disqualification for future employment under the Government.

(vii) Dismissal from Service

No detailed narration is available in the CCS(CCA) Rules, except its listing as a major penalty, and Govt. of India instructions to the effect that Dismissal with retrospective effect is not permissible (reproduced below):-

“Whenever orders of dismissal/removal are passed on a Government servant, consequent on his desertion or conviction in a court of law or for any other reason, the orders should be made effective only from the date of issue of the orders and not from an earlier date.

5.18 SECOND PENALTY DURING THE CURRENCY OF FIRST PENALTY

Whenever a minor penalty is imposed on the Institute official after conclusion of disciplinary proceedings and during the period of current penalty a second major penalty is to be imposed on him, then the disciplinary authority should clearly indicate in the punishment order whether the two penalties should run concurrently or the subsequent penalty should be implemented only after the expiry of the first penalty. However, when such a specific mention has not been made, the two punishments should run concurrently and the higher penalty, even though ordered later, should be implemented immediately and after the expiry of its period, if the currency of earlier lower penalty, still continues then the same may be implemented for the balance period.

5.19 FORMATS OF COMMUNICATIONS

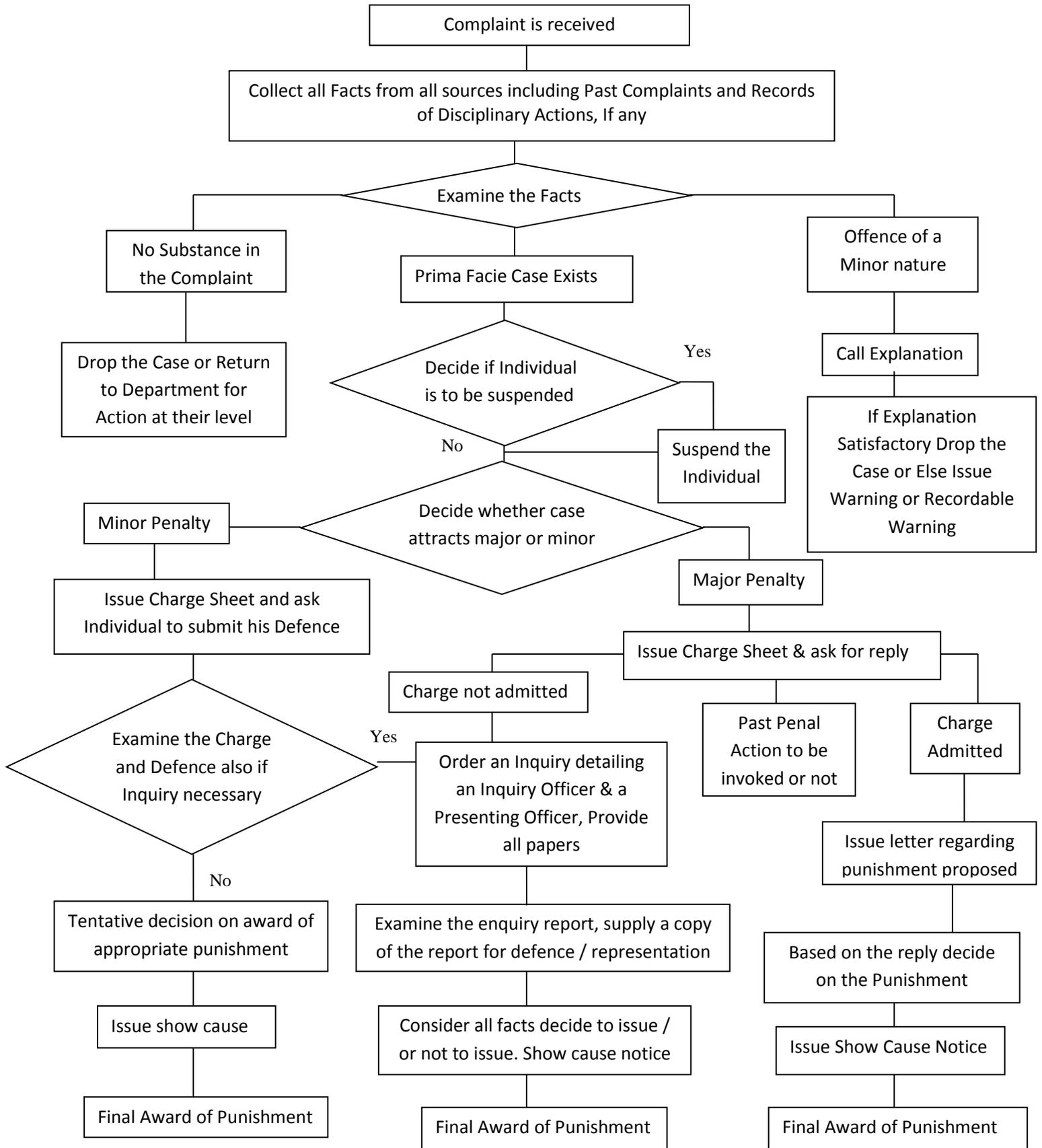
Formats for imposing of various penalties are given in **Annexure 5.2**.

ANNEXURES

CHAPTER 5

Annexure	Title	Page
5.1	Flow Chart of Various Steps after Receiving a Complaint	
5.2	Formats for Imposition of Various Penalties	

ANNEXURE 5.1 (Refers to 5.8)
FLOW CHART OF VARIOUS STEPS AFTER RECEIVING A COMPLAINT



ANNEXURE 5.2(refers to 5.19)

FORMATS FOR IMPOSITION OF VARIOUS PENALTIES

Format for Imposing the Penalty of Censure

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas Shri/Smt._____ (Designation), (Department) has been given a **reasonable opportunity to make a representation** against the proposal of imposition of the penalty of Censure upon him/her vide office memo no._____ dated_____.

On due consideration of the representation dated_____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of CENSURE upon the said Shri/Smt._____.

(By order and in the name of B.O.G.)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of withholding of Increment

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas Shri/.Smt._____ (Designation), (Department) has been given a **reasonable opportunity to make a representation** against the proposal of imposition of the penalty of withholding of increments upon him/her vide Office Memo

No _____ dated _____.

On due consideration of the representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of withholding of increments upon the said Shri/Smt._____.

(Number) increment(s) with/without cumulative effect, for (number) year(s) will be withheld, with effect from the next date of increment.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of withholding of Promotion

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas Shri/Smt._____ (Designation), (Department) has been given **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of withholding of promotion upon him/her vide Office Memo

No._____ dated_____.

On due consideration of the representation dated_____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of withholding of increments upon the said Shri/Smt._____.

His/her promotion will be withheld for (number) year(s) with effect from the date of his/her promotion due.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Recovery of Pecuniary Loss

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas Shri/Smt._____ (Designation), (Department) has been given **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders upon him/her vide Office Memo

No._____ dated_____.

On due consideration of the representation dated_____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of recovery from the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders upon the said Shri/Smt._____.

An amount of Rs._____ Rupees (in words) shall be recovered at the rate of Rs._____ per month from him/her salary with effect from the next month in (number) installments.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Reduction to a Lower Post/Grade/Service

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/Smt._____,(Designation), (Department) and whereas he/she has been given **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of reduction to a lower post/grade/service upon him/her vide Office Memo No._____dated_____.

On due consideration of the representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of reduction to a lower post/grade/service upon the said Shri/Smt._____.

It is therefore, ordered that Shri/Smt. _____ is reduced to the lower post/ grade/service of (lower post/grade/service) until for a period of (number)years/months with effect from date of this order, to be restored to the higher post(higher post/grade/service).

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Reduction to a Lower Stage in a Time Scale without Cumulative Effect

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/Smt. _____, (Designation), (Department) and whereas he/she has been given a **reasonable opportunity to make a representation** against the proposal of imposition of the penalty of reduction to a lower stage in a time scale upon him/her vide Office Memo No. _____ dated _____.

On due consideration of the representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of reduction to a lower stage in a time scale upon the said Shri/ Smt._____.

It is therefore, ordered that the pay of Shri/Smt. _____ be reduced by (number) stage from Rs. _____ to Rs. _____ in the time scale of pay of Rs. _____ for a period of (number) years/months with effect from (date).

It is further directed that Shri/Smt. _____ will earn increments of pay during the period of reduction, and that on the expiry of this period, the reduction will not have the effect of postponing his/her future increments of pay.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

**Format of Imposing the Penalty of Reduction to a Lower Stage in a Time Scale with
Cumulative Effect**

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated: _____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/Smt. _____, (Designation), (Department) and whereas he/she has been given **a reasonable opportunity to make a representation** against the proposal of imposition of the penalty of reduction to a lower stage in a time scale upon him/her vide Office Memo No. _____ dated _____.

On due consideration of the representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of reduction to a lower stage in a time scale upon the said Shri/ Smt. _____.

It is therefore, ordered that the pay of Shri/Smt. _____ be reduced by (number) stage from Rs. _____ to Rs. _____ in the time scale of pay of Rs. _____ for a period of (number) years/months with effect from (date).

It is further directed that Shri/Smt. _____ will not earn increments of pay during the period of reduction, and that on the expiry of this period, the reduction will have the effect of postponing his/her future increments of pay.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Compulsory Retirement

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated: _____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/
Smt. _____, (Designation), (Department) and whereas he/she has
been given **a reasonable opportunity of showing cause of the** imposition of the penalty of
compulsory retirement upon him/her vide Office Memo No. _____
dated _____.

On due consideration of the inquiry report and his/her representation dated _____,
made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5)
hereby imposes the penalty of compulsory retirement upon the said Shri/Smt. _____.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Removal of Service

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated:_____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/Smt._____,(Designation), (Department) and whereas he/she has been given **a reasonable opportunity of showing cause** of the imposition of the penalty of removal of service upon him/her vide Office Memo No._____ dated_____.

On due consideration of the inquiry report and his/her representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under Statute 26(5) hereby imposes the penalty of removal of service upon the said Shri/Smt._____ from the date of issue of this order. This will not disqualify him/her from future employment in the Institute.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.

Format of Imposing the Penalty of Dismissal from Service

Malaviya National Institute of Technology

JLN Marg, Jaipur-302017

No.MNITJ/

Dated: _____

ORDER

Whereas an inquiry under Statute 26(5) of the Institute has been held against Shri/ Smt. _____, (Designation), (Department), and whereas he/she has been given **a reasonable opportunity of showing cause** of the imposition of the penalty of dismissal from service upon him/her vide office memo no. _____ dated _____.

On due consideration of the inquiry report and his/her representation dated _____ made by him/her, the undersigned/BOG in exercise of the powers conferred under statute 26(5) hereby imposes the penalty of dismissal from service upon the said Shri/ Smt. _____ from the date of issue of this order. This will disqualify him/her from future employment in the Institute.

This will be a disqualification.

(By order and in the name of BOG)*

Director

(Name)

(Designation)

(Address)

*This line to be added in cases where the disciplinary authority is the BOG.