

**PART - II**

**DISCIPLINE AND APPEAL RULES, 2003**

**1. SHORT TITLE**

1. These Rules may be called the Gandhigram Institute of Rural Health and Family Welfare Trust (Discipline and Appeal) Rules, 2003.
2. The GIRH & FWT is hereinafter referred to as the "Institute" in these rules.

**2. APPLICATION**

1. These rules shall apply to all employees of the Institute (hereinafter referred to as the Institute).
2. In regard to persons employed on Contract, the provisions of these rules shall apply in respect of such of those matters as are not governed by the Contract.
3. If any doubt arises, whether these rules or any of them apply to any employee, the matter shall be referred to the Board of Trustees who shall decide the same.

**3. PENALTIES**

The following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on an employee namely:

1. Minor Penalties:

- i) Censure
- ii) Withholding of promotion,
- iii) a) Recovery from pay of the whole or part of any pecuniary loss caused to the Institute or to the Central Government or to any Organization or to a local body while on deputation, by negligence or breach of order.
- b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increment ordered to be withheld, where such an order cannot be given effect to.

- c) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time scale ordered where such an order cannot be given effect to.
- iv) Withholding of increment of pay:  
Explanation: In case of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered.
- v) Suspension: Where a person has already been suspended under rule 10 to the extent considered necessary by the authority imposing the penalty.

Major Penalties:

- i) a) Reduction to lower rank in the seniority list
- b) Reduction to a lower post or time scale whether in the same service or in another service or 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.
- ii) Compulsory retirement
- iii) Removal from service which shall not be a disqualification for further employment under the Institute.
- iv) Dismissal from service which shall ordinarily be a disqualification for future employment under the Institute provided that in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed.

Provided further that in any exceptional case and for special reasons to be recorded in writing any other penalty may be imposed.

2. The discharge:

- a) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation, or
- b) of a person engaged under contract in accordance with the terms of his contract, or

- c) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment.
  - does not amount to removal or dismissal within the meaning of this rule.
- d) The following shall not amount to a penalty within the meaning of this rule, namely: -
  - i) Withholding of increment of an employee for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or the post which he holds or the terms of his appointment.
  - ii) Non-promotion of an employee whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible.
  - iii) reversion of an employee appointed on probation to any other service, grade or post to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation.
  - iv) replacement of the services of any employee whose services had been borrowed from State/Central Government or any authority under the control of State/Central Government at the disposal of the State/Central Government or the authority from which the services of such employee has been borrowed.
  - v) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.

#### **4. AUTHORITY TO INSTITUTE DISCIPLINARY PROCEEDINGS**

1. The Chairman or any other authority empowered by him 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 rules any of the penalties specified in rule-3.
2. A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (I) to (v) of sub-rule (1) of rule 3 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (vi) to (ix) of sub-rule (1) of rule 3

notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

## 5. DISCIPLINARY AND APPELLATE AUTHORITIES

The disciplinary and appellate authorities under these rules shall be as shown in Annexure-I.

## 6. PROCEDURE FOR IMPOSING MAJOR PENALTIES

### 1. Conduct of inquiry

No order imposing any of the penalties specified in clauses (vi) to (ix) of rule 3 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule.

### 2. Appointment of inquiry authority

Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may appoint under this rule an inquiry authority to inquire into the truth thereof.

### 3. Statement of charge/charges

Where it is proposed to hold an inquiry against an employee under this rule, the disciplinary authority shall draw up or cause to be drawn up -

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

### 4. Delivery of copy of articles of charge

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 misbehavior and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit within such time as may be specified, a written

statement of his defence and state whether he desires to be heard in person.

5. Record of Findings

- a) On receipt of the written statement of defence the disciplinary authority may appoint under sub-rule (2) an inquiring authority for the purpose of enquiry into such of the charges as are not admitted and where all the articles of charge have been admitted by the employee in the written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 7.
- b) If no written statement of defence is submitted by the employee, the disciplinary authority may appoint, under sub-rule (2), an inquiring authority for the purpose of inquiring into the articles of the charge.
- c) Where the disciplinary authority appoints an inquiring authority for holding any inquiry into such charge, it may, "Presenting Officer" to present on its behalf the case in support of the articles of charge.

6. Personal appearance before inquiry authority

The employee shall appear in person before the inquiring authority on such day and at such time as the inquiring authority may, by notice in writing, specify in this behalf.

7. Recording by the inquiry authority

If the employee who has not admitted any of the articles of charge in his written statement of defence, appears before the inquiring 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.

8. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.
9. 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 employee to prepare his defence inspect the documents and submit a list of witness to be examined on his behalf.

10. Holding of enquiry

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 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 thinks fit.

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 copy of the statement of defence shall be given to the Presenting Officer.

11. 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 employees for the disciplinary authority.
12. 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 him in the evidence for the purpose of enabling the employee to explain any circumstance appearing in the evidence against him.
13. 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 cases, if they so desire.
14. 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 rule, the inquiring authority may hold the inquiry *exparte*.

15. Enquiry Report

- 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 misbehavior;
  - b) the Defence of the employee in respect of each article of charge;
  - c) an assessment of the evidence in respect of each article of charge;
  - and
  - d) the findings on each article of charge and reasons thereof.
- ii) The inquiring authority, shall forward to the disciplinary authority the records of inquiry which shall include:
  - a) the report prepared by it under clause (i)
  - b) the written statement of defence, if any, submitted by the employee;

- c) the oral and documentary evidence produced in the course of the inquiry;
- d) written briefs, if any, filed by the Presenting Officer 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 in regards to the inquiry.

## **7. ACTION ON THE INQUIRY REPORT**

- 1) If the disciplinary authority having regard to its findings on all or any of the articles of the charge and on the basis of the evidence adduced during the enquiry is of the opinion that the penalty of withholding of increments of pay which is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period or that any of the major penalties should be imposed on the employee, the person charged shall be furnished with a copy of the report of inquiry and he shall be called upon to show cause within a reasonable time not exceeding on month against the imposition of any of the penalties aforesaid.
- 2) Any representation in this regard submitted by the person charged shall be taken into consideration by the disciplinary authority provided that such representation is based on the evidence adduced during the enquiry.
- 3) After considering the representation, in any, received from the person charged, the disciplinary authority shall make an order, imposing such penalty and it shall not be necessary to give the person charged another opportunity of making representation against the penalty proposed to be imposed.
- 4) The disciplinary authority shall if it disagrees with the findings of the inquiring authority on any articles of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence recorded is sufficient for the purpose.
- 5) If the disciplinary authority having to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 3 should be imposed on the employee, it shall notwithstanding anything contained in rule 8 make an order imposing such penalty.

## **8. PROCEDURE FOR IMPOSING MINOR PENALTIES**

- 1) No order imposing on employee any of the penalties specified in clauses (i) to (v) of rule 3 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 misbehavior 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) taking the representation, if any submitted by the employee under clause (a) into consideration; and recording a finding on each imputation of misconduct or misbehavior.
- 2) If in a case, it is proposed after considering the representation if any made by the employee under clause (a) to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay with cumulative effect for any period an inquiry shall be held in the manner laid down in rule 6 before making any order imposing on the employee any such penalty.
  - 3) The record of the proceedings in such case shall include:
    - i) a copy of the intimation to the employee of the proposal to take action against him;
    - ii) a copy of the statement of imputation of misconduct or misbehaviour 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.

## **9. SPECIAL PROCEDURE IN CERTAIN CASES**

- i) Notwithstanding anything contained in rules 6,7 & 8 where any penalty is imposed on an employee on the ground of conduct which has led to him 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 rules, (or)
- iii) where the Board of Trustees is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules the disciplinary authority may consider the circumstances of the case and make such order thereon as it deems fit.

## **10. SUSPENSION**

- 1) the appointing authority or any authority to which it is subordinate or the disciplinary authority of any other authority empowered in this behalf by the Board of Trustees by general or special order, may place an employee under suspension:-
  - a) where a disciplinary proceeding against him is contemplated or is pending;



- (or)
- b) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State.
  - c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
  - d) where an employee is alleged to have committed acts of gross negligence, insubordination and disobedience.
- 2) An employee shall be deemed to have been placed under suspension by an order of the appointing authority -
- a) with effect from the date of his detention, if he is detained in custody, whether on criminal charge or otherwise, of 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 forthwith dismissed or removed or compulsorily retired consequent to such conviction.

**EXPLANATION:** The period of forty eight hours referred to in clause (b) of this subrule 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) a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so or by any superior authority.
- b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings 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 suspensions until the termination of all or any of such proceedings.
- c) An order of suspension made or deemed to have been made under this rule 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.
- 4) An employee of the Institute under suspension shall be entitled to subsistence allowance according to the provisions contained in the Fundamental Rules.

**Note:** No payment under this rule shall be made unless the employee furnishes a certificate to the effect that he has not accepted any private employment or engaged himself in trade or business during the period of his suspension.

- 5) When an employee who has been suspended is reinstated, the authority competent to order the reinstatement shall consider and make a specific order:
  - a) regarding the pay and allowance to be paid during the period of suspension;  
(or)
  - b) whether or not the period shall be treated as a period spent on duty  
(or)
  - c) whether the period is to be treated as suspension
- 6) In the employee is fully exonerated or if the suspension is considered wholly unjustified, he shall be given the full pay and allowances to which he would have been entitled had he not been suspended. The period of suspension shall, in that case, be treated as period spent on duty for all purposes.
- 7) leave shall not be granted to an employee under suspension
- 8) The grant of pay and allowances under this rule does not cancel any acting arrangement that may have been in force during the period of an employee's suspension, removal dismissal or reduction.

## **11. ABATENENT OF DISCIPLINARY PROCEEDINGS**

On the death of an employee against whom disciplinary proceedings are pending such proceedings shall abate even though such proceedings may be in the initial stage or nearing completion.

## **12. FINAL ORDER**

- 1) All orders of punishment shall also state the grounds on which they are based and shall be communicated to the person against whom they are passed.
- 2) Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or sent to him by registered post with acknowledgement due or if such person is not found, by leaving it at his last known place or residence or by giving or tendering it to adult member of his family or if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of residence.

## APPEALS

### 13. PROVISION FOR APPEAL

Every employee shall be entitled to appeal to the appellate authority specified in Annexure-I from an order passed by the disciplinary authority imposing upon him any of the penalties specified in these rules.

### 14. TIME LIMIT FOR APPEAL

No appeal shall be entertained if it is not preferred within a period of two months from the date on which the order appealed against is delivered to the appellant.

**Note:** If the appellant has given proper reasons for the delay in preferring the appeal, the appellate authority may, at his discretion, condone the delay and entertain the appeal.

### 15. APPEAL TO BE IN OWN NAME

Every appeal preferred under these rules shall contain material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be authority to whom the appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the head of the office to which the appellant belongs and through the authority against whose order the appeal is preferred.

### 16. POWERS OF APPELLATE AUTHORITY

- 1) In the case of an appeal against an order imposing any penalty specified in rule 3, the appellate authority shall consider -
  - i) Whether the procedure laid down in these rules has been complied with and if not whether such non-compliance has resulted in the violation of any provision of the Constitution of India or in the failure of justice.
  - ii) Whether the facts on which the order was based have been established.
  - iii) Whether the facts established offer sufficient grounds for taking action; and
  - iv) Whether the penalty is excessive, adequate or inadequate and pass orders confirming, enhancing, reducing or setting aside the penalty, or remitting the case to the authority with such direction as it may deem fit in the circumstances of the case provided that:
    - a) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (vi), (vii), (viii) and (ix) of rule 3 and an enquiry under rule 6 has not already been held

in the case the appellate authority shall itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 6 and thereafter, on a consideration of the proceedings of such enquiry, make such order as it may deem fit.

- b) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (vi), (vii), (viii) and (ix) of held in the case, the appellate authority shall after giving the appellant a reasonable opportunity of making representation against the penalty proposed on the basis of evidence adduced during the enquiry, make such order as it may deem fit; and
  - c) 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 rule 7 of making any representation against such enhanced penalty.
- 2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority. If such authority considers for reasons to be recorded in writing, that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

## **17. ORDERS ON APPEAL**

In the case of an appeal the appellate authority shall pass such orders as appears to it just and equitable having regard to all the circumstances of the case and the authority which made the order appealed against shall give effect to orders passed by the appellate authority.

## **18. WITHHOLDING OF APPEAL**

An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if

- i) it does not comply with the provision of rule 16, **(or)**
- ii) it is an appeal in a case in which under these rules no appeal lies; **(or)**
- iii) it is not preferred within two months after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay; **(or)**
- iv) it is repetition of a previous appeal and is made to the same appellate authority by which such appeal has been rejected and no new facts or circumstances are adduced which offer grounds for a reconsideration of case; **(or)**
- v) it is addressed to an authority to which no appeal lies under these rules; provided further that an appeal withheld on account only of failure to comply with the provisions of rule 16 may be submitted at any time within one month of the data on which the appellant has been informed of the

withholding of the appeal and if resubmitted in a form which complies with these provisions shall not be withheld.

#### **19. APPEAL AGAINST WITHHOLDINGS OF APPEAL**

No appeal shall lie against the withholding of an appeal by a competent authority.

#### **20. FORWARDING OF APPEAL**

Every appeal which is not withheld under these rules shall be forwarded to the appellate authority without any avoidable delay by the authority from whose order the appeal is preferred without an expression of opinion together with all the records.

#### **21. POWERS TO CALL FOR APPEAL WITHHELD**

An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such order thereon as it considers fit.

#### **22. REVIEW OF ORDERS IN DISCIPLINARY CASES**

Any order issued by an authority imposing any of the penalties specified in rule 3 cannot be reviewed, revised or altered by that authority for any reason whatsoever but only by the appellate authority or a higher authority.

#### **23. SUBMISSION OF PETITION FOR REVIEW**

1. An employee in whose case the appellate authority has passed original orders shall be entitled to submit within a period of two months from the date on which the order was communicated to him, a petition to the Board of Trustees for review of the order passed by them on any of the grounds specified below:
  - i) that the order was not passed by the competent authority; **(or)**
  - ii) that the reasonable opportunity of defending himself was not given; **(or)**
  - iii) that the punishment is excessive or unjust; **(or)**
  - iv) discovery of new matter or evidence which the appellant alleges and proves to the satisfaction of the Board of Trustees was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed; **(or)**
  - v) evident error or omission such as failure to apply the law of limitation or an error of procedure apparent on the face of the records; provided that the Board of Trustees may in its discretion, condone any delay in submitting the petition for review within the said period of two months.

- 2) The petition for review which does not satisfy any of the above grounds shall be summarily rejected.

## 24. SUMOTU REVIEW

1. Notwithstanding anything contained in these rules:
  - a) the Board of Trustees;
  - b) the Chairman; **(or)**
  - c) the Director; **(or)**
  - d) the appellate authority within six months of the date of the order proposed to be reviewed; **(or)**
  - e) any other authority specified in this behalf by the Chairman by a general or special order and within such time as may be prescribed in such general or special order may, at any time, either on its own motion or otherwise call for the records of any inquiry and review any order made under these rules and may:
    - i) confirm, modify or set aside the order; **(or)**
    - ii) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; **(or)**
    - iii) 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)**
    - iv) pass such other order as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by an reviewing authority unless the employee concerned has been given a reasonable opportunity of making representation against the penalty proposed and where it is proposed to impose any of the penalties specified in items (vi), (vii), (viii) and (ix) of rule 3 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses, no such penalty shall be Imposed except after an enquiry in the manner laid down in rule 6.

2. No proceeding for review shall be commenced until after:-
  - a) the expiry of the period of limitations for an appeal **(or)**
  - b) the disposal of the appeal, where any such appeal has been preferred.
3. An application for review shall be dealt with in the same manner as if it were an appeal under these rules.
4. The Board of Trustees may, at any time, on its own motion or otherwise, review for good and sufficient reason to be recorded in writing an original order passed by it or an order passed by it on appeal and the provisions of sub rule (1) in so far as they are applicable to review shall apply to the review of an original order passed by it or an order passed by it on appeal.

## 25. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY

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

## 26. REPEAL AND SAVINGS

- 1) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which has accrued to him under the rules, notification or orders in force before the commencement of these rules.
- 2) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules as if such orders were made and the appeals were preferred under these rules;
- 3) As from the commencement of these rules, any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:

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

### Annexure - I

#### Disciplinary and Appellate Authorities

(Vide Rule 5)

<b>Name of Post</b> <b>(1)</b>	<b>Disciplinary Authority</b> <b>(2)</b>	<b>Appellate/Reviewing Authority</b> <b>(3)</b>
Posts carrying a scale of pay of Rs.12,000-16,500 and above	<b>All penalties</b> Chairman	Board of Trustees
Posts carrying a scale of Pay below Rs.12,000-16500	<b>All penalties</b> Director	Chairman

## Annexure - II

### STANDARD FORM OF ORDER OF SUSPENSION UNDER RULE 10 OF THE GANDHIGRAM INSTITUTE OF RURAL HEALTH & FAMILY WELFARE TRUST EMPLOYEES (DISCIPLINE AND APPEAL) RULES, 2003

No.....

Dated .....

WHEREAS ..... (Please indicate the factual details and reasons for suspension) AND WHEREAS an enquiry into grave charge against Thiru.....is contemplated;

And Whereas in the circumstances of the case, it is necessary in the public interest to place the said Thiru.....under suspension from service'

\*Whereas an enquiry into grave charges Thiru.....is contemplated;

And Whereas in the circumstances of the case, it is necessary in the public interest to place the said Thiru.....under suspension from service and the reasons for such suspension cannot be furnished in the larger public interest;

- Whereas an enquiry into grave charges against Thiru.....is pending and the following charges have been framed in the letter No/Memo No/Proceedings;

And whereas in the circumstances of the case it is necessary in the public interest to place the said Thiru.....under suspension from service.

- Whereas a complaint against Thriu.....of a criminal offence is under investigation/trial.

And whereas in the circumstances of the case it is necessary in the public interest to place the said Thiru.....under suspension from service.

Now, therefore, under sub-rule (1) of Rule 10 of Gandhigram Institute of Rural Health & Family Welfare Trust Employees (Discipline and Appeal) Rules, 2003 the said Thiru.....is with immediate effect/from the date of his relief from duty, placed under suspension from services, until further orders;

2) During the period of suspension, the said Thiru..... will be paid subsistence allowance and dearness allowance admissible under F.R.53(1);

\*\* He will, in addition, be paid the following compensatory allowance;

3) The headquarters of the said Thiru.....during the period of suspension without obtaining the prior permission of the authority concerned.

\* Delete whichever part is inapplicable



\*\*Delete if inapplicable

### Annexure - III

#### MODEL FORM OF CHARGE SHEET FOR MAJOR PENALTIES

##### Letter/Memo

The undersigned proposes to hold an inquiry against Thiru..... Under rule 6 of the Gandhigram Institute of Rural Health & Family Welfare Trust Employees (Discipline and Appeal) Rules, 2003. The substance of allegations, namely, the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in Appendix-I. A statement of allegations namely, the imputations of misconduct or misbehavior in support of each charge is enclosed in Appendix-II. A list of documents by which and a list of witness by whom, the charges are proposed to be sustained are also enclosed in Appendix-III and IV respectively. Any other witness and documents which are found necessary will be examined during the course of enquiry.

Thiru.....is directed to submit within (15) days of the receipt of this letter/memorandum, a written statement of his defence and also to state whether he desires oral enquiry or to be heard in person or both. If the written statement of defence is not received within the stipulated time, it will be presumed that he has nothing to offer in his defence and further action will be pursued.

He is informed that an oral inquiry will be held and oral evidence shall be heard only in respect of such charges as are not admitted by him. He should, therefore, specifically admit or deny each charge.

Thiru.....is further informed that if he does not submit his written statement of defence on or before the date specified in paragraph 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule 6 of the said rule the inquiring authority may hold the inquiry against him ex-parte.

Attention of Thiru.....is invited to rule 12 of the Gandhigram Institute of Rural Health and Family Welfare Trust. Employees (Conduct) Rules, 2003 under which no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Institute. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Thiru.....is aware of such a representation and that it has been made at this instance and action will be taken against him for violation of rule 12 of the said rule.

The receipt of the letter/memorandum may be acknowledged.

\*(By order and in the name of the Chairman)

\*\* (Name and Designation of competent Authority)

To  
Thiru

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\* Where the Chairman is the disciplinary authority

\*\*The Officer in the authorized to authenticate orders on behalf of the chairman or the disciplinary authority, as the case may be.

### Appendix-I

Statement of the substances of allegations, namely, imputation of misconduct or misbehavior based on which charges are proposed to be framed against Thiru.....

(Name and Designation of the employee)

#### Charge-I

That the said Thiru.....while functioning as .....during the period.....

#### Charge-II

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru.....

**Charge-III**

That during the aforesaid period and while functioning in the aforesaid office, the aforesaid Thiru.....

**AND SO ON**

Statement of allegations, namely imputation or misconduct or misbehavior in support of the charges) framed against Thiru.....(Name and Designation of the Employee).

- CHARGE I**
- CHARGE II**
- CHARGE III AND SO ON**

**Appendix-II**

List of documents by which the charge(s) framed against Thiru.....(Name and Designation of employee) are proposed to be sustained.

**Appendix-III**

List of witnesses by which the charge(s) framed against Thiru.....(Name and designation of the employee) are proposed to be sustained.

**Annexure-IV**

**SAMPLE FORM OF SHOW CAUSE NOTICE FOR MINOR PENALTIES  
The Gandhigram Institute of Rural Health & Family Welfare Trust**

Dated .....

Letter/memo(\*)

Sub: Public Services - The GIRH & FWT Employees (Discipline & Appeal) Rules, 2003 - Action under rule-8 intimated against Thiru..... - Show Cause Notice - issued

- - - - -

You/Thiru(\*) .....while working as .....in the office of.....have/has(\*) committed the following lapses:

- (i)
- (ii)
- (iii)

It is therefore, proposed to take action against you/him(\*)under rule 8 of the GIRH & FWT Employees (Discipline and Appeal) Rules, 2003.

2. If you/Thiru(\*) ..... are/is hereby given an opportunity to make such representation as you/he(\*) may wish to make against the proposal within fifteen days of receipt of this letter/memo(\*)).

3. If you/Thiru(\*) ..... fail/fails(\*) to submit your/his(\*) representation within the time stipulated, it will be presumed that you have/he has(\*) no representation to make and orders to be passed on the merits of the case based on available records.

4. The receipt of this letter/memorandum(\*) should be acknowledge.

Name Designation of the competent authority

To  
Thiru.....  
.....(in duplicate)  
(through).....  
for service and return of served copy.

(\*) strike off wherever is not applicable and use appropriate form: letter/memo