

**STATUTE 32 : MANNER OF APPOINTMENT, TERMS AND CONDITIONS OF SERVICE OF NON-TEACHING EMPLOYEES APPOINTED BY THE UNIVERSITY**

In pursuance of the provisions of sub-section (2) of section 26 of the Guru Gobind Singh Indraprastha University Act, 1998 (9 of 1998), the Board of Management of the Guru Gobind Singh Indraprastha University, with the prior approval of Chancellor, hereby makes the following statute, relating to the manner of appointment, terms and conditions of service of non-teaching employees appointed by the University.

**1. Short Title and Application**

- 1.1 This Statute may be called Guru Gobind Singh Indraprastha University Statute 32.
- 1.2 This shall apply to all employees of the University (other than teachers) and shall include Librarian, Deputy Librarian, Assistant Librarian, Director of Physical Education, administrative posts like Registrars, Controller of Finance, Controller of Examination, Deputy Registrars, Assistant Registrars, Assistant Controller of Finance, Finance Officer, technical supporting staff, office staff and such other posts of university as may be decided by the Board of Management.
- 1.3 The terms and conditions of service of the staff appointed by the University shall be those as embodied in the Agreement of service annexed hereto which every employee of the University appointed on regular basis shall be required to enter into.

**2 Definitions**

Words and expressions used in this Statute shall have the meanings assigned to them in the Act and the First statutes, unless the context otherwise requires.

**3 Qualifications for Appointment**

The qualifications and experience for appointment to the posts in the various categories or cadres of the University shall be such as may be approved in the form of Recruitment Rules for each category of posts by the Board of Management from time to time.

**4 Appointment / Recruitment**

Recruitment to posts shall be made by any one of the following modes:

- (a) By Direct recruitment
- (b) By Promotion
- (c) By Transfer / Deputation
- (d) On Contract/ As Consultant

#### 4.1 By Direct Recruitment;

Subject to the provision in the Recruitment Rules, direct recruitment will imply issue of an open advertisement through leading news papers and/ or inviting names through employment exchange, followed by Interviews conducted by the selection committees, as provided in Statute 16, on the basis of whose recommendations, all appointments will be made; provided that wherever necessary appropriate screening may be conducted by the University on the basis of qualifications and experience or test.

Appointment may also be made on the recommendation of a selection committee for a particular post by considering the candidature in absentia in any special case.

#### 4.2 By Promotion:

Appointments if so specified in the Recruitment Rules to be by promotion, shall be made whether in a permanent or officiating capacity from amongst the eligible employees serving in the posts in the specified lower feeder grade as per Recruitment Rules through a Departmental Promotion Committee as specified in the regulations.

#### 4.3 By Transfer/ Deputation:

In case of appointment of employees borrowed from Government Departments and other Institutions/ Organisations, the terms and conditions of the transfer/ deputation would be on the terms and conditions as laid down in the ordinances, provided that an employee on deputation could be permanently absorbed in the University on such conditions as prescribed in the ordinances against the sanctioned posts.

#### 4.4 On Contract Basis:

Appointments can also be made on Contract basis or as Consultants on such terms and conditions as laid down in the regulations.

#### 4.5 Reservations of certain percentage of posts in respect of candidates belonging to Scheduled Caste/Scheduled Tribes/Other Backward Classes/Handicapped and other special categories shall be made as per the instructions issued by the U.G.C. or statutory instructions, if any.

### 5. **Medical Fitness**

#### 5.1 On First Appointment

Every person, on his first appointment in the University through direct recruitment on regular basis shall get himself examined by the competent authority of a Govt. hospital of Govt. of NCT of Delhi or Govt. of India and furnish a Medical Certificate of fitness in the prescribed form. In case he is not declared fit by the competent medical officer, the candidate may prefer an appeal within one month against the findings of the medical officer and the

Vice-Chancellor may refer the candidate to the Medical Board of a Govt. hospital of NCT of Delhi or Govt. of India for a fresh medical examination.

Provided that in case where a person has already been medically examined by a competent medical authority of a Govt. hospital for his previous appointment and if the required standard of Medical examination is the same, then he shall not be required to undergo a fresh medical examination.

#### 5.2 For Efficient Discharge of Duties

The appointing authority shall have power to require an employee to appear before a Medical Board of a Govt. hospital of Govt. of NCT of Delhi or Govt. of India as provided in clause (1) to test his physical or mental fitness for the efficient discharge of the duties of his post, whenever it has reasons to believe that the employee is not fit to perform his duties satisfactorily. The employee shall, however, have the right to appeal to the appellate medical board against the decision of the first Medical Board.

### 6. **Verification of Character and Antecedents**

The character and antecedents of every employee on his/her first entry into service of the University shall be got verified from the District Magistrate concerned immediately after his/her joining the service in the University and his continuance in the university shall be conditional to his good character and antecedents.

### 7. **Joining Time**

The joining time to join any post in the University shall be allowed according to the rules as laid down in the Regulations.

### 8. **Pay Allowances**

The pay and other allowances payable to all the categories of employees shall be in such pay scales or at such stage of such pay scales as the Board of Management may adopt or decide from time to time, in accordance with the U.G.C. guidelines, if any.

### 9. **Declaration of Age**

Every employee shall make a declaration of his age to the University at the time of his entry into service, based on his matriculation or equivalent certificate and in the case of non-matriculantes, such other documentary proof as may be acceptable to the authority based on which the age will be accepted. After the declaration of age and acceptance of the same by the authority, it shall be legally binding on the employee and no revision of the age shall be allowed to be made at a later date for any purpose whatsoever.

### 10. **Age of Entry into Service**

A person whose age is less than 18 years shall not be appointed to any post in the University.

## 11. Record of Service

There shall be a personal file/ personal history sheet for every employee in which shall be placed all papers, records and other documents relating to his service in the University. In addition, a Service Book shall also be maintained in respect of each employee.

## 12. Whole Time of an Employee

(a) Unless otherwise expressly provided for, the whole time of an employee shall be at the disposal of the University and he shall serve the University in such capacity and in such manner and at such places as he may, from time to time, be directed by the University.

(b) An employee of the University may be called upon to perform any work as may be assigned to him in the interest of and for the purposes of the University.

## 13. Annual Increments

13.1 An annual grade increment shall be granted to each employee as a matter of course from the 1<sup>st</sup> of the month in which it falls due unless it is withheld. An increment may be withheld from an employee if his conduct has not been good or his work has not been satisfactory, in the opinion of the appointing authority. No increment shall, however, be with-held without assigning the specific reasons in writing and without following the procedure laid down in this regard. An employee shall have the right to appeal to the Chairman, Board of Management against the decision to withhold his annual grade increment.

13.2 The following services in the stages of full time scale shall count for increment :

- (i) period of duty
- (ii) service in another post, other than the post carrying less pay, whether in substantive or officiating capacity.
- (iii) All kinds of leave other than extraordinary leave.
  - (i) Extraordinary leave granted
    - (a) on medical certificate
    - (b) otherwise than on medical certificate due to inability of the employee to join duty on account of civil commotion or a similar reason
    - (c) for prosecuting higher technical and scientific studies
- (ii) deputation out of India
- (iii) foreign service
- (iv) joining time
- (v) period of training before appointment

## 14. Probation and Confirmation

14.1 Every person appointed against a permanent post whether by promotion or by direct recruitment, shall be on probation on such a post for a period of twelve months provided that the appointing authority may extend the period of

probation for a further period not exceeding twelve months, the reasons thereof to be recorded in writing and communicated to the person concerned one month prior to the expiry of the probation period.

In case the work of an employee on probation is not found to be satisfactory, periodical warnings should be given to him.

In case of employees appointed on probation, the engagement may be terminated by one month's notice or by the payment of a sum equivalent to one month's salary by either party choosing to terminate the appointment, without assigning any reason.

Provided that where the service is of a period of less than three months, neither notice nor payment of salary in lieu of notice shall be required.

- 14.2 During the period of probation, if an appointee is found unsuitable for holding that post or has not completed his period of probation satisfactorily, the appointing authority may-
- (i) In case the person is appointed by promotion, revert him/her to the post held by him/her immediately before promotion to such post.
  - (ii) In case of a person appointed by direct recruitment, terminate his/ her services under the university by giving one month's notice or paying him/ her one month's salary in lieu thereof.
- 14.3 Every person appointed against a post under the University whether by promotion or by direct recruitment shall, on satisfactory completion of his/ her period of probation, be eligible for confirmation in the post and subject to the conditions laid down in the ordinance/ regulations notified separately.

## **15. Seniority**

### **15.1 Seniority of Direct Recruits and Promotees**

Relative seniority of all direct recruits will be according to the order of merit based on the select list drawn by Selection Committee. Persons appointed from an earlier select list shall rank senior en-bloc to those appointed from subsequent list.

- 15.2 Delay in joining duty – Seniority will not be affected, if person ranked higher in the select list join the post not later than three months from the date of issue of appointment letter to him. (In exceptional cases, the time limit may be extended upto six months. In that case also seniority will not be affected.)
- 15.2.1 Where promotions are made on the basis of selection by a DPC, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee.
  - 15.2.2 Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted.

- 15.2.3 Where, however, a person is considered unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

“Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/ grade against a reserved vacancy earlier than his senior General / OBC candidate who is promoted later to the said immediate higher post/ grade, the General / OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/ grade.”

- 15.2.4 Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

- 15.2.5 Where persons recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority would be determined by the order of merit indicated at the time of initial appointment and not according to the date of confirmation.

- 15.3 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

- 15.4 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for determining seniority would take place only to the extent of the available direct recruits and the promotees. The short fall may be made good by appointing direct recruits or promotees, as the case may be, but these candidates will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits or promotees who become available. Shortfall will be adjusted in the next selection.

- 15.5 In order to determine the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained.

- 15.6 Seniority of Absorbees (Transferees)

- 15.6.1 The relative seniority of persons appointed by absorption to any post in the University from any other Department of the Central/ State Government,

Autonomous organisation and statutory body, shall be determined in accordance with the order of their selection for such absorption.

15.6.2 Where such absorbees are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees vis-à-vis direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for absorption.

15.6.3 Where a person is appointed by absorption in accordance with the provisions in the Recruitment Rules providing for such absorption in the event of non-availability of suitable candidate by direct recruitment or promotion, such absorbee shall be grouped with direct recruits or promotees, as the case may be, selected on the same occasion.

15.6.4 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant Recruitment Rules provide for “Deputation/absorption”), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent post on regular basis in his parent department, such regular service shall also be taken into account in fixing his seniority subject to the condition that he will be given seniority from -

- the date he has been holding the post on deputation;

(or)

- the date from which he has been appointed on a regular basis to the same or equivalent post in his parent department;

whichever is later.

15.6.5 The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

15.6.6 In cases, in which absorption is not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

15.7 Seniority in Special type of cases

15.7.1 In case where in the order imposing the penalty of reduction to a lower service, grade or post or to a lower time scale it is specified that the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Employee may, unless the terms of the order of punishment, provide otherwise, be fixed in the higher service, grade or post or the higher time-scale at what he would have been but for his reduction.

15.7.2 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Employee on re-promotion may, unless the

terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

- 15.7.3 Persons under suspension or against whom disciplinary proceedings are pending:- Original seniority will not be affected, if completely exonerated and the suspension is held to be wholly unjustified. Promotion will be given against the first available vacancy. He will be deemed to have been promoted from the date his junior was promoted during the period of pendency of proceedings, for the purpose of counting service in the higher post for eligibility for promotion to the next higher post.

## **16. Temporary and Permanent Service**

- 16.1 An employee shall be in temporary service of the University, until he is confirmed on a permanent post under the University subject to the laid down provisions in this regard.
- 16.2 An employee confirmed in a permanent post in the University shall be in the permanent service of the University subject to the provisions in the Act and Statutes in the matter.

## **17. Retirement**

- 17.1 The staff of the University shall retire on superannuation on attaining the age of 60 years. While an employee whose date of birth falls on any day other than the first day of the month, shall retire on superannuation on the last day of that month, one whose date of birth is the first day of a month, shall retire on superannuation on the last date of the previous month.
- 17.2 An employee who has completed twenty years of qualifying service may, by giving notice of not less than three months in writing, retire voluntarily from service on the terms and conditions laid down in the ordinance relating to the scheme of Contributory Provident Fund-cum-Gratuity.

## **18. Resignation**

Subject to the acceptance of his/ her resignation by the competent authority, a permanent or temporary employee may, by notice of three months or one month respectively in writing to the appointing authority, resign from the service of the University.

Provided that the appointing authority may if deemed proper, relieve a permanent/ temporary employee on notice of less than three months/ one month respectively.

## **19. Career Advancement Scheme/ Assured Career Progression Scheme**

The Career Advancement Scheme as notified by U.G.C. or A.I.C.T.E. in respect of such category staff who are covered under the schemes, shall be applicable.

In respect of other category of staff, 'Career Progression Scheme' as may be adopted by the Board of Management, shall be applicable.

## **20. Compulsory Deductions**

- 20.1 No deduction of any kind shall be made from the salary of an employee except :
- (i) Where an employee contributes to a duly established Contributory Provident Fund, the Contribution at prescribed rate shall be deducted from his salary each month.
  - (ii) Where an employee occupies a house or other dwelling accommodation provided by the University, the amount of the license fee of that house or other dwelling accommodation shall be deducted from his salary each month, but where the employee is required to occupy the house or other dwelling accommodation as part of the term of his engagement, amount of license fee, if any payable shall be such as per the agreement.
  - (iii) Where an employee agrees for certain deductions like refund of advance from C.P.F., House Building, Conveyance etc., Electricity and Water Charges in respect of a house provided by the University, deductions shall accordingly be made or where any deductions are required to be made under any law or by an order of the court, such deductions shall also be made.

## **21. Special Provision For Existing Employees**

Every person holding a regular post in the University at the time of notification of this statute, other than those employees who are on deputation, shall, on such commencement be deemed to have been appointed under the provisions of this statute and will be required to sign the agreement as prescribed, in case he intends to continue.

## **22. Service Books**

- 22.1 The University shall maintain a service book for each employee in such form as may be prescribed, giving a history of his service from the date of his appointment including grant of increment, promotion, reward, punishment, availing of L.T.C. and all other important events of his career. The Service Book shall also contain a leave account of the employee showing a complete record of all kinds of leave (except casual leave) earned as well as availed by him and the balance of such leave at his credit.
- 22.2 The entries in the service book of an employee shall be authenticated by an officer authorised in this behalf by the Vice-Chancellor.

## **23. Annual Confidential Report/ Performance Appraisal :**

- 23.1 Such authorities of the University as may be prescribed by the University, shall report confidentially each year in the form prescribed by the University on the performance including work and conduct of the employees who have served under a particular officer for a period not less than three months in the calendar year immediately preceding.

- 23.2 All ACRs / Performance appraisal reports shall be submitted in the prescribed form to Reviewing/ Accepting authority as laid down in the regulations.
24. **Lien and Deputation**  
The appointing authority may allow an employee of the University to be on deputation to an outside agency on such terms and conditions relating to payment of leave and other contributions etc; as mutually agreed upon between the University and the borrowing authority.
25. **Travelling & Daily Allowance**  
An employee of the University shall be entitled to travelling and daily allowances according to the provisions notified in the regulations.
26. **Leave Rules**  
The employees of the University shall be governed by the Leave Rules for non-teaching Employees as laid down in the Regulations.
27. **Medical Attendance and Treatment**  
An employee of the University shall be entitled to medical facilities and reimbursement of medical expenses incurred for treatment for themselves and their families and dependents as set out in the regulations.
28. **Conduct, Discipline And Appeal**  
The employees of the University shall be governed by the Conduct, discipline, Penalty and Appeal Rules as in the ordinance to be notified.
29. **CPF and Gratuity/ Pension and other Retirement Benefits**  
The employees of the University will be covered under the scheme Contributory-cum-Gratuity scheme notified in the ordinance. The employees who already contribute to Contributory Provident Fund at the time of joining the University, will have to opt to continue in the Contributory Provident Fund scheme of the University as laid down in the ordinance relating to C.P.F. scheme. Employees shall not be entitled to pension but they will be entitled to such other benefits as are laid down in the scheme.
30. **Group Insurance Scheme**  
The employees of the University shall be covered under 'Group Insurance Scheme' of the University as notified in the Regulations.
31. **Leave Travel Concession**  
All employees other than those borne on work charged and contingent establishment, with more than one year continuous service shall be entitled to 'Leave Travel Concession' as per L.T.C. rules notified in the Regulations.
32. Until and unless where no explicit rules have been made or for any interpretation or clarification corresponding rules followed in the Government may be adopted subject to the approval of the Board of Management.

**BOM resolution : 10.9 dated 09.06.2000**

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