

RULES REGARDING CONDUCT AND DISCIPLINE OF THE EMPLOYEE OF AIDED EDUCATIONAL INSTITUTIONS.

1. Definition.

“Employee” means every person employed in an Educational Institution receiving maintenance grants from Government except menials *i.e.* all employees covered by grant-in-aid.

2. Conduct.

No employee shall, without the previous sanction of the Director of Public Instruction engage in any trade, calling or accept any private employment:

Provided that the Assistant Headmasters/Headmistresses and Assistant Teachers may accept private tuition for not more than one hour a day subject to prior approval of the Inspector of Schools. The Headmasters/Headmistresses shall, however, not be allowed to accept private tuitions;

Provided further that an employee may undertake honorary work of a social and charitable nature subject to the condition that his/her normal duties shall not suffer and

he/she shall not undertake and shall discontinue such work if so directed by the Managing Committee.

COMMENTS

Under R. 2 hereof, no employee without the previous sanction of the Director of Public Instruction shall engage in any trade or calling or accept any private employment although the Assistant Headmasters/Headmistresses and Assistant Teachers may accept private tuition but for not more than one hour a day subject to prior approval of the Inspector of Schools. The employees, however, can undertake honorary work of a social and charitable nature subject to the condition that such work shall not suffer the normal duties of such person.

3. Discipline.

- (1) The Appointing Authority with the prior approval of the Inspector of Schools may place an employee under suspension if-
 - (a) a departmental enquiry into his/her conduct has become necessary or is pending and when his/her continuance in service is *prima facie* detrimental to the interest of education and discipline, or to the enquiry itself.

- (b) The employee is being prosecuted on a criminal charge with his/her position as an employee of the Institution or is likely to embarrass him/her in the discharge of his/her duties as such or involves moral turpitude.

- (2) For the period of suspension an employee may be paid a subsistence allowance of not less than one-fourth of his pay which should be fixed by the authority ordering suspension considering the circumstances of the case.

- (3) The period of suspension may be treated as a period spent on duty if the employee is honourably acquitted of the charges for which he was suspended. Otherwise, the period may be treated in such manner as the revising authority may deem proper in accordance with the circumstances of the case.
 - (a) The following penalties for good and sufficient reasons be imposed upon any employee by the authority which appoints him/her:
 - (i) Censure;

 - (ii) Withholding of increments;

 - (iii) Reduction in rank;

- (iv) Recovery from pay;
 - (v) Removal from service, which does not disqualify for future employment;
 - (vi) Dismissal from service, which ordinarily disqualifies from future employment.
- (b) None of these penalties shall be imposed on an employee until he/she has been given reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her, and without approval of the D.P.I.

Provided that this clause shall not apply-

- (i) where a person is dismissed or removed or reduced in rank on the ground of conduct which had led to his/her conviction on the criminal charge;
- (ii) where the authority empowered to dismiss or remove an employee or to reduce him/her in rank is satisfied that for special reasons to be recorded in writing, it is not reasonably practicable to give to that person opportunity of showing cause; or
- (iii) where the Appointing Authority is satisfied that in the interest of the institution or security of the State, it is

not expedient to give to the persons such an opportunity.

Interpretation.

If any question arises relating to the interpretation of these rules it shall be referred to the Government whose decision thereon shall be final.

5. No employee shall publish or cause to be published in his own name or anonymously or contribute to the press any matter, which is likely to lead to academic indiscipline or promote defiance of authority.
6. No employee shall offer himself as a candidate for election to a Legislative Body or for holding office of any political organisation except in accordance with provisions of Rule 7:

Provided that an employee may seek election as an independent candidate of a panchayat with the previous approval of the managing committee as the case may be but he shall not be entitled to accept any office there under except in accordance with the provision of Rule 7.

7. Any employee desiring to seek election to Legislative Body or to hold office of any Political Organisation or Local Bodies shall be on compulsory leave without pay from the date of filing his nomination till the announcement of the result by the proper authority and shall be eligible to rejoin his post

immediately. In case he is elected, he shall be on compulsory leave without pay from the date of filling his nomination till the termination of his office to which he is elected. Such elected employee shall be allowed to retain a lien on his post for a period not exceeding the full term of the elected body to which the employee is so elected. In the event of such employee joining the post against which he had a lien the interim period of absence on compulsory leave will count for national increment benefits of pay from the date of such re-joining.

COMMENTS

Rule 7 was substituted *vide* Notification No. EPG. 549/86/9, dated the 29th August, 1987 and published in the Assam Gazette, Part II-A, dated 7th October, 1987, page 1269.

Under R. 3, an employee can be placed under suspension if –
(a) a departmental enquiry into his or her conduct has become necessary or is pending and when his or her continuance in service is *prima facie* detrimental to the interest of education and discipline or to the enquiry itself;
(b) the employee is being prosecuted on a criminal charge.
Under R. 4, an employee can be dismissed from service but before such dismissal, a reasonable opportunity for showing cause against the action proposed to be taken in regard to him may be given and approval of the Inspector of Schools has also to be taken. These Rules have no statutory force, and in the light of various decisions of Supreme Court, and

the Gauhati High Court, it follows that even if in case a person is dismissed *mala fide* he has no civil remedy for his reinstatement.

LEAVE RULES

These rules shall apply to all employees, except menials.

1. Leave is earned by actual duty only.
2. Leave cannot be claimed as a matter of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

3. Casual leave.

Casual leave cannot be accumulated and cannot be combined with any other kind of leave, vacation or holidays; can be granted up to 15 (fifteen) days in a calendar year, and ordinarily shall not be more than 5 (five) days at a time.

4. Earned leave.

An employee not in permanent employ is not eligible for any earned leave in respect of the first of service.

- (a) Earned leave is not admissible to an employee in permanent employ in respect of duty performed in any year in which he avails of the full vacation.
- (b) Earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself in the full vacation is such proportion of 30 days as the number of days of vacation not taken bears to the full vacation.

If in any year the officer does not avail himself of all the vacations, earned leave will be admissible to him in respect of that year at 1/11th of the period spent on duty.

An officer ceases to earn earned leave when the earned leave due amounts to 180 days.

Provided that earned leave whether taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and up to 120 days at a time;

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

5. Half-pay leave.

Half-pay leave admissible to an employee in permanent employee in respect of each completed year of service is 20 days.

The half-pay leave may be granted on medical certificate or on private affairs.

Employee not in permanent employ is eligible of half-pay leave at the rate mentioned above.

No half-pay leave may be granted unless the authority competent to sanction leave has reason to believe that the employee will return to duty on expiry of the leave.

6. Maternity leave.

Maternity leave on full pay may be granted to female employees who have put in more than one year's service for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement which ever is earlier.

- 7.** (a) Commuted leave not exceeding half the amount of half pay leave may be granted on medical certificate only to an employee in permanent employment subject to the following conditions:

- (i) Commuted leave during the entire service shall be limited to a maximum of 240 days:
- (ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due:
- (iii) The total duration of leave and commuted leave taken in conjunction shall not exceed 240 days.

Provided that no commuted leave may be granted under this rule, unless authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

- (b) In case a question arises as to how to treat the commuted leave already granted to an employee who subsequently intends to retire on expiry of such leave, the Governor of Assam has been pleased to decide that when commuted leave is granted to an employee under the aforesaid rule and he intends to retire subsequently, the commuted leave shall be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this effect, should, therefore, be taken from the employee, who avails himself of commuted leave but the question whether the employee should be called upon to refund the money drawn in excess as leave salary should be

decided on the merits of each case, *i.e.*, if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily entrusted upon him by reason of ill-health incapacitating him for further service, no refund should be taken.

COMMENTS

These rules have been inserted by Amendment Act of 1970.
