

**CODE OF CONDUCT FOR
EMPLOYEES WORKING UNDER
MGMIHS AND ITS INSTITUTIONS**



Rules & Regulations
of
MGM Institute of Health Sciences,
Navi Mumbai

MGM INSTITUTE OF HEALTH SCIENCES

(Deemed University u/s 3 of UGC Act, 1956)

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Registrar

MGM INSTITUTE OF HEALTH SCIENCES
(DEEMED UNIVERSITY u/s 3 of UGC Act, 1956)
KAMOTHE, NAVI MUMBAI

Rules/ Regulations No. 5

Rule No.5: Rules for Service Conditions, Conduct, Discipline & Appeals for the employees working under MGMIHS and its institutions.

This Rule may be called "Rules for Service Conditions, Conducts, Discipline & Appeals for the employees working under MGMIHS and its institutions."

1. Unless otherwise specifically provided, these rules shall apply to all employees of the University and its Institutions.
2. In these rules unless the context otherwise requires:
 - a. UNIVERSITY means "MGM Institute of Health Sciences"
 - b. MOU means "MOU/ Rules and Regulations of MGMIHS"
 - c. APPOINTING AUTHORITY means the authority empowered to appoint under Rules and Regulations of Delegation of Powers
 - d. UNIVERSITY EMPLOYEE means employees as defined in the Rules & Regulations related to conditions of Service.
3. Classification of Categories
 - a. Class - A: The post of Deputy Registrar, equivalent and above
 - b. Class - B: Persons from Superintendent and equivalent and upto the level of Assistant Registrar but not included in Category 'A' above.
 - c. Class - C: Persons from clerk upto the level of Deputy Superintendent and equivalent but not included in categories 'A' and 'B' above.
 - d. Class - D: Persons including all other Class -IV employees of the University.
4. Medical Fitness
 - a. Every person appointed on probation shall get himself examined by the University Medical officer or by any other Medical officer designated by the University/Institution for the purpose of fitness and furnish a certificate from him in the proforma specified.
5. Transfer
 - a. The power to transfer University employee upto the rank of Assistant registrar shall rest with the Registrar, provided that transfers within the branch may be made by the Head of the Branch.
 - b. The power to transfer an employee of the rank of Deputy Superintendent and above shall rest with the Vice Chancellor.
6. Probation and Confirmation
 - i. Every person appointed permanently to a post under the University after the commencement of these rules, whether by promotion or by direct recruitment, shall be on probation in such post for a period of two years after the satisfactory completion of which the appointing authority may, by an order in writing confirm his recruitment.
 - a. Provide further that the appointing authority may allow continuous period spent on duty. if any, on the same post on adhoc basis or on temporary/ leave vacancy/ deputation when followed by regular appointment to count towards period of probation for the purpose of

confirmation.

- ii. If it appears to the appointing authority that at any time during or at the end of the period of probation, a probationer has not made sufficient use of the opportunities, or his/her, work and conduct have not been found satisfactory and the appointing authority feels that the probationer is not suitable for holding that post or has not completed the period of probation satisfactorily, the appointing authority may: -
 - a. In case of a person appointed by promotion; revert him/her to the post held by him/her immediately prior to such promotion or extend the period of his/her probation to the extent as specified under these rules.
 - b. In case of person appointed by direct recruitment terminate his service or extend the period of his probation to the extent as specified.
- iii. A probationer reverted or removed from service during or at the end of the period of probation shall not be entitled to any additional compensation whatsoever other than usual emoluments payable under rules.

7. Notice required for termination /discontinuation/ resignation for service

- i. A permanent employee can leave or discontinue his services in the University by giving a one-month prior notice to the Registrar/ Vice Chancellor, as the case may be, of his/ her intention to leave or discontinue services.

Provided that the period of such notice may be waived in part or in full, by the appointing authority for good and sufficient reasons to be recorded in writing by passing the order.

Provided further that the employee in lieu of such notice, shall be liable to pay to the university, a sum equal to his pay and allowances for the duration falling short of the prescribed period. The University shall have the authority to deduct/ adjust any amount to him from the University on this account, if any.

- ii. The services of a temporary/ contractual employee may be terminated with such notice as may be specified in terms of his /her appointment on payment of pay and allowances in lieu of such notice by either side. The period of notice may, however, be waived by the appointing authority for good and sufficient reasons.

Provided that notice of resignation shall be necessary in the case of -

- a) In charge of specific responsibility.
 - b) Appointment of temporary nature without specific period of till further order
- iii. The appointing authority may terminate the services of an employee appointed on probation at any time during the period of his probation without assigning any reason.

8. Increments

- i. An increment shall be drawn as a matter of course, but the appointing authority shall be competent to withhold increment on account of misconduct or unsatisfactory work, and before doing so, shall give an opportunity to the employee to make any representation that he may desire to make and shall take

such representation into consideration. In ordering the withholding of an increment, the competent authority shall stage the period for which it is withheld and whether the postponement shall have the effect of postponing any future increments.

9. Confidential Report

The Heads of the Institution/Departments and the Registrar, as the case may be, shall report confidentially on the work and conduct of the employee, in accordance with rules made by the Board of Management separately in this behalf.

10. Conduct

- i. The employee of the University or the College shall be at the disposal of the University or College for full-time and shall serve in such capacity and at such place as he may, from time to time, be so directed.
- ii. The employee shall conform and abide by the provisions of the MGMIHS rules and Regulations and directives and decisions of the competent Authority. The employee shall also observe, comply with and obey all orders and instructions which may from time to time be given to him by the Officer under whose jurisdiction, superintendence or control he has been placed, for the time being.
- iii. The employee shall at all time maintain absolute integrity, and show devotion to duty, and shall do nothing which is unbecoming of an employee of the University or the College as the case may be. He shall ensure the integrity and devotion to duty of all employees under his control and authority for the time being.
- iv. The employee shall extend utmost courtesy and attention to all persons with whom he has to deal in the sphere of his duties. He shall strive hard to promote the interest of the University or the College, as the case may be.
- v. No employee shall in the discharge of the official duties deal with any matter relating to award of any contract in favour of a company or firm or any other body or person in which he or any member of his family is interested, except with the prior permission of the Competent Authority. After such a permission is granted, the employee shall refrain himself from extending any undue advantage or benefit to such company, firm or body as the case may be.
- vi. (a) The employee except in accordance with any general or special orders of the competent authority or in performance of his duties and in good faith, shall not communicate or cause to communicate directly or indirectly any official document or any part thereof or information to any person, within the University or College or outsider, to whom he is not authorized to communicate such document or information, or to make any use thereof.
(b) The employee shall not contribute to the University or the college without obtaining the previous sanction of the competent Authority or without such sanction make use of any document, paper or information which may have come in his possession in his official capacity. He shall also not try to obtain unauthorizedly any information, document, paper which may not come in his possession in his official capacity, in order to make any use thereof.
(c) The employee shall not directly or indirectly take part in any activity, demonstration or movement which is considered by the Competent Authority to be prejudicial to the academic and administrative interests of the University or College

or bring the University or the College in disrepute.

- i. The employee except with the previous sanction of the Competent Authority shall not give evidence in connection with any inquiry conducted by a person, committee or authority and shall not criticize the policy or action of the Competent Authority.

Provided that the employee may give evidence at-

- (a) Any inquiry before an authority appointed by the Competent Authority
- (b) A judicial inquiry
- (c) A departmental inquiry ordered by the Competent Authority.

- ii. The employee without the express sanction of the Competent Authority, shall not ask for or accept contribution to, or otherwise associate himself with the raising of funds or other collections in cash or otherwise for his own benefit.

- iii. The employee shall not accept or permit any member of his family or any person acting on his behalf to accept any gift in cash or in kind for his own benefit from any person including another employee for a work to be done in connection with the business of the University or College.

Provided, that the collection of monthly subscription of membership at the rate prescribed collected by the office bearer of the Employees Union or the Club and in respect of which a due receipt is tendered, shall not amount to gift or realization of other contribution for this purpose.

Explanation I - The expression "gift" includes free transport, boarding, lodging or any other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.

Explanation 2 - The employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations, or any similar bodies.

- iv. The employee shall not accept, solicit or seek except with the previous sanction of the Competent authority any outside office, stipendiary or honorary work. He shall not engage in any trade or business or canvass in support of any commercial or insurance owned or managed by any member of his family except co-operative consumers or housing or credit society.

Every employee shall report to the Competent Authority if any member of his family is engaged in any trade or business or owns or manages an insurance agency or commission agency. The Competent Authority may grant the permission if it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The competent Authority, while granting this sanction, may stipulate that any fees received by the employee for undertaking the work shall be paid in whole or in part to the University or College.

Provided that, this provision shall not be applicable to the honorary work of special charitable nature, or literary or artistic or scientific in character, including T.V. / Radio, talk shows without affecting his official duties.

- V. The employee shall not apply for job, post or scholarship without the previous knowledge of the Competent Authority.
- vi. The employee shall not absent himself from his duties, without his having obtained the permission of the Competent Authority. In case it is not possible for the employee to obtain such permission owing to circumstances or reasons beyond his control, he shall intimate to Competent Authority within 3 days from the first date of absence, failing which the absence may be treated as leave without pay, and he shall further be liable to such disciplinary action as the Competent Authority may deem fit.
- Provided that, the Competent Authority may condone his condition in respect of an employee who for reason of his own physical state was unable to convey the cause of his absence.
- vii. The employee shall not bid either directly or indirectly, at any auction of any university or college property nor shall submit any tender for any supply to the University or College.
- viii. The employee shall not, by writing, speech or deed, or otherwise, indulge in any activity which is likely to incite and create feeling of hatred or ill-will between different communities in India on religious, social, regional communal or other grounds.
- ix. The employee shall not enter upon a course of studies or appear for any examination by University or other bodies without the previous permission of the Competent Authority.

11. Misconduct shall include as follows, namely: -

- a. Any action by the employee contrary to the provisions prescribed in the foregoing rules.
- b. Going on illegal strike, abetting including instigation or action in furtherance thereof.
- c. Theft, fraud or dishonesty.
- d. Habitual break of any standing orders, rules.
- e. Willful or negligent damage of the University or College property.
- f. Refusal to accept charge-sheet, order or other communications served according to rules.
- g. Conviction in a Court of Law, involving moral turpitude.
- h. Riotous or disorderly behaviour. threatening, intimidating or coercing in connection with or relating to any duties or working of the University or College.
- i. Negligence in discharging any duty.
- j. Violence or inciting violence.
- k. Stopping work either singly or with other employees or inciting anyone else not to work.
- l. Allowing anyone within the premise of the University or allowing any person or person whose entry is prohibited, without the permission of the competent Authority.
- m. Falsification or tampering any paper or record of the University or College.
- n. Obtaining employment under the University or College by misrepresentation of facts.
- o. Making any false or exaggerated allegations against any Officer, Superior or a co- employee or Authority.
- p. Committing nuisance during the working hours by being found intoxicated otherwise.
- q. Misappropriation of any amount, movable property of the University or the College

- or late crediting the amount in the University or College account.
- r. Committing any act involving moral turpitude.

12. Penalties -

Anyone or more of the following penalties may be given for good and sufficient reasons - such as misconduct, moral turpitudes, neglect of duty, violation of any term or condition of service, inefficiency, indiscipline, criminal conviction, be imposed upon any employee of the University:

1. Minor Penalties

- a. Censure
- b. Fine
- c. Withholding of increments
- d. Withholding of promotions
- e. Recovery from his pay of the whole or part of any pecuniary loss caused to University by negligence or breach of orders.

2. Major Penalties

- a. Reduction to a lower stage in the given pay scale for a specified period
- b. Reduction to a lower time scale of pay, grade, post or service
- c. Compulsory retirement.
- d. Removal from service which shall not be disqualification for future employment under University
- e. Dismissal from service, which shall ordinarily be a disqualification for future under the University.

EXPLANATION: Unless imposed as a penalty the following shall not ordinarily amount to a penalty within the meaning of this regulation: -

- (i) Non-promotion whether in a substantive or officiating capacity of a University employee to a service, grade or post for promotion, to which he, in ordinary course, is eligible on administrative grounds and not a measure of penalty on the ground of his misconduct.
- (ii) Reversion to a lower service, grade or post of a University employee officiating in higher service grade or post on the ground that he is considered after trial, to be unjustifiable for such higher service, grade, or post or on purely administrative grounds.
- (iii) Reversion to his permanent service, grade or post of a University.
 - a. Employee appointed on probation to another 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 of university in this behalf for the time being in force.
- (iv) TERMINATION OF SERVICE-
 - a. Of a University employee appointed on probation.
 - b. Of a University employee under 'a' in accordance with the terms of such contract and / or on purely temporary basis
 - c. Of a University employee due to unauthorized absence from duty for a period of thirty days

13. (i) In case of minor penalty, the nature of allegation shall be communicated, to impose upon the employee

concerned about one or more of the minor penalties. Employee concerned and he will be given a minimum period of one week from the date of receipt of the communication by him 'to submit his explanations, if any. Upon receipt of his explanation or on expiry of the period of one week given for submission of explanation, the authority concerned may after necessary examination of relevant facts and circumstances either drop the case or decide to impose upon the employee concerned any one or more of the minor penalties.

- (ii) In case of major penalties, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges and communicated to the employee concerned together with a statement of the allegations on which each charge is based and of any other circumstances, which it is proposed to take into consideration, in passing orders of the case. The employee charged shall be required to put in a written statement of his defence within ten days from the date of receipt of the statement of defence, or on the expiry period not exceeding ten days or it may be extended, the authority concerned may after examination of relevant facts and circumstances, either drop the case or decide to proceed further. If it is decided to proceed further, a formal enquiry shall be held asking him to be present at the enquiry, if he so desire, and to produce further evidence, if any, in support of his defence- The authority concerned shall thereafter take decision on the findings of enquiry. If it is decided to impose penalty, another opportunity may be given to him to submit show cause as to why the particular penalty decided to be imposed by the appointing authority within a week's time. On receipt of the communication in this respect in response to the show cause notice or on expiry of the period of one week or granted period of extension, a final decision will be taken by the appointing authority to impose penalty and communicate the same to the employee.

NOTE: No pleader shall be allowed to appear at the enquiry on behalf of the University or the person charged.

(iii) The Provisions of Rule 13(I) and 13(II) shall not apply:

- a. Where the authority empowered to dismiss or remove or make him to retire prematurely is satisfied- the reasons should be recorded in writing. If it is not reasonable / practicable - give the person an opportunity of showing cause against the person proposed to be taken in place of him.

Or

- b. Where the security of the Nation, State or University is involved.

Note: If any question arises, whether it is reasonably practicable to give to any person an opportunity of showing cause under Rule 14(i) and 14 (ii) against the particular penalty proposed to be inflicted, the decision of the Vice Chancellor will be final.

- I. University employee may be placed under suspension by Appointing Authority, the Vice Chancellor, the Pro Vice Chancellor or the Registrar.

The following principles shall be observed in ordering suspension of University employee:

- i. In case of criminal prosecution, a University employee shall be suspended if the charge against him is such that on being found guilty of it, he is likely to be sentenced to a term of imprisonment or on which he would be dismissed or removed from service, in a departmental enquiry or if he has been refused bail by the court and committed to prison.

- ii. In cases of gross misconduct, bribery or corruption, the question of suspension shall be considered with reference to the prima facie evidence available.
- iii. In all cases where there are reasons to believe that the University employee if allowed to continue in active service, might attempt to tamper with the evidence, he shall be required to proceed on such leave as may be due and admissible to him or if there is no leave to his credit, on extra ordinary leave without pay or if he refuses to proceed on leave, he may be suspended.
- iv. The amount of subsistence allowance per month shall in each case, be decided by the authority ordering the suspension, but in no case, such allowance should exceed half of the monthly pay of the employee at the time of suspension.

II. A University employee shall be deemed to have been placed under suspension by an order of appointing authority or by Vice Chancellor, Pro Vice Chancellor or Registrar.

With effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours.

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 upon such conviction.

III. Where a penalty or dismissal, removal or compulsory retirement from service imposed upon a University employee under suspension, is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force with effect on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

IV. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a University employee is set aside or declared to be rendered void in consequence of or by a decision of a court of law, and the Authority on a consideration of a circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the University employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue suspension until future order .

V. 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.

VI. Where a University employee is deemed to have been suspended, in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding is commenced against him during the continuance of such suspension the authority competent to place him under suspension may for reasons to be recorded by him in writing direct that the University employee shall continue to be under suspension until the termination of all or any such proceedings.

VII. An order of suspension made or deemed to have been made under this rule may at any time modified or revoked by the authority which made or is deemed to have made in or by any authority to which that authority is subordinate.

14. Review of order in Disciplinary cases: -

The Vice chancellor of the University may on his own motion or on the appeal filed by the employee, call for the record of any proceeding under these rules and review any order passed in such a case.

Provided that no action under this rule taken after the expiry of a period of more than three months the date of such date of such order.

15. Review of order of its own order.

University may review its own order that the following conditions are fulfilled, namely: -

- i. There is some error apparent on the face of the record, or
- ii. There are other sufficient reasons for review

Provided that the penalty inflicted on a University employee shall not be enhanced unless he has given an opportunity to show cause why such penalty should not be enhanced-

Provided further that none of the specified in items (I) to (914) of Rule 6.1 (I) shall be changed to any of the penalties specified in items (1) to (5) of the rule 6.1 (II), unless procedure laid down in rule 7.2 has been followed.