THE STATUE GOVERNING CLASSIFICATION, CONTROL AND APPEAL RULES OF EMPLOYEES OF MANGALORE UNIVERSITY

(Framed under section 40 (1) (o) of the K.S.U. ACT 2000)

PART – I
GENERAL

1. TITLE AND COMMENCEMENT

i) This Statute shall be called "The Statue Governing Classification, Control and Appeal Rules of Employees of Mangalore University".

ii) This Statute shall come into effect from the date of assent of the Chancellor.

2. INTERPRETATION:

In this Statutes unless the context otherwise requires:

a) **"Appointing Authority"** in relation to the University Employees means:
   i) the authority empowered to make appointments to the respective classes of services OR
   ii) the authority which appointed the University employee to such service, grade or post, as the case may be i.e., the Syndicate, the Vice – Chancellor or as stipulated in the KSU Act from time to time.

b) **"Disciplinary Authority"** in relation to the imposition of a penalty on an employee of the University means the authority competent under this Statute to impose that penalty on the employee i.e., the Syndicate, Vice-Chancellor, Registrar and other Officers empowered to impose minor penalties.

c) **"Employee"** means an employee of the University.

3. APPLICATION:

This statute shall apply to all employees of the University except:

a) Persons in casual employment.

b) Persons subject to discharge from service on less than one month's notice.

c) In case of doubt regarding interpretation of this Statute the matter shall be referred to the Chancellor, whose decision thereon shall be final.

4. PROTECTION OF RIGHTS AND PRIVILEGES CONFERRED BY ANY LAW:

Nothing in this Statute shall operate to deprive any University employee of any right or privilege to which he/she is entitled by or under any law for the time being in force.

PART – II
CLASSIFICATION

5. **CLASSIFICATION OF SERVICES : The University Service shall be classified as follows**

i) **Group 'A'** : It shall consist of posts carrying the scales of pay of Rs. 7400-200-8800-260-10880-320-13120/- and above or the corresponding scales of pay as revised from time to time.

ii) **Group 'B'** : It shall consist of posts carrying the scales of pay of Rs. 5575-125-5700-150-7200-200-8800-260-10620/- and above but below the scale of pay of Rs. 7400-200-8800-260-10880-320-13120/- or the corresponding scales of pay as revised from time to time.

iii) **Group 'C'** :It shall consist of posts carrying the scales of pay above the scale of pay of Rs. 2500-50-2700-75-3450-100-3850/- but below the scale of pay of Rs. 5575-125-5700-150-7200-200-8800-260-10620/- or the corresponding scales of pay as revised from time to time.

iv) **Group 'D'**: It shall consist of posts carrying the scales of pay of Rs. 2500-50-2700-75-3450-100-3850/- or the corresponding scales of pay as revised from time to time.

Explanation: The above "Scales of pay" are those as specified in respects of various posts in the Karnataka Civil Services (Revised pay) Rules 1999 and related orders.

PART-III
APPOINTING AUTHORITIES

6. The appointments to the various groups of services of the University shall be made by the Syndicate or as envisaged in Karnataka State Universities Act from time to time.

PART-IV
DISCIPLINE – PENALTIES

7. **Nature of Penalties** :

One or more of the following penalties for good and sufficient reasons may be imposed on the employees of the University:

i) fine in the case of Group 'D' employees;

ii) censure;

iii) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders

iv) (a) withholding of increments without cumulative effect.
(b) withholding of increments with cumulative effect.
(c) withholding of promotion

v) (a) reduction to a lower stage in the time scale of pay for a period with a specific direction 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 of penalty, the reduction will or will not have the effect of postponing the future increments of his/her pay;

(b) Reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion to the time scale of pay grade, post or service from which he/she was reduced with or without further directions regarding;

(i) Seniority and pay in the scale of pay, grade, post or service to which he/ she is reduced;

(ii) Conditions of restoration to the scale of pay from which he/she was reduced; and his/her seniority and pay on such restoration to that scale of pay, grade, post or service;

vi) Compulsory retirement;

vii) Removal from service which shall not be a disqualification for future employment;

viii) Dismissal from service which shall ordinarily be a disqualification for future employment.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority no penalty other than those specified in sub rules (vi) to (viii) above shall be imposed for an established charge of corruption.

Explanation 1.: For purposes of this proviso the expression " corruption" shall have the meaning assigned to the expression " Criminal misconduct by a public servant" in section 13 of the prevention of corruption Act, 1988 (Central Act 49 of 1988).

Explanation 2. The following shall not amount to a penalty within the meaning of this Statute:

i) withholding of increments for failure to pass a Departmental Examination in accordance with the rules or orders governing the service or post or the terms of his/her appointment;

ii) stoppage at the efficiency bar in the time scale on the ground of his/her unfitness to cross the bar;

iii) non-promotion 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.

iv) Reversion to a lower service, grade or post an employee officiating in higher service, grade or post on the ground that he/she is considered after trail to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with his conduct (such as the return of the permanent incumbent from leave or deputation, availability of a more suitable officer and the like

v) Reversion to his/her permanent service, grade or post, 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 governing probation.

vi) Compulsory retirement in accordance with the provision relating to his/her superannuation or retirement.

vii) Termination of services :

a) of a person employed under an agreement in accordance with the terms of such agreement or

b) of a person appointed on probation during or at the end of his probation , in accordance with the terms of his/her appointment or rules and orders governing such probation or

c) of a temporary employee in accordance with section 56 of the KSU Act 2000

8. Disciplinary authorities :

i) The appointing authority may impose any of the penalties specified in Rule 7 on any University employee
ii) The Vice-Chancellor may impose any of the penalties specified in sub rule (i) to (iv) of Rule 7 on any Group D employee
iii) The Vice-Chancellor may initiate disciplinary proceedings against Group C employees

9. Suspension:

i) The appointing authority or any other authority empowered by the appointing authority may place any of the employee under suspension where;
   a) a disciplinary proceeding against him/her is contemplated or is pending.

OR

   b) a case against him/her in respect of any criminal offence is under investigation or trail.

Provided that where the order of the suspension is made by an authority empowered shall report to the Appointing authority the circumstances in which the order was made.

ii) The employees of the University shall be deemed to have been placed under suspension by an order of Appointing Authority:
   a) with effect form 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;
   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 sub rule 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.

iii) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee of the University under suspension is set aside in appeal or on review under this statute, and the case is remitted for further inquiry or action or with any other directions, the order of his/her suspension shall be deemed to have been continued in force on and from the date of the 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 on an employee of the University is set aside or declared or rendered void in consequence or by a decision of a court of law and the Disciplinary Authority on a consideration of the circumstances of the case, decide to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employees 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. He shall continue to remain under suspension until further orders;

v) a) An order of suspension made or deemed to have been made under this shall continue to remain in force until it is modified or revoked by the authority competent to do so.

b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of the 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 suspension until the termination of all or any of such proceedings.

c) An order of suspension made or deemed to have been made under this Statute 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.

vi) Where an employee has been suspended by the Vice-Chancellor or subordinate Officers and the final orders in the inquiry pending against him/her have not been passed within a period of six months from the date of order of suspension, the case shall be reported to the Syndicate for such orders as it may deem fit.

10. Authority to institute proceedings:

i) The Syndicate or any other authority empowered by general or special order may;

a) institute disciplinary proceedings against any employee;

b) direct either the Vice-Chancellor or any other Officer to institute disciplinary proceedings against any employee on whom the Syndicate is competent to impose penalties specified in rule 7.

c) The Vice-Chancellor or any other authority empowered by him may institute disciplinary proceedings against any employee under orders of the Syndicate.

d) The Vice-Chancellor or any other authority empowered by him may institute disciplinary proceedings against Group D employee

11. Procedure for imposing major penalties:

i) No order imposing any of the major penalties specified in sub rule (iv)(b) to (viii) of rule 7 shall be made except after an inquiry held as far as may be, in the manner provided in this rule and rule 11-A

ii) Whenever the Syndicate is of the opinion that there are grounds for inquiring into the truth of imputation of misconduct or misbehaviours against an employee, it may itself inquire into or appoint the Vice-Chancellor or any other Officer to inquire into the truth of the matter. Such cases of misbehaviour in case of Group A, Group B and Group C employees should be reported by the Vice-Chancellor to the Syndicate and in other cases the Vice-Chancellor can take action to conduct necessary inquiry.

Explanation : Where the Disciplinary Authority itself holds the inquiry, any reference in sub-rule(vii) to sub-rule(xx) and in sub-rule (xxii) , to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

iii) Where it is proposed to hold an inquiry against an employee under this rule and rule 11-A the disciplinary authority i.e. Syndicate shall draw up or cause to be drawn up:

i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

ii) a statement of the imputation of misconduct 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;

b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

iv) The Disciplinary Authority (i.e., the Syndicate) shall deliver or cause to be delivered to the employee a copy of the articles of charges, the statement of imputations of misconduct or misbehaviour 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 to state whether he/she desires to be heard in person.

v) a) On receipt of the written statement of defence, the Syndicate /the Vice-Chancellor in case of Group D employees or any other authority appointed by it may inquire into such of the articles of charges as are not admitted or if it considers it necessary so to do, appoint under sub rule(2) and Inquiring Authority for the purpose and where all the articles of charge have been admitted by the employee in his 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 11-A

b) If no written statement of defence is submitted by the employee, the Syndicate may inquire into the articles of charge, or may if it considers necessary to do so may appoint an inquiring authority for the purpose.

c) Where the Syndicate/Vice-Chancellor itself inquires into any articles of charge or appoints an Inquiring Authority for holding an inquiry into such charge it may by an order appoint an Officer or a legal practitioner to be known as “Presenting Officer” to present on its behalf the case in support of the articles of charge.

vi) The disciplinary authority shall where it is not the Inquiring Authority, forward or cause to forward to the Inquiring Authority :-

a) a copy of the articles of charge and statement of imputations of misconduct or misbehaviour;

b) a copy of the written statement of defence, if any, submitted by the employee;

c) a copy of the statements of witnesses, if any;

d) evidence proving the delivery of the documents to the employee and

e) a copy of the order appointing the legal Practitioner as 'Presenting Officer'.

vii) The employee shall appear in person before the Inquiring Authority on a fixed date and at a fixed time within ten working days from the date of receipt of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by a notice in writing specify in

this behalf or within such further time, not exceeding ten days, as the Inquiring Authority may allow.

viii) The employee may take the assistance of any other University employee (or a retired University employee) to present the case on his/her behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits:

(Provided that if the retired University employee is also a legal practitioner, the employee shall not engage such person unless the Presenting Officer appointed by the Disciplinary Authority is a legal practioner or the Disciplinary Authority having regard to the circumstances of the case, so permits.)

ix) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statements of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make. If he pleads guilty to any of the articles of charge or has any defence to make, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee thereon.

x) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

xi) 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 evidence by which he proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may for the purpose of preparing his defence:

a) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub rule(iii);

b) submit a list of witnesses to be examined on his behalf;

c) apply orally or in writing to inspect and take extracts of the statements, if any of witnesses mentioned in the list referred to in sub-rule iii The Inquiring Authority shall permit him to take such extracts as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority;

d) give a notice within ten days of the order or within such further time not exceeding ten days as permitted by the Inquiring Authority for the discovery or production of any documents which are in the possession of the University but not mentioned in the list referred to sub rule 3

Provided that the employee shall indicate the relevance of the documents required by him to be discovered or produced by the University.

xii) The Inquiring Authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the concerned

authority in whose custody or possession the documents are kept with a requisition for the production of the document by such date as may be specified in such requisition:

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse requisition of such of the documents as are, in its opinion, not relevant to the case.

xiii) On receipt of the requisition referred to in sub-rule (xii) every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority :

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the state, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

xiv) 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 on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross –examined by or on behalf of the Government Servant. 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.

xv) If it shall appear necessary before the close of the case on behalf of the disciplinary authority the Inquiring Authority if found necessary may at its discretion allow the presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness. In such case, the employee shall be entitled to have a copy of the list of further evidence proposed to be produced if he demands it.

An adjournment of the Inquiry for three days excluding the date of adjournment may be allowed for this purpose at the request of the employee. The Inquiring Authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The Inquiry Authority may also allow the employee to produce new evidence if found necessary in the interest of justice.

NOTE: New evidence shall not be permitted or called for nor witnesses shall be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced.

xvi) 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. The oral defence shall be signed by the employee after it is recorded. A copy of the statement of defence shall be given to the Presenting Officer, if any appointed.

xvii) The evidence on behalf of the employee shall then be produced. The employee may examine himself if he so prefers. The witnesses produced by the employee shall then be examined. They shall be liable for cross examination, re-

examination and examination by the Inquiring Authority according to the provisions prescribed above.

xviii) The Inquiring Authority, after the employee closes his case, shall generally question the employee on the circumstances as appearing against him in the evidence for the purpose of enabling him to explain any circumstances as appearing against him.

xix) The Inquiring Authority may, hear the Presenting Officer if any, appointed after the completion of the production of evidence. He may also hear the employee. He may permit both parties to file written briefs of their respective cases if they so desire.

xx) If the employee does not submit the written statement of defence on or before the fixed date or does not appear in person before the Inquiring Authority or refuses to comply with the provisions of this Statute at any stage of inquiry the Inquiring Authority may hold the Inquiry exparte.

xxi) (a) After the inquiry is conducted, if the authority competent to impose any of the minor penalties specified in clauses (i) to (iv)(a) of rule 7, is of the opinion that major penalties specified in sub rule (iv) (b) to (viii) should be imposed on the employee he shall forward records of the Inquiry to the Syndicate recommending the imposition of any of the above mentioned penalties.

(b) The Syndicate may act on the evidence on the record or may, in the interest of justice recall the witnesses and examine, cross-examine and re-examine them and then impose on the employee, such penalties as it may deem fit in accordance with this Statute.

xxii) If there is any change in the Inquiring Authority during the course of inquiry of any case the succeeding Inquiring Authority may act on the evidence recorded by his predecessor. He may however further examine, cross-examine the witnesses if so desired by him in the interest of justice.

xxiii) 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;
d) the findings on each article of charge and the reasons therefor.

EXPLANATION: If in the opinion of the Inquiring Authority, the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge. Such article of charge shall not however be recorded unless the employee has either admitted the facts on which it is based or has had a reasonable opportunity of defending himself against such article of charge.

ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the records of inquiry, which shall include:

a) the report prepared by the Inquiring Authority;

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 Authority in regard to the inquiry.

11 - **A <u>Action on the Inquiry Report</u>:**

i) The Disciplinary Authority, if he is not himself the Inquiring Authority may, for reasons to be recorded in writing remit the case to the Inquiring Authority for further inquiry and report. The Inquiring Authority shall there upon proceed to hold the further inquiry as per provisions of this Statute.
ii) The Disciplinary Authority if it disagrees with the findings of the Inquiring Authority on any charge may record own findings on such charge, if the evidence on the record is sufficient for the purpose.
iii) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that one or more of the penalties specified in rule 7 should be imposed on the employee, then shall make an order imposing such penalties.
iv) If the Disciplinary Authority having regard to the finding on all or any of the articles of charge is of the opinion that any of the penalties specified in sub rule (iv)(b) to (viii) of section 7 should be imposed of the employee, then shall:
   (a) furnish to the employee a copy of the report of the inquiring authority and its findings on each article of charge, where the inquiry has been held by an Inquiring Authority.
   (b) Give the employee a notice stating the penalty proposed to be imposed on him and calling upon to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, such representation as he may wish to make on the proposed penalty
   (c) The Disciplinary Authority shall after considering the representation, if any, made by the employee, determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

12 i) <u>PROCEDURE FOR IMPOSING MINOR PENALTIES:</u>

No order imposing on an employee any of the minor penalties specified in sub rule (i) to (iv)(a) of rule 7 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 misbehaviour on which it is proposed to be taken. A reasonable opportunity may be given to him for making such representation as he may wish to make against the proposal;
b) holding an inquiry in the manner laid down in sub rule (iii) to (xxiv) of rule 11 in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;
c) taking the representation, if any, submitted by the employee and record of inquiry if any held, into consideration;
d) recording a finding on each imputation of misconduct, or misbehaviour.

ii) The record of the proceedings in each case shall include;
   (a) a copy of the intimation to the employee of the proposal to take action against him;

(b) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
(c) his representation if any;
(d) the evidence produced during the inquiry;
(e) the findings on each imputation of misconduct or misbehaviour; and
(f) the orders on the case together with the reasons therefor.

12 - A) COMMUNICATION OF ORDERS:

Orders made by the Disciplinary Authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry and the findings on each article of charge. If the findings of the Inquiring Authority are disagreed to by the Disciplinary Authority, the reasons for the same should be recorded.

13. PROVISIONS REGARDING LENT OFFICERS:

Where an order of suspension is made and disciplinary proceedings are taken against the servants whose services have been borrowed from the Central or State Governments or other local authority, the authority lending his services shall forthwith be informed of the circumstances lending to his suspension or the commencement of the disciplinary proceedings as the case may be. Any disciplinary action for imposing penalties on such borrowed Officers shall be taken in the manner laid down in rule 11 after obtaining the concurrence of the lending authority.

14. PROVISIONS REGARDING REAPPOINTED OFFICERS:

Where a person who has ceased to be an employee of the University due to resignation, abolition of his post, termination of his appointment as per terms of contract etc., is reappointed, disciplinary proceedings may be taken against him in his new appointment in respect of any act or conduct during any previous period of service under the University.

PART – V – APPEALS

15. ORDERS AGAINST WHICH NO APPEALS LIE:

No appeal shall lie against:
i) any order made by the Chancellor;
ii) any order of an interlocutory nature or of the nature of step-in-aid for the final disposal of disciplinary proceedings, other than an order of suspension; and
iii) an order passed by an Inquiring Authority in the course of inquiry under rule 11.

16. APPEALS, AGAINST ORDERS IMPOSING PENALTIES:

1) Every employee shall be entitled to appeal to the extent, and to the Authorities, as hereinafter provided and not otherwise from an order passed by an authority:

a) imposing any of the penalties specified in rule 7.
b) placing him under suspension under Rule 9 :

2) A member of the Group A, Group B and Group C service may appeal;
   a) to the Chancellor, against an order made by the Syndicate.

3) A member of a Group D service may appeal from an order passed by the subordinate officers to the Syndicate.

17. APPEAL AGAINST OTHER ORDERS:

1) Every member of any of the services of the University shall be entitled to appeal to the Chancellor against any order passed by a subordinate authority which –

   a) denies or varies to his disadvantage his pay, allowances and other conditions of service as regulated by any Statute, Rule or by agreement;
   b) interprets to his disadvantage the provisions of such orders, Statute or agreements whereby his pay allowance and other conditions of service are regulated.
   c) reverting to a lower service, grade or post, an employee officiating in a higher service, grade or post, otherwise than as a penalty; or reverting a temporary arrangement made in the absence of the regular incumbent on assumption of his duties of his post;
   d) in determining the subsistence and other allowances to be paid to him for the period of suspension or pay and allowances due to him for the period of such suspension;
   e) or pay and allowances, for the period from the date of dismissal, removal or compulsory retirement from service, or from the date of his reduction into a lower service, grade or post to the date of reinstatement or restoration of his service, grade or post;
   f) determining whether the above period should be treated as on duty or otherwise after reinstatement of restoration to his post or grade etc.
   g) reducing of withholding pension or denying the maximum pension admissible to him under the rules.

2) There shall however be no appeal against non-selection for a selection post.

18. PERIOD OF LIMITATION FOR APPEALS:

No appeal under this part shall be entertained unless it is submitted within a period of three months from the date of the order appealed against unless sufficient cause is made out for the delay.

19. FORM AND CONTENTS OF APPEALS:

1) Every person submitting an appeal shall do so separately and in his own name.
2) Every appeal preferred shall contain a copy of the order appealed against and all material statements and agreements relied on by the appellant. It shall not contain any disrespectful or improper language, and shall be complete in itself.
3) Such appeals should be submitted to the authority which made the order appealed against.

20. TRANSMISSION OF APPEAL:

The Syndicate or other authority shall transmit the appeal to the Chancellor/Syndicate with comments thereon and with relevant records without delay.

21. CONSIDERATION OF APPEALS:

1) In the case of an appeal against an order of suspension the Chancellor/Syndicate shall consider whether in the light of the provisions of rule 8 and having regard to the circumstances of the case, the order of suspension is justified or not and may or revoke the order accordingly.

2) In the case of appeal against an order for any of the penalties specified in rule 7, the Chancellor/Syndicate shall consider;
   a) whether the procedure prescribed has been complied with and if not whether the non-compliance has resulted in injustice;
   b) whether the findings are justified;
   c) whether the penalty is excessive or adequate or inadequate;
   d) the Chancellor/Syndicate may then set aside, reduce, confirm or enhance the penalty or remit the case to the Vice-Chancellor or other authority with such directions as he may deem fit, in the circumstances of the case after giving an opportunity to the aggrieved person.

3) No order imposing an enhanced penalty shall be passed unless the employee is given an opportunity of making any representation which he may wish to make against such enhanced penalty.

4) If the enhanced penalty relates to major penalties, the necessary inquiry if not conducted will have to be conducted as per the provisions of the rule 8.

PART –VI – REVIEW

22. CHANCELLOR'S POWER TO REVIEW:

a) The Chancellor may on his own motion or otherwise after calling for the records of the case review any order which is made by the Syndicate or other authority. He may then confirm, modify or set aside the order;
b) impose any penalty or set aside, reduce or confirm or enhance the penalty imposed by the order;
c) remit it to the Syndicate or other authority with directions for such further action or inquiry as he considers proper in the circumstances of case;
d) Pass such other order as he may deem fit;
e) Enhanced penalty, shall not be awarded unless the above mentioned conditions are fulfilled.

PART –VII – MISCELLANEOUS

23. **APPEARNACE OF LEGAL PRACTITIONER:**

No legal practitioner shall be allowed to appear in any proceedings under these Statutes except where the presenting Officer is a legal practitioner.

A) Service of Orders, Notice etc.

1. Every order, notice and other process made or issued under these Statutes shall be served in person on the employee concerned or communicated to him by registered post.
2. If the employee refuses to receive or avoids service of such order, notice the same may be served by affixing a copy thereof on the notice board of the office of the Registrar or other subordinate authority and by publication in a local daily news paper having wide circulation in the University Area.

B) POWERS TO RELAX TIME LIMIT AND TO CONDONE DELAY

The Chancellor/Syndicate or other concerned subordinate authority may for good and sufficient reasons extend the time specified in this Statute for anything required to be done under them or condone any delay.

24) REPEAL AND SAVINGS :

1. The statute governing Classification, Control And Appeal rules of employees of Mangalore University framed under Section 35(m) of the K.S.U. Act 1976 notified vide notification No. EST(2)/CR 53/81-82 dated 21.08.1985 is hereby repealed.

   Provided that:-
   a) such repeals shall not effect the previous operation of the said rules notifications and orders or anything done or any action taken thereunder;

   b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.

2. Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

3. An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

(Assented by the Chancellor on 12.09.2008 as communicated in Govt. letter No. ED 125 UDV 2007 dated. 16.10.2008 and notified under Notification No.MU/24/EST(5)/2006-07, dated 29.11.2008)

Sd/- REGISTRAR