



GOVERNMENT OF ORISSA

**THE ORISSA EDUCATION (RECRUITMENT AND CONDITIONS OF
SERVICE OF TEACHERS AND MEMBERS OF THE STAFF OF
AIDED EDUCATIONAL INSTITUTIONS) RULES, 1974**

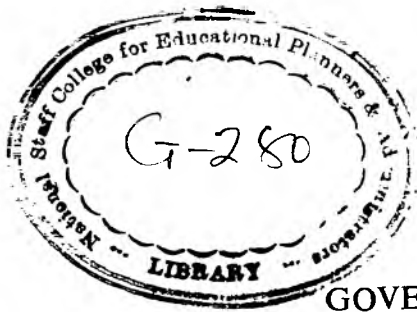
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EDUCATION DEPARTMENT

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GOVERNMENT OF ORISSA

EDUCATION DEPARTMENT

NOTIFICATION

The 12th February 1974

S. R. O. No. 96/74—In exercise of the powers conferred by sub-section (1) of section 27 read with section 10 of the Orissa Education Act, 1969 (Orissa Act 15 of 1969), the State Government do hereby make the following rules, the same having been previously published as required by the said sub-section, namely:—

THE ORISSA EDUCATION (RECRUITMENT AND CONDITIONS OF SERVICE OF TEACHERS AND MEMBERS OF THE STAFF OF AIDED EDUCATIONAL INSTITUTIONS) RULES, 1974

CHAPTER I

PRELIMINARY

- Short title and commencement.** 1 (1) These rules may be called the Orissa Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974.
- (2) They shall come into force on such date as the Government may by order appoint in that behalf:
- Provided that it shall be within the competence of the Government to appoint different dates in respect of different categories of aided educational institutions.
- (3) These rules shall not apply to Primary Schools and Schools established and maintained by Municipalities and N. A. Cs.
- Definitions** 2. (1) In these rules, unless the context otherwise requires—
- (a) "The Act" means the Orissa Education Act, 1969 (Orissa Act 15 of 1969);
- (b) "Director" means the Director of Public Instruction (Higher Education) in relation to aided educational institutions for the time being under his control and the Director of Public Instruction (Schools) in relation to such institutions for the time being under his control;
- (c) "District Inspector" means the District Inspector of Schools in charge of an educational district;
- (d) "Government" means the Government of Orissa in the Education Department;
- (e) "Inspector" means the Inspector of Schools in charge of an educational circle;
- (f) "Institution" means an educational institution as defined in section 3 (e) of the Act;
- (g) "Lower Grade Post" means the posts of Duftaries, Peons, Chowkidars, Watchers and Sweepers and includes any other posts involving comparable duties and carrying comparable emoluments; and
- (h) "Section" means a section of the Act.
- (2) All words and expressions used in these Rules but not defined therein, shall have the same meaning as are assigned to them in the Act.
- Repeal** 3. The provisions of the Orissa Education Code, in relation to matters provided for in these rules, shall, to that extent, cease to apply.

CHAPTER II

THE SELECTION BOARD

Selection Board.

4. (1) The Selection Board shall comprise not less than three and not more than five members.

(2) At least two of the members shall be persons of eminence in the field of education, administration, public life, art, culture or science and technology.

(3) The Government shall appoint the members thereof including the President and the Secretary and may also appoint a Vice-President who shall perform all the functions and exercise all the powers of the President in his absence.

(4) The term of office of the members including the President, Vice-President and Secretary shall be three years from the date of their appointment and any member shall be eligible for reappointment:

Provided that the Government may, for good and sufficient reasons, extend the term of office of any member or all the members for such period as they think fit.

(5) The Selection Board may take the assistance of experts not exceeding three for any special purpose.

(6) The staff of the Selection Board shall be appointed by the Government on such terms, emoluments and conditions of service as they may determine.

(7) The Selection Board shall prepare, with the prior approval of Government, regulations not inconsistent with the Act or these Rules for the conduct of its business and discharge of its functions.

(8) The Government may, from time to time, determine the emoluments, honoraria, fees and facilities to be provided to any member of the Selection Board including an expert, the President, the Vice-President and the Secretary.

Procedure of application to the Board and appointment of staff in aided institutions.

5. (1) The Secretary of the Managing Committee or the Governing Body as the case may be, of an aided educational institution shall, on or before the thirtieth day of April every year apply to the Selection Board in such manner as the Selection Board may prescribe for selection of a candidate or candidates for appointment in the vacancy or vacancies in teaching posts likely to arise in the academic session following.

(2) The Selection Board shall, upon receipt of the application, recommend a list of names in order of merit, the list comprising, as far as may be, at least two names more than the number of vacancies reported.

(3) Appointments shall be made by the Managing Committee or the Governing Body, as the case may be, in accordance with the list supplied by the Selection Board and the order of merit indicated therein shall be strictly adhered to unless a person occupying a higher position in the list does not, within fifteen days of receipt of a notice sent to him by registered post, report for duty in which event the person next below him shall be offered the appointment.

(4) On appointment the Managing Committee or the Governing Body, as the case may be, shall enter into a contract with the teacher concerned in a form to be prescribed by Government embodying the terms and conditions of service.

(5) A report shall be submitted to the Selection Board by the Secretary of the Managing Committee or the Governing Body, as the case may be, within two months of the supply of the list referred to in sub-rule (3) indicating the action taken in the matter of appointment of the persons included in the list.

(6) The Selection Board shall bring to the notice of the Director instances of default in the appointment of persons recommended by it whereupon it shall be competent for the Director to withhold the individual teacher's cost out of the grant-in-aid to the institutions concerned provided that no such order shall be passed by the Director without giving an opportunity to the Managing Committee or the Governing Body, as the case may be, to explain its conduct and considering its explanation, if any.

(7) Where a vacancy was not foreseen by the thirtieth day of April the Secretary of the Managing Committee or the Governing Body, as the case may be, shall apply to the Selection Board for supply of a list of candidates whereupon the provisions of sub-rules (2) to (6) shall apply.

(8) It shall not be necessary to apply to the Selection Board for appointments to vacancies for a period not exceeding six months and all such appointments may be made by the Managing Committee or the Governing Body, as the case may be, with the prior approval of the Inspector in respect of an institution other than a college and of the Director in respect of a college.

Provided that where it appears to the Inspector or the Director, as the case may be, that the appointment to a vacancy or vacancies in accordance with the provisions of this rule is being circumvented by making appointments in pursuance of this sub-rule, a report shall be made to the Director and the Director shall be competent to discontinue the grants-in-aid to the institution.

Procedure of selection of candidates.

6. (1) The Selection Board shall, at such intervals as it deems proper, call for applications for various posts in respect of which vacancies are likely to arise in the course of the next one year in such manner as may be determined in the regulations of the Selection Board.

(2) The Selection Board shall conduct examinations including a *viva voce* examination of any candidate or all candidates with a view to determining their merit and suitability in the matter appointed in its regulations.

Conditions of eligibility of candidates.

7. A candidate for any post, selection to which is made by the Selection Board in pursuance of rule 6, must fulfil the conditions and be free from the disabilities mentioned hereinafter, namely :—

- (a) the minimum age-limit shall be 18 years for Lower Secondary institutions and twenty-one years of age for other institutions on the date specified by the Board ;
- (b) must have a sound physique and be free from physical or mental infirmity ;
- (c) must be of a good character which shall be supported by certificates to that effect from two respectable persons who are not related to him ;
- (d) the qualifications for appointment as teachers and for other posts would be the same as for similar or corresponding posts in educational institutions established and maintained by Government ;
- (e) must not have more than one wife living and, if a female, must not have been married to a person who has another wife living notwithstanding that a subsequent marriage is permissible according to the personal law for the time being in force.

Exceptions to selection by the Board.

8. (1) Nothing in these rules shall apply to posts filled up by persons on deputation from Government.

(2) Notwithstanding anything to the contrary in these rules it shall not be necessary to apply to or submit any appointment made by the Managing Committee or the Governing Body to the Selection Board if—

- (a) The appointment is made for a period not exceeding three months against a vacancy arising out of the relinquishment of charge by or removal of an employee, or
- (b) the vacancy, carrying a higher scale of pay and existing in an institution is filled up, with the prior approval of the Director, by an employee of the same institution who possesses the prescribed qualifications and experience and whose performance in respect of the post he holds has been found satisfactory.

(3) Any person appointed in pursuance of clause (b) of sub-rule (2) shall not, on the date of such appointment, be more than fifty-eight years of age.

CHAPTER III

Conditions of Service of Employees of Aided Institutions

Drawal of pay and allowances by employees of aided institutions.

Every employee of an aided educational institution shall draw pay and dearness allowance at the rates determined by Government from time to time and shall ordinarily be paid by the tenth day of each month.

(2) The accounts shall be maintained in such manner as the Government or any person authorised by Government may determine from time to time.

(3) An increment earned by an employee shall ordinarily be sanctioned by the Managing Committee or the Governing Body, as the case may be, as a matter of course within two months of its accrual unless it is withheld under the provisions of these rules:

Provided that the Governing Body shall be competent to sanction two advance increments to any teacher of the college who obtains the degree of Doctor of Philosophy or Doctor of Literature or Doctor of Science from any University recognised by the University Grants Commission.

(4) Advance increments not exceeding five may be allowed with the previous sanction of Government to a teacher in any college in consideration of his special qualifications proficiency or experience:

Provided that no application by a Governing Body to sanction advance increments shall be considered unless it is submitted through the Director.

Promotion

10. The Selection Board shall be consulted in cases of promotion to the rank of Headmasters of Schools and in all cases of promotion of College teachers from one rank to the other.

Rules of conduct of employees.

11. (1) The following shall be the rules of conduct of employees of aided institutions, namely—

(a) They shall exercise academic freedom towards promotion of an intellectual climate conducive to the pursuit of scholarship;

Explanation—Academic freedom of teachers implies freedom to hold and express their views on academic matter provided they present the different aspect of a problem without confusing 'teaching' with 'Propaganda' in favour of their own particular views.

(b) they shall at all times maintain absolute integrity of character, devotion to duty and decorum of conduct;

(c) they shall at all times carry out the orders of the Headmaster or the Principal and act according to the instructions of the Director or other officers of the Education Department authorised to inspect the institution and of the President of the Managing Committee or of the Governing Body as the case may be;

(d) the employees of an aided college shall abide by the directions of the University in the matter of conduct of examinations and discharge of such other functions as the University may specify.

(e) they shall not, except with the previous approval of the Managing Committee or the Governing Body, as the case may be, engage in any trade or accept any employment under any other authority or person;

(f) they shall not be members of or otherwise associate themselves with any political or communal party or any organisation which takes part in politics or communal activities and shall not take part in, subscribe in aid of, or assist in any other manner any political or communal movement or activity;

Explanation—A 'Communal party' is one which is declared as such by the State Government."

(g) they shall not offer themselves as candidates for election to any legislature or local authority;

(h) they shall not with a view to ventilating their grievances or for any other reason take recourse to any strike or hunger strike or other forms of protest like Satyagraha, dharana, haratal, gherao, which are likely to cause a breach of public peace, safety and tranquility or ailing, in pursuance of a common understanding casual leave *en masse*;

Explanation—"Strike" means a cessation of work by a person or body of persons employed in any institution or institutions acting singly or in combination and includes a concerted refusal or a refusal in pursuance of a common understanding of any number of persons who are or have been so employed to work or continue to work or to accept payment.

(i) they shall not join the public in ventilating any grievance or in organising opinion in favour of or against any issue or cause which is likely to cause breach of public peace, safety and tranquility.

(j) they shall not publish or cause to be published either in their own names or anonymously or pseudonymously or contribute to the press any matter which is likely to—

(i) lead to academic indiscipline, defiance of authority established under law or breach of public tranquility, or

(ii) embarrass the relationship between the State Government on the one hand and the Union Government or any other State Government on the other, or

(iii) embarrass the relationship between the Union Government and the Government of any foreign State.

(k) they shall not, except with the previous sanction of the Managing Committee or the Governing Body, as the case may be, own wholly or in part or conduct or participate in the editing or management of a newspaper, magazine or periodical publication; and

(1) they shall not enter into any pecuniary arrangement with any other employer or person without the previous approval of the Managing Committee or the Governing Body, as the case may be.

(2) No employee who has a wife living shall, notwithstanding that a subsequent marriage is permissible under the personal law for the time being applicable to him, contract another marriage except with the prior permission of the Director.

(3) No female employee shall marry a person who has a wife living except with the prior permission of the Director notwithstanding that it is permissible for such person to have more than one wife under the personal law for the time being applicable to him.

Director's decision on questions of conduct to be final.

12. If any question arises as to whether any activity or conduct contravenes or is inconsistent with or unauthorised under any of the provisions of rule 11 or whether anything, movement or activity is of any description referred to therein, the decision of the Director thereon shall be final.

Disability of institution employing political or communal worker.

13. (1) It shall be competent for a Managing Committee or the Governing Body, as the case may be, to remove an employee from its service in accordance with the procedure prescribed in rule 14 on the ground that he is a worker of a political or communal party or organisation which takes part in politics or communal activities.

(2) If it appears to the Director that any person in the employment of an aided institution is a worker of any political or communal party or organisation which takes part in political or communal activities he may require the Managing Committee or the Governing Body, as the case may be, to show cause within such time as he may appoint why the grants-in-aid to the institution shall not be discontinued and, after considering the explanation, if any, order that the grants-in-aid to the institution be discontinued.

Explanation—The Director shall be competent to extend by such extent as he considers necessary the time appointed by him under this sub-rule.

(3) Any Managing Committee or Governing Body, as the case may be, aggrieved by an order under sub-rule (2) may, within thirty days of the order, appeal to Government whose decision thereon shall be final.

(4) Where a Managing Committee or a Governing Body, as the case may be, removes any such employee from its service or where such person relinquishes the post, the disability shall be deemed to have been removed and the order passed in pursuance of sub-rule (2) shall be deemed to have been revoked:

Provided that if the disability is not removed within the time appointed by the Director in the order requiring to show cause the grants-in-aid may not be sanctioned for the period intervening the last date appointed by the Director in this behalf and the removal of the disability or any part thereof.

Removal of political or communal workers from educational institutions.

14. On receipt of a report that any employee is a worker of a political or communal party or organisation which takes part in political or communal activities from an officer not below the rank of Inspector or an order under sub-rule (2) of rule 13 or on its own motion, the Managing Committee or the Governing Body, as the case may be, shall proceed in the following manner, namely:—

- (a) It shall call for the explanation of the employee concerned and, after considering the explanation, if any, and after giving him an opportunity of being heard either pass an order terminating his service or recommending to the Inspector where the institution is not a college and to the Director where it is a college that the matter need not be proceeded with either on the ground that the allegation is without substance or that the employee has renounced his association with the political party or communal organisation for a period long enough to warrant that the matter need not be proceeded with;
- (b) the Inspector or the Director, as the case may be, shall consider the recommendation under clause (a) and if necessary after conducting such further enquiry as he deems proper, shall pass an order either accepting the recommendation or rejecting it.
- (c) If the order under clause (b) be one accepting the recommendation under clause (a) the matter shall not be proceeded with and if it be one rejecting such recommendation the Managing Committee or the Governing Body, as the case may be, shall forthwith terminate the services of the employee concerned.

Explanation I—The decision of the Director on whether the employee is an active worker of a political party or communal organisation shall be final.

Explanation II—Participation in meetings of a political party or communal organisation, propaganda of its ideology and distribution of its literature shall be sufficient grounds for an order under this rule.

Penalty for breach of conduct rule.

15. For breach of any of the rules of conduct described in rule 11 except for being a worker of any political or communal party or organisation which takes part in political or communal activities in respect of which rules 13 and 14 shall apply, an employee shall be liable to disciplinary action in the manner provided in Chapter IV of these Rules.

Probation and confirmation.

16. (1) All appointments except those made under rule 8 shall be made on probation for a period of two years.

(2) No teacher who has not undergone the training prescribed for the post shall hold the post substantively except with the previous approval of the Director.

(3) The Managing Committee or the Governing Body, as the case may be, shall consider the report of the Headmaster or the Principal on the performance and the conduct of an employee during his probation and shall, after recording its own observations, refer the matter to the Inspector where the institution is not a college and to the Director where the institution is a college.

(4) The Inspector or the Director shall thereupon consider the report of the Headmaster or the Principal together with the observations of the Managing Committee or the Governing Body and issue a direction either to declare that the employee holds the post substantively with effect from the date of completion of the probationary period or such other later date or extend his probation for a period not exceeding six months on any one occasion and two years on the whole:

Provided that where the Inspector or the Director, as the case may be, disagrees with the Managing Committee or the Governing Body he shall before issuing a direction under this sub-rule, refer the matter to the Director or the Government respectively whose decision shall be final.

(5) The Managing Committee or the Governing Body, as the case may be, shall forthwith give effect to the direction issued under sub-rule (4).

(6) At the end of every extension of probation order under sub-rule (4), the procedure prescribed in the preceding sub-rules shall be followed and if at the end of the last extension of probation the employee is found unsuitable his service shall be terminated.

(7) In so far as a Headmaster or a Principal is concerned, the procedure prescribed in the preceding sub-rules will apply with the following modifications, namely:—

(a) the Managing Committee or the Governing Body, as the case may be, shall itself initiate the assessment of his performance during the probation;

(b) the recommendation both in respect of Headmasters and Principals shall be submitted to the Director, the recommendation in respect of a Headmaster being submitted through the Inspector;

(c) the orders of the Director shall be final;

(d) the Director shall be competent to order the extension of probation in any such case for a period not exceeding six months on any one occasion and two years on the whole.

(8) The Managing Committee or the Governing Body, as the case may be, shall as soon as may be after the commencement of these Rules but within a period of one year thereof, proceed in respect of employees who have rendered more than two years but less than five years of service on the date of such commencement in accordance with these Rules to declare that they hold their posts substantively:

Provided that the aforesaid period of one year may, in respect of any institution, be relaxed by Government.

Confidential Character Rolls and Service Books

17. (1) A Confidential Character Roll in the form prescribed by the Government shall be maintained in respect of each employee in the manner provided hereafter, namely:—

(a) there shall be an annual assessment of the performance and conduct of the employee;

(b) the assessment shall, in respect of any teacher, be initiated by the Headmaster or the Principal, as the case may be, and submitted to the President who shall, in consultation with the Secretary, record his remarks and forward the report to the Inspector in respect of a school and the Director in respect of a college;

- (c) the Inspector or the Director, as the case may be, shall record his remarks and return the report to the Secretary of the Managing Committee or the Governing Body for record ;
- (d) the President shall, in respect of a Headmaster in consultation with the Secretary and in respect of a Principal himself initiate the assessment and submit the report to the Inspector in case of Headmaster or the Director in case of Principal for counter-signature ;
- (e) on receipt of the report in pursuance of clause (d) the Inspector or the Director, as the case may be, shall record his remarks and return the report to the Secretary where it relates to a Headmaster and the President where it relates to a Principal ;
- (f) in respect of officers of the Government on deputation a copy of the report for each year shall be furnished to the Director ;
- (g) the substance of every adverse report shall be communicated to the employee concerned unless it is decided by the President in consultation with the Headmaster or the Principal where the employee is not the Headmaster or the Principal, that such communication is unlikely to improve his conduct and his representation, if any, shall be considered and disposed of by the Selection Board, and
- (h) these provisions shall not apply to employees in lower grade posts and, in their case, the Service Book maintained in pursuance of sub-rule (2) shall contain a brief assessment of their suitability to be made by the Headmaster or the Principal.

(2) The Secretary shall maintain in respect of each employee a Service Book which shall contain his and his father's name, permanent address, date of birth as evidenced by the certificate issued to him on his passing out the High School Certificate or equivalent examination, marks of identification, specimen signature, educational qualification, particulars of examinations passed after the High School Certificate Examination with divisions, date of appointment, particulars of promotion record of leave other than casual leave, emoluments drawn and increments sanctioned promotions received and such other particulars as may be specified by Government.

NOTE—Where the employee has not passed the High School Certificate Examination his date of birth shall be recorded with reference to his school leaving certificate issued by the competent authority or any other evidence which the Headmaster or the Principal may, with the approval of the President of the Managing Committee or the Governing Body, as the case may be, accept.

Termination
of service
after notice.

18. (1) The services of a temporary employee may be terminated if the post he holds is considered superfluous:

Provided that in every such case a notice of at least two months shall be given to the employee concerned:

Provided further that the Selection Board shall determine whether or not a post is actually superfluous.

(2) Any employee may, after giving notice of at least one month relinquish his post whereupon his services shall stand terminated.

Superannua-
tion.

19. Every employee shall retire on completion of fifty-eight years of age:

Provided that the Director, in respect of an institution other than a college and the Government in respect of a college may, on an application by the Managing Committee or the Governing Body, as the case may be, sanction re-employment in any case for a period not exceeding two years on any one occasion:

Provided further that no such application shall be considered unless it is submitted through the Inspector or the Director, as the case may be:

Provided further that in respect of a lower grade employee, the President of the Managing Committee or the Governing Body, as the case may be, shall be competent to sanction re-employment for the periods mentioned in this rule:

Provided further that in the event of introduction of Triple Benefit Scheme for the teachers of aided educational institutions Government may review the age of superannuation so as to bring it on par with that of Government servants.

CHAPTER IV

DISCIPLINARY ACTION

Nature of penalties.

20. (1) The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee of an aided educational institution, namely :—

- (a) fine;
- (b) censure;
- (c) withholding of increments or promotion;
- (d) recovery from pay of the whole or part of any pecuniary loss caused to the institution for negligence or breach of orders;
- (e) suspension;
- (f) reduction to a lower service, grade or post or to a lower scale of pay or to a lower stage in the scale of pay;
- (g) compulsory retirement;
- (h) removal from service which shall not be a disqualification for future employment; and
- (i) dismissal from service which shall ordinarily be a disqualification for future employment:

Provided that the penalty of fine shall be imposed only on lower grade employees.

(2) Termination of the services of a probationer under rule 16 or of a temporary employee in accordance with the terms of such agreement shall not amount to a penalty within the meaning of this rule.

Disciplinary authorities.

21. (1) The Director may impose any of the penalties specified in rule 20 on any employee:

Provided that the Director shall not initiate any disciplinary proceeding unless the Managing Committee or the Governing Body, as the case may be, refuses or neglects to take disciplinary action against any employee.

(2) Without prejudice to sub-rule (1) but subject to the provisions of sub-rules (3) and (4) any of the penalties specified in rule 20 may be imposed—

- (a) in respect of a lower grade employee, by the Headmaster or the Principal as the case may be, and
- (b) in respect of any other employee, by the Managing Committee or the Governing Body, as the case may be.

(3) No penalty shall be imposed on any employee by an authority other than the authority mentioned in sub rules (1) and (2) hereinafter referred to as the disciplinary authority.

(4) No penalty shall be imposed on a person appointed to any post in an aided institution on deputation from the Government except in accordance with the provisions of rule 25.

Procedure for imposing major penalties.

22. (1) No order imposing any of the penalties specified in clauses (f) to (i) of sub-rule (1) of rule 20 shall be imposed except after an enquiry held as far as may be in the manner hereinafter provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the enquiry is to be held and such charges shall be communicated in writing to the employee concerned who shall be required to submit, within such time as may be specified by the disciplinary authority, a written statement of his defence and also to state whether he desires to be heard in person.

(3) The employee concerned shall, for the purpose of preparing his defence, be supplied all the records on which the allegations are based and shall also be permitted to inspect and take extracts from such other records as he may specify provided that such permission may be refused if in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against public interest to allow him access thereto.

(4) On receipt of the written statement of defence or, if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or, if he considers necessary so to do, appoint any other person who shall either be a member of the Governing Body or the Headmaster or the Principal:

Provided that where the employee concerned is a Headmaster or a Principal, the Director may, on an application by the Managing Committee or the Governing Body, as the case may be, appoint an officer of the Government holding at least an equivalent post to conduct the enquiry.

(5) The disciplinary authority or the person appointed in pursuance of sub-rule (4) shall enquire into the charges and may consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges.

(6) The employee concerned shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person.

(7) The disciplinary authority or the person appointed in pursuance of sub-rule (4) may decline to examine any witness on the ground that the evidence is not relevant or material.

(8) On the conclusion of the enquiry the disciplinary authority or the person appointed in pursuance of sub-rule (4) as the case may be, shall prepare a report of the enquiry recording his findings on each of the charges together with reasons therefor.

(9) Where the disciplinary authority has himself undertaken the enquiry he shall, if in his opinion the proceedings of the enquiry establish the charges framed, and any of the penalties specified in clauses (f) to (i) of sub-rule (1) of rule 20 may be imposed, record his opinion.

(10) Where any person other than the disciplinary authority has undertaken the enquiry he shall submit the proceedings of the enquiry to the disciplinary authority and the latter shall record his opinion as provided in sub-rule (9).

(11) The disciplinary authority or the person appointed in pursuance of sub-rule (4) may, if in his opinion the proceedings of the enquiry establish charges different from those originally framed record his findings on such charges whereupon the provisions of sub-rules (9) and (10) shall apply, provided that if additional charges are framed, the employee concerned has admitted the facts constituting them or has had an opportunity of defending himself against them.

(12) The disciplinary authority under sub-rule (2) of rule 21 shall forward the record of the enquiry together with a copy of orders passed under sub-rules (9), (10) or (11) to the Director for his advice.

(13) On receipt of the advice of the Director the disciplinary authority under sub-rule (2) of rule 21 shall consider the advice and determine penalty, if any, to be imposed on the employee and pass appropriate orders on the case.

(14) The disciplinary authority shall communicate to the employee concerned a copy of the order imposing the penalty or acquitting him from the charges framed.

(15) The employees concerned may, within thirty days of receipt of the orders under sub-rule (14), appeal to the Selection Board setting forth the grounds of the appeal :

Provided that when the original order imposing the penalty is passed by the Director, an appeal shall lie to the State Government.

(16) The Selection Board or the State Government, as the case may be, shall call for the records from the disciplinary authority and if necessary after conducting such further enquiry as he deems proper pass an order either confirming or setting aside or modifying the order of the disciplinary authority.

Special procedure in case of minor penalties.

23. (1) No order imposing any of the penalties specified under clauses (a) to (c) of sub-rule (1) of rule 20 shall be passed except after—

(a) the employee concerned is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;

(b) such representation if any is taken into consideration by the disciplinary authority, and.

(c) where the employee concerned is a Headmaster or a Principal the prior approval of the Inspector or the Director, as the case may be, has been obtained.

(2) The provisions of sub-rules (15) and (16) of rules 22 shall, *mutatis mutandis*, apply to appeals against any order referred to in sub-rule (1).

24. Notwithstanding anything contained in rules 22 and 23—

(a) where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or

(b) where the disciplinary authority is satisfied for reasons to be recorded in writing by that authority that it is not reasonably practicable to follow the procedure in said rule; or

(c) where the disciplinary authority is satisfied that it is not expedient to follow procedure in public interest, the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit:

Special procedure in certain cases.

Provided that in case falling under clauses (b) and (c) the prior approval of the Inspector in respect of an employee other than a Headmaster serving in a school and of the Director in relation to any other employee is obtained.

Procedure
in respect
of deputa-
tionists.

25. Where the employee concerned is a Government servant whose services have been lent to the institution no action in pursuance of any of the preceding rules shall be initiated and a report on the allegation shall be forwarded to the Director who shall, if satisfied that the allegations disclose *prima facie* delinquency on the part of the employee concerned, thereupon follow the procedure prescribed in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

Director's
power of
revision.

26. (1) Notwithstanding anything contained in rules 22 and 23 the Director may on his own motion or otherwise, after calling for the records of the case, revise any order which is made or is appealable under these rules and may—

- (a) confirm, modify or set aside, the order, or
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order, or
- (c) remit the case to the authority which made the order or any other authority directing such further action or enquiry as he considers proper in the circumstances of the case, or
- (d) pass such further orders as he deems fit.

(2) Where the employee is a Principal the Director shall before taking any action in pursuance of sub-rule (1), obtain the prior approval of Government.

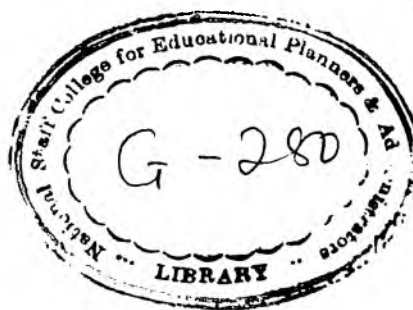
(3) No order imposing or enhancing the penalty shall be passed under sub-rule (1) unless the employee concerned has been given an opportunity of making any representation which he wishes to make against such enhanced penalty and such representation has been considered by the Director.

Savings

27. All appointments made, orders issued or action taken hereafter under the provisions of the Orissa Education Code, orders or instructions shall be deemed to have been made or taken under the provisions of these rules.

[No. 3302-E.]

By order of the Governor
H. N. DAS MOHAPATRA
Secretary to Government



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