

**CHANDIGARH INSTITUTE OF HOTEL MANAGEMENT(CHANDIGARH)**  
**SOCIETY, CHANDIGARH**

**STAFF REGULATIONS**

In pursuance of the relevant provisions of the “Memorandum of Association” and “Rules of the Chandigarh Institute of Hotel Management (Chandigarh), Society, the Board of Governors hereby makes the following regulations namely:

**CHAPTER – I**

**1. SHORT TITLE, COMMENCEMENT AND APPLICATION:-**

- 1) Those Regulations may be called the Chandigarh Institute of Hotel Management (Chandigarh), Society’s (Staff) Regulations, 1974.
- 2) They shall come into force at once.
- 3) They shall apply to all the employees of the Society. In respect of the persons employed by the Society on Agreement/Contract, the rules shall be these may be specifically provided in the Contract or Agreement as the case may be. In respect of the persons appointed on deputation from the Central or State Government all matters relating to such employees shall be governed by the terms of deputation and if any specific matter there is no provision about the same in terms of deputation, reference should be made to the parent Government or Department as the case may be.

**2. DEFINITIONS**

In these regulations, unless the context otherwise require:-

- a) “Appendix” means an APPENDIX to these regulations.
- b) “Board of Governors” means the Board of Governors of the Society.
- c) “Chairman” means the Chairman of the Board of Governors.
- d) “Secretary” means the Secretary of the Society.
- e) “Society” means the Chandigarh Institute of Hotel Management (Chandigarh), Society.
- f) “Dearness Pay” means such portion of dearness allowance as may from time to time, be prescribed by the Board of Governors of the Society.
- g) “Disiplinary Authority” in relation to the imposition of a penalty on an employee means the authority competent under these regulations to impose on him that penalty.
- h) “Employee” means a person who is in the whole time service of the Society but does not include a person employed by the Society on daily wages.
- i) “Executive Committee” means the Executive Committee of the Society.

- j) "Institution" includes a Government Company meaning of section 617 of the companies Act 1956, Society owned or controlled by the Government and a cooperative Society registered or deemed to be registered under any law relating to co-operative societies for the time being in force.
- k) "Institute" means the Chandigarh Institute of Hotel Management, Chandigarh.
- l) "Principal" means Principal of the Institute.
- m) "Pay" has the same meaning as in Rule 9 (21) (a) of Fundamental Rules of the Central Government as amended from time to time.

### **3. CLASSIFICATION OF POSTS**

The classification of the posts in the Society and the scales of pay attached there to shall be as set out in Appendix-III and shall be subject to such orders as may be issued by the Society from time to time.

## **CHAPTER – II**

### **4. STRENGTH OF STAFF**

The Board of Governors shall from time to time determine the strength of the staff, both permanent and temporary under the various categories required for carrying out its functions.

Provided that the Principal, may, subject to the approval of the Executive Committee, create any post in any class, except in Class –I or Class –II, for a period not exceeding six months.

### **5. APPOINTING AUTHORITY**

1. Appointments to posts in Class – III and Class IV shall be made by the Principal and appointments to posts in Class – I and Class – II shall be made by the Board of Governors and by the Executive Committee respectively.
2. The appointing authority may appoint a sub-committee for drawing up a panel of names for the post concerned for consideration of the appointing authority.

### **6. FURNISHING OF SECURITY BY EMPLOYEES**

Every employee shall, if so required by the Principal furnish for the faithful discharge of his duties such security in any case as the Principal in his discretion may determine and execute security so furnished shall be invested by the Society in such manner as the Principal may determine from time to time.

## **7. PROBATION**

Every employees shall on appointment to any post (Whether on promotion or otherwise) be probation in that post for a period of two years commencing from the date of appointment.

Provided that such period may be extended upto three years in all at the discretion of the appointing authority but not exceeding six months on each occasion.

Provided further that the extended period of probation shall not count for increments, but if the employee is confirmed at the end of the successful completion of the extended probationary period, then his pay will be fixed at the same stage at which he would have otherwise reached ( the question of arrears etc. if any, will be decided by the competent authority in each case).

2. Nothing in this regulation shall apply to the persons employed on deputation from the Central Govt. or any state Government or an Institution.

## **8. MEDICAL CERTIFICATE**

Every persons appointed for the first time to any post in the Society shall, before joining duty in that posts, be required to furnish a medical certificate of fitness in the form prescribed in Appendix – II . Such Certificate shall be obtained:-

- i) In the case of a person to be appointed in Class - I or Class – II post, from a Principal Medical Officer/Chief Medical Officer or a Commissioned Medical Officer or any other Government Medical Authority of equivalent status and
- ii) In the case of a person to be appointed in a Class – III or Class – IV post from any Assistant Surgeon Grade – I or any other Govt. Medical Authority of equivalent status.

### **Provided that:**

- i) Where such person is a female, the appointing authority may accept a certificate signed by any female registered medical practitioner.
- ii) No such certificate need be furnished where the persons to be appointed is one who has retired from Government service on any ground other than medical ground, or who has already been medically examined and found fit by a competent medical authority referred to in this sub-regulation in connection with any previous employment under the Central Government, or a State Government or on Institution, and a period of not more than three months has elapsed after such retirement or after leaving such previous employment on any ground other than medical ground.
- iii) No certificate need be furnished by a person who is to be appointed on deputation from the Central Govt. or a State Government or an Institution.

iv) Under regulations (i): The appointing authority may in individual cases and for reasons to be recorded in writing relax or waive any provision or provisions under the Sub-Regulation.

2. The fee, if any, for such medical certificate shall be paid by such person in the first instance and it shall be reimbursed to him on production of a receipt at the time of joining duty if he has been found medically fit.

## **9. NOTICE OR TERMINATION OF SERVICE BY AN EMPLOYEE**

i) No employees other than a person on deputation from the Central Government or any State Government or an Institution shall leave or discontinue his service in the society except after giving one month's notice in writing of his intention to do so to the Principal.

Provided further that where an employee has completed the period of probation referred to in regulation 7, the period of such notice shall be three months.

2. If an employee leaves or discontinue his service in the Society in contravention of the provisions of sub-regulation(1) the employee shall be liable to pay as compensation to the Society a sum equal to his emoluments for the period of notice or for the period by which the notice given falls short of the prescribed period, at the rate at which it was paid immediately before the date of his leaving the service or discontinuance there from.

Provided that the Principal may, for reasons to be recorded in writing, waive, either wholly or in part, the requirement as to payment of such compensation.

## **10. TERMINATION OF SERVICE BY THE SOCIETY:**

1. The Society may at any time and without assigning any reason terminate the services of any employee who has not completed his probation, after giving one month's notice in writing or a month's emoluments in lieu thereof.

2. The society may terminate the services of any employee who has completed his probation after giving such employee three month's notice or three months emoluments in lieu thereof.

3. The Society may also terminate the services of an employee by giving notice for a period less than that prescribed in Sub-Regulation (1), (2) and (3):

Provided that the Society shall give to an employee whose services are so terminated pay for the period by which the notice actually given falls short of the prescribed period.

4. In the case of an employee holding a Class – III or Class – IV post the power to terminate his services under sub-regulation (1) or sub-regulation (2) shall be exercised by the Principal and in the case of any employee holding a Class – I or Class –II post, by the Board of Governors.

5. Nothing contained in this regulation shall affect the right of the appointing authority to retire, remove or dismiss an employee without giving notice or pay in lieu of notice in accordance with the provisions of Chapter – V.

### **CHAPTER – III**

#### **11) SUPERANNUATION, EXTENSION OF SERVICE AND INVALIDATION**

- 1) Every employee shall retire on attaining the age of fifty eight years or any other age fixed by the Government of India subsequently.  
Provided that the Board of Governors may, if satisfied that the interest of the Society so require and in consideration of the outstanding nature of the work done by the employee, extend, by order in writing, the period of service of any employee beyond the age of superannuation for any period not exceeding two years in the aggregate.
- 2) Not with standing anything contained in sub-regulation (1) an employee shall, on invalidation, by the appropriate medical authority specified in regulation 8 cease to be in service on account of complete and permanent incapacitation determined in accordance with the relevant rules of the Central Government in force from time to time.

### **CHAPTER – IV**

#### **12) SCALES OF PAY**

- 1) The scales of pay admissible to the posts mentioned in column (1) of Appendix III shall be as specified in the corresponding entry in column (2) thereof, provided that the scales of pay and the pay of employees on deputation from the Central Government/ State Government shall be regulated in accordance with the terms and conditions of such deputationists.
- 2) The scales of pay and pay of the employees of the Society sent on deputation to the Central Government or a State Govt. or an Institution shall be determined by the Board of Governors of Chandigarh Institute of Hotel Management from time to time.  
**Note** : No employee will be permitted to go on deputation during the period of probation, and till he completes services of not less than three years in the Society.
- 3) The power to fix or revise the scales of pay of the posts in the Society shall vest in the Board of Governors.

#### **13. APPOINTMENT, CONDITIONS OF SERVICE ETC.**

Subject to the provisions of these regulations, the methods of appointment, the terms and conditions of service and the remuneration payable to the employees shall be determined by the Board of Governors from time to time.

#### **14. FIXATION OF PAY**

The fixation of pay in a scale of pay of an employee, whether on first appointing authority may in its discretion at the time of appointment or on transfer from a post in one scale of pay to a post in another scale of pay either on promotion or otherwise, shall be fixed in accordance with the relevant Rules, rules governing re-employment of retired Govt. Officials and any other rules or orders for the time being in force of the Union Territory for fixation of pay of a Govt. Servant.

Provided that in the interests of the Society and in deserving cases the appointing authority may in its discretion at the time of appointment of any person to any such post may fix a higher start of the scale.

#### **15. DEARNESS, HOUSE RENT, COMPENSATORY AND OTHER ALLOWANCES**

Unless otherwise stipulated in the terms and conditions of employment, every employee shall be entitled to such allowances and at such rates as may be adopted by the Board of Governors of the Society from time to time.

Provided that the grant of any allowance other than dearness, House Rent & Compensatory allowances shall be subject to the discretion of the Board of Governors.

When an employee occupies accommodation provided by the Central Government or State Government or an Institution and rent is charged for it, the society shall pay to the Government or the Institution concerned, the rent which would have been payable by him for such accommodation he were an employee of the Government or the Institution provided he furnishes a certificate to the effect that no portion of the accommodation has been sublet by him.

2) The payment of such allowances shall be regulated by Rules and regulations of, and instructions issued by the Board of Governors in this behalf.

#### **EXPLANATION**

For the purpose of determining which of the allowances is payable to an employee under this regulation, the pay of that employees shall be determined on the basis of the meaning assigned to the word Pay in Regulation 38.

## CHAPTER – V

### **16. CONDUCT AND DISCIPLINE OF EMPLOYEES**

- 1) Every employee shall be bound to serve the Society in such capacity and at such place within India as may be directed by the Society from time to time.
- 2) The provisions of the Central Services (Classification control and appeal) Rules for the time being in force shall mutis mutandia apply in relation to every employee as they apply in relation to persons appointed to Civil Services and posts in connection with the affairs of the Union and provided that references to the expressions ‘the Government’ and ‘Government Servant’ contained in the said rules shall be construed as references to the Society and employees of the Society respectively.
- 3) An employee shall not absent himself from his duty or from the station of his posting without obtaining the prior permission of the Principal or of any other officer authorized by him in this behalf.
- 4) An employee, who is habitually late in attendance shall be liable to such penalty as the competent authority may deem fit to impose in the prescribed manner.
- 5) Save as otherwise provided in these regulations, no employee shall approach or prefer any appeal, or make any personal representation, to any member of the Society on any matter pertaining to the conditions of his service.  
Provided that nothing in this sub-regulation shall be deemed to prohibit an employee from making any legitimate representation, regarding the conditions of this services to the Principal or the Chairman, in his official capacity.
- 6) Every employee shall be governed by such administrative and executive instructions and orders as may be issued by the Principal from time to time in the interest of the efficient and smooth working of the society.

### **17. IMPOSITION OR PENALTIES AND DISCIPLINARY AUTHORITY**

Where an employees is found quality of breach of any of these regulations or of any negligences, inefficiency or indolence in the performance of his duties, or of knowingly doing any thing detrimental to the interests of the society or in conflict with any of its instructions, or of committing a breach of discipline, or of any other act of miscount or misdemeanor or where such employee is convicted of a criminal offence, or for any other good and sufficient reasons, one or more of the following penalties may be imposed on him namely:-

- i) Censure
- ii) With holding of increments or promotion

- iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Society.
- iv) Reduction to a lower service, grade or post, or to a lower time scale, or to a lower stage in a time scale of pay.
- v) Compulsory retirement
- vi) Removal from service
- vii) Dismissal from service, which shall ordinarily be a disqualification for future employment in the Society.

### **EXPLANATION – I**

The following shall not amount to a penalty with in the meaning of this regulation.

- a) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or orders governing the post, or the terms of his appointment.
- b) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
- c) Non-promotion, whether in a substantive or officiating capacity, of an employee, after consideration of his case to a grade or post to which he is eligible for promotion.
- d) Reversion to a lower grade or post of an employee appointed in a higher grade or post on the ground that he is considered to unsuitable for such higher grade or post or on administrative ground unconnected with his conduct.
- e) Reversion to his substantive grade or post of an employee appointed on probation to another grade or post during or at the end of probation in accordance with the terms of his appointment or the rules and orders governing probation.
- f) Replacement of the services of any employee at the disposal of the Government or Institution which had lent his service to the Society.
- g) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.
- h) Termination of the services of an employee.
  - in accordance with the provisions of regulation 10 or 11 or
  - employed under an agreement, in accordance with the terms of such agreement.

### **EXPLANATION – II**

Penalties, specified at (i) to (iii) will be termed as ‘minor penalties’ and those specified at (iv) to (vii) will be termed as ‘major penalties’.

2. The power to impose penalties shall be exercised by the disciplinary authorities specified below:-



- a) Board of Governors (i) All penalties to Class-I employees (ii) Major Penalties to Class-II employees.
- b) Principal (i) Minor penalties to Class-II employees  
(ii) All penalties to Class – III and IV employees.

#### 18. **PROCEDURE FOR IMPOSING MAJOR PENALTIES**

1) No order imposing on an employee, any of the major penalties specified in these regulations shall be passed except after an inquiry, held as far as may be, in the manner here-in-after specified.

Provided that it is not necessary on the part of the disciplinary authority to conduct an inquiry in case:-

- a) Where a penalty is posed on the ground of conduct which has led to the conviction of the employee on a criminal charge ; or
  - b) Where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to held an inquiry or
  - c) Where the Chairman is satisfied that it is not in the interest of the Society to hold an inquiry .
- 2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a Statement of the allegations on which they are based, shall be communicated in writing to the employee and he 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 and such statement shall be submitted either to the disciplinary authority or to the Board of Inquiry or Inquiring officer where such Board or Officer has been appointed by the disciplinary authority.

In this sub-regulation and sub-regulations (3), (5) & (6) disciplinary authority shall include the Principal, provided that if he is not empowered to impose major penalty on the employee concerned he shall forward the case papers at any stage to the disciplinary authority empowered to impose a major penalty under sub-regulations(2) of Regulation 17 for further action, with a statement giving details of the proceedings till the transfer of the case papers.

3) The disciplinary authority may itself inquire into the charges, of if considere it necessary to do so, it may, either at the time of communicating the charges to the employee under sub-regulation (2) or at any time there after appoint a Board of Inquiry or Inquiring Officer for the purpose subject to the conditions that the members of Board of Inquiry or the Inquiring Officer herein after referred to as the Inquiring authority shall not belong to a Class lower than, and shall not be in receipt of monthly pay which is equal to or less than that of the employee concerned. Any Officer of the Society or of the Central Govt. may be appointed as such members or Officer.

4) The employee shall for the purpose of preparing his defence be permitted to inspect and take extracts from such record of the Society as he may specify provided that such permission may be refused, if for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against the interests of the Society to allow him access thereto.

5) On receipt of the written statement of defense, or if no such statement is received within the time specified the disciplinary authority, or as the case may be, the inquiring authority may inquire into such of the charges as are not admitted.

6) The disciplinary authority may nominate any person to present the case in support of the charges before the inquiring authority. The employee may present his case with the assistance of any other employee, but shall not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority as aforesaid is a legal practitioner or unless the disciplinary authority, having regard to the circumstances of the case, so permit.

7) The inquiring authority shall, in the course of Inquiry, consider such documentary evidence and take such or all evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross examine the employee and the witness examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

8) At the conclusion of the enquiry, the inquiring authority, shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges shall not be recorded unless the employee has admitted the fact constituting them or has had an opportunity of defending himself against them.

9) The record of the inquiry shall include.

- i) the charges framed against the employee and the statements of allegations furnished to him under sub-regulation(2)
- ii) his written statement of defence, if any;
- iii) the oral evidence taken in the course of the inquiry
- iv) the documentary evidence considered in the course of the inquiry
- v) the orders, if any, made by the disciplinary authority and inquiring authority in regard to the inquiry; and
- vi) a report setting out the findings on each charge and the reasons therefore.

10) The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its finding on each charge.

11) i) If the disciplinary authority having regard to its findings on the charges, is of the opinion that any of the major penalties specified in Regulation 17 would be imposed it shall :

a) furnish to the employee a copy of the report of the inquiring authority and, where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any with the findings of the inquiring authority; and

b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty provided that such representation shall be based only on the evidence produced during the inquiry.

ii) The disciplinary authority shall consider the representation if any made by employee in response to the notice clause.

(i) and determine that penalty, if any, should be imposed on the employee and pass appropriate orders on the case.

## 19) **PROCEDURE FOR IMPOSING MINOR PENALTIES**

No order imposing any of the minor penalties specified regulation 17 shall be passed except after:-

a) The employee has been informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and had been given an opportunity to make any representation he may wish to make and

b) Such representation, if any, is taken into consideration by the disciplinary authority.

2) The record of proceedings in such cases shall include

i) a copy of the intimation to the employee of the proposal to take action against him;

ii) a copy of the statement of allegations communicated to him;

iii) his representation, if any; and

iv) the orders on the case together with the reason therefore.

## 20. **JOINT INQUIRY**

1. Where two or more employees are concerned in any case, the Chairman or any authority competent to impose the penalty of dismissal from the service of the Society on all such employees may make an order directing that disciplinary action against all of them may be taken in common proceeding.

2. Subject to the provisions of sub-regulation (2) of Regulation 17, any such order shall specify:-
- i) The authority which shall function as the disciplinary authority for the purpose of such common proceedings;
  - ii) The penalties specified in Regulations 17 which such disciplinary authority shall be competent to impose; and
  - iii) Whether the procedure prescribed in Regulation 18 or Regulation 19 shall be followed in the proceedings.

## **21. COMMUNICATION OF ORDERS**

Every order imposing a major or minor penalty specified in Regulation 17 passed by the disciplinary authority shall be communicated to the concerned employee forthwith. The record of the proceedings along with the copy of the orders imposing the penalty shall be forwarded to the Chairman and Secretary for taking further action.

## **22. PROCEDURE OF SUSPENSION**

- 1) The appointing authority or any other authority empowered in that behalf by the Chairman, by general or special order, may place an employee under suspension.
- a) Where a disciplinary proceeding against him is contemplated or is pending; or
  - b) Where a case against him in respect of any criminal offence is under investigation or trial.

Provided that where the order of suspension is made by an authority lower than the appointed lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

2) An employee detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date for detention, by an order of the appointing authority and shall remain under suspension until further orders.

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

4) Where a penalty of compulsory retirement, removal or dismissal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of court of law and the disciplinary authority, on consideration of circumstances

of the case, decides to hold a further inquiry against him on allegations on which the penalty of compulsory retirement, removal or dismissal from service was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of compulsory retirement, removal or dismissal from service, and shall continue to remain under suspension until further orders.

5) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the appointed authority.

### **23. FORMS TO BE USED IN CONNECTION WITH PROCEDURE FOR IMPOSITION OF PENALTIES OR OF SUSPENSION:**

The forms to be used for proceedings in connection with imposition of any of the penalties under Regulation 17 of suspension under regulation 22 shall be similar to these which are in use for the purpose of the Central Govt. Rules amended from time to time contained in the Central Civil Services (classification, Central and Appeal) Rules, 1965, amended from time to time.

### **24. PROVISIONS REGARDING EMPLOYEES BORROWED FROM CENTRAL GOVERNMENT STATE GOVERNMENT OR AN INSTITUTION AND EMPLOYEES OF THE SOCIETY ON DEPUTATION TO GOVERNMENT OR AN INSTITUTION.**

1. Where an order as suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government, a State Government or an Institution, the authority lending his services (hereinafter in this regulation referred to as the 'lending authority) shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.
2. In the light of the finding in the disciplinary proceeding taken against such an employee:-
  - i. If the disciplinary authority is of the opinion that any of the penalties specified in clause (i) to (iii) of sub-regulation (i) or Regulation 17 should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the lending authority.  
Provided that if any differences of opinion in the matter of imposition of any penalty arises between the Society and provided that if any difference of opinion in the matter of imposition of any penalty arises between the Society and the lending authority the services of the employee shall be replaced at the disposal of the lending authority;

- ii. If the disciplinary authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of sub-regulation (1) of regulation 17 should be imposed on him, the Society, shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.
3. i) Where the services of an employee of the Society are lent to the Central Government or a state Government or an Institution (hereinafter in this regulation referred to as “the borrowing authority”) the borrowing authority shall have the powers of the appointing authority for the propose of placing him under suspension and of taking disciplinary proceeding against him.

Provided that the borrowing authority shall forthwith inform the Society of the circumstances leading to the order of suspension or commencement of the disciplinary proceedings, as the case may be.

ii) In the light of the findings in the disciplinary proceedings taken against the employee:-

- a) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of sub-regulation (1) of Regulation 17 should be imposed on him, it may, in consultation with the Society pass such orders as it deems necessary.
- b) If the borrowing authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of sub-regulation (1) of the Regulation 17 should be imposed on him, it shall replace his services at the disposal of the society and transmit to it the proceedings of the inquiry and there upon the Society shall pass such orders as it deems necessary.

Provided that in passing any orders the Society shall comply with provisions of sub-regulations (ii) and (12) of Regulation 18.

### **EXPLANATION**

The Society may make an order under the provision to sub-clause (ii) (a) on the record of the inquiry transmitted by the borrowing authority, or after holding such further inquiry as it may deem necessary.

### **25. PAYMENT DURING PERIOD OF SUSPENSION**

An employee on suspension shall be entitled to receive the following payments, namely:-

- a) A subsistence allowance of an amount equal to the leave salary which the employee would have drawn if he had been on leave on half average pay or on half pay and dearness allowance based on such leave salary.

Provided that where the period of suspension exceeds six months, Principal or in the case of the Principal himself, the appointing authority shall be competent to vary the amount of subsistence allowance and dearness allowance for any period subsequent to the period of the first six months as follows:-

- i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of first six months, if in the opinion of the said authority the period of suspension has been prolonged due to reasons, to be recorded in writing directly attributable to the employees ;
  - ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of first six months if in the opinion of the said authority the period of suspension has been prolonged due to reasons, to be recorded in writing directly attributable to the employees ;
  - iii) the rate of dearness allowance shall be based on the increased or the decreased amount of subsistence allowance admissible under sub-clause (i) or (ii) as the case may be
- b) Any other compensator allowance admissible from time to time on the basis of pay which the employee was in receipt of on the date of suspension.

Provided that the employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the employee continues to meet the expenditure for which they are granted.

2. No payment under sub-regulation (1) shall be made unless employee furnishes certificate that he is not engaged in any other employment, business, profession or vocation.

## **26. PAY AND ALLOWANCE ON RE-INSTATEMENT**

1) When an employee who has been dismissed, removed, compulsorily retired or suspended, is re-instated the authority competent to order the re-instatement shall consider and make a specific order:-

- a) regarding the pay and allowance to be paid to the employee for the period of his absence from duty and
- b) Whether or not the said period shall be treated as period spent on duty.

2) Where the authority mentioned in sub-regulation (1) is of the opinion that the employee has been fully exonerated and that the suspension, if any under which he was placed was wholly unjustified, the employee shall be given the full pay and allowances (other than allowances granted to him for the performance of any specific duty) to which he would

have been entitled had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

3) In other case the employee shall be given such proportion of pay and allowances (other than allowances granted to him for the performance of any specific duty), as the authority mentioned in sub-regulation (1) may prescribe.

Provided the payment of any allowances under sub-regulation (2) or sub-regulation (3) shall be subject to all other conditions under which such allowance are admissible. Provided further that such proportion shall not be less than the proportion in which the subsistence and other allowances are payable under Regulation 25.

4) In a case falling under sub-regulation (2), the period of absence from duty shall be treated as a period spent on duty for all purposes.

5) In a case falling under sub-regulation (3), the period of absence from duty shall not be treated as a period spent on duty, unless the authority mentioned in sub-regulation (1) specifically directs that it shall be so treated for any specified purpose;

Provided that if the employee so desires, the said authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the employee.

## **CHAPTER – VI**

27. **APPEALS**: (1) Subject to the provisions of sub-regulation (2) and (3) every employee shall be entitled to appeal against any order imposing any penalty specified in Regulation 17.

(2) A appeal under sub-regulation (1) shall lie to the Board of Governors.

(3) No appeal shall lie against any order made by the Board of Governors.

### **28. TIME LIMIT FOR PREFERRING AN APPEAL**

No appeal shall be entertained, unless it is preferred with in a period of forty five days from the date on which a copy of the order appealed against is delivered to the applicant.

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the applicant had sufficient cause for not submitting the appeal in time.

### **29. CONTANT AND SUBMISSION OF APPEAL**

1. Every appeal preferred under Regulation 27 shall contain all relevant facts and statements on by the appellant and shall be completed in itself.



2. An appeal shall not be couched in disrespectful or improper language. If so, couched, the appellate authority may refuse to entertain it or, in its discretion, may return the appeal to the appellant and allow him an opportunity to submit within the time specified by it an amend appeal which shall not contain any disrespectful or improper language.
3. Every person submitting an appeal shall do so separate and in his own name.
4. An appeal shall not be submitted by an employee direct to the appellate authority but may be submitted through the Principal, who shall forward it to the appellate authority with his comments and with the relevant records.

Provided that a copy of an appeal may be submitted direct to the appellate authority.

5. Appeals shall not be addressed personally by name to any authority or to any member of the Executive Committee or of the Board of Governors, and any such act shall be deemed to be a breach of discipline.

### **30. WITH HOLDING OF APPEAL**

The Principal may withhold the appeal if

- i) It is an appeal against an order against which no appeal lies : or
  - ii) It does not comply with any of the provisions of sub-regulations  
(1) or sub-regulation (2) of Regulation 29 or
  - iii) It is not submitted within the period specified in Regulation 28, and no cause is shown for the delay ; or
  - iv) It is a repetition of an appeal already decided and no new facts or circumstances are
- 2) Where an appeal is withhold, an order to that effect shall be made setting out the reasons for such action and a copy of such order shall be sent to the appellant and to the appellate authority.

Provided that where an appeal is so withheld, the appellate authority may call for the appeal along with the relevant records of such action as that authority deems fit.

### **31. DISPOSAL OF APPEAL**

The appellate authority may, after a consideration of the case:-

- a) set aside, reduce, confirm, or enhance the penalty or

- b) Remit the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

**PROVIDED THAT**

- i) The appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent to impose;  
ii) no order imposing an enhanced penalty shall be passed unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against such enhanced penalty.

The decision of the appellate authority shall be final.

A copy of the appellate order shall be supplied to the Appellant, and the Principal for such action as might be necessary.

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**CHAPTER – VII**

**32. LEAVE IN THE CASE OF EMPLOYEES ON DEPUTATION**

Employee on deputation from the Central Government or a State Government, or an Institution shall continue to be entitled to leave, other than casual leave, under the rules to which they are to leave, other than casual leave, under the rules to which they would be subject in their parent Department. An employee on deputation to the Central Government or State Government or an Institution shall be governed by the rules and regulations of the Society, regarding leave other than casual leave.

**33. KINDS OF LEAVE AND ENTITLEMENT TO LEAVE:**

- a) Every employee shall be governed in the matter of leave by the provisions contained in the Government of India Revised leave Rules, 1933 together with the amendments made thereto from time to time.  
b) Provided that the various powers enjoined there under for all the employees of the Society shall be exercise-able by the Principal and in latter's case by the Executive Committee.

**34. STUDY LEAVE:**

- 1) Study leave may be granted to an employee with due regard to the exigencies of work of the society to enable him to undergo a special course of study consisting of higher studies or specialized training in a professional or technical subject having direct and close connection with his sphere of duty.  
2) Study leave out of India shall not be granted for prosecution of studies for which adequate facilities exist in India.

- 3) Study leave shall not ordinarily be granted to an employee who has not completed five year's service under the Society, or who is to retire within three years of the date on which he is expected to return to duty after the expiry of the leave.
- 4) Study leave shall not be granted to an employee with such frequency as to make him lose contact with his regular work.
- 5) The maximum amount of study leave which may be granted to an employee shall not ordinarily exceed twelve months at any one time or two years in the whole period of his service.
- 6) Study leave may be combined with other kinds of leave but in no case the grant of such leave in combination with leave other than extraordinary leave shall involve a total absence of more than twenty eight months from the regular duties of the employee.
- 7) An employee who is granted study leave shall be required to execute a bond prescribed in Appendix IV before the leave commences.
- 8) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years after return to duty, he shall be required to refund double the amount of leave salary and any other expenses incurred on his account by the society together with interest thereon during such leave.  
Provided 0 that the Society may relax this provision where an employee on return to duty from study leave is forced to retire on medical grounds.
- 9) During study leave an employee shall draw leave salary/equal to half average pay.
- 10) Study leave shall count as duty for promotion, increment and seniority but not for the purposes of computing any other leave.
- 11) Study leave shall be treated as extra leave on half average pay and shall not be taken into account in reckoning one aggregate amount of leave on half average pay taken by the employee towards the maximum period admissible.

### **35. MATERNITY LEAVE**

The lady staff of the Chandigarh Institute of Hotel Management will be eligible to avail maternity leave as per Central Rules. (B.O.G.14.5.86)

### **36. CASUAL LEAVE**

- 1) A employee shall be eligible for casual leave to the extent of twelve days on full pay in a year or as amended by Board of Governors from time to time.
- 2) Not more than eight days casual leave will normally be granted at a time.
- 3) Casual leave shall not be combined with any other leave.

- 4) Sundays and holidays proceeding or following or occurring during the period of casual leave shall be omitted in calculating the leave availed of.

### **37. AUTHORITY TO GRANT LEAVE**

- 1) The Principal shall be the authority to grant casual leave and all other leave to all the categories of employees working in the Institute.
- 2) The Principal shall be competent to sanction casual leave to himself provided that if the absence from duty involves one week or more, the Chairman and the Adviser on Catering Technology shall be informed in writing about this. Leave of any other kind to the Principal shall be considered by the Executive Committee.

## **CHAPSTER – VIII**

### **38. DEFINITION OF PAY FOR THE PURPOSE OF CERTAIN ALLOWANCES AND GRADES OF EMPLOYEES**

- 1) For the purpose of payment of traveling allowance and daily allowances on tour and payment of allowances for journeys on transfer, pay includes special pay and dearness pay and in the case of re-employed personnel, pay includes their pension which will be the amount originally sanctioned (that is to say before commutation) and includes also the pensionary equivalent of death-cum-retirement gratuity, if any, as provided hereunder:-
  - a) Where the pension is held in abeyance during the period of re-employment, the grade of the re-employed pensioner shall be determined in accordance with the pay actually received from time to time;
  - b) Where the pension is allowed to be drawn in addition to pay, the re-employed pensioner should for determining the grade for the purposes of these allowances, be deemed to be in receipt of actual pay equal to the sum of his pay on re-employment plus pension, subject to the provision that if it is on a fixed rate, or the maximum pay of the post, if it is on a time scale of pay such excess shall be ignored.
- 2) For the purpose of granting the allowance referred to in sub-regulation (1) the employees mentioned in column (1) of the Table below shall be deemed to be in the grade mentioned in the corresponding entry in column (2) thereof:-

#### **TABLE**

<b><u>Class of employees</u></b>	<b><u>Grade</u></b>
a) Employee whose Grade Pay is Rs.5400/- or more	I
b) Employees whose pay exceeds Rs.5000/- PM but less than Rs.5400/-	II
c) Employees whose pay does not exceed Rs.5000/-per mensem other than class IV employees	III
d) Class IV employees	IV

(As amended from time to time)

### **39. DEFINAITION OF MEMBERS OF THE FAMILY**

For the purpose of this chapter member of the family of an employee shall include the wife or husband as the case may be residing with such employee the legitimate and step children residing with, and wholly dependent upon the employee.

### **40. TRAVEL BY A CONVEYANCE SUPPLIED FREE OF CHARGES :**

Where an employee travels by a conveyance supplied by the society or by the Central Government or a State Government or by an Institution free of charge, he may draw the daily allowance of his grade that might be due, and pay not exchange it for mileages allowance. If, however, part of the journey is made by other means of locomotion he may at his option draw in lieu of daily allowance, the mileage allowance, for that part, provided the distance traveled exceeds 32 kilometers.

### **41. RESTRICTION ON DAILY ALLOWANCES**

1. Daily allowance may not be drawn for any day on which an employee does not reach a point outside a radius of eight kilometer from the duty point, that is to say, the place or office of employment at his headquarters, or return to it from a similar point.
2. Daily allowance may not be drawn for a continuous halt or more than ten days at any one place in the case of an employee( other that the Principal) except with the permission of the Principal, and in the case of Principal, except with the permission of the Chairman.
3. Where permission of the Principal or Chairman is accorded to the drawl of the daily allowance for the period of half in excess of ten days then the rate of daily allowance for the entire period of half upto ninety days shall be regulated as under, unless the Chairman directs that it shall be paid at the full rate:-

a) For the first ten days	Full Rate
b) For the next 20 days	$\frac{3}{4}$ rate
c) For the next 60 days	$\frac{1}{2}$ rate
d) Thereafter	NIL

### **42. TRAVELLING ALLOWANCE DAILY ALLOWANCE AND ALLOWANCE FOR JOURNEYS ON TRANSFER**

1. Subject to the provisions of Regulations 38, 39 and 40 every employee shall be governed by the provisions, of the General Financial Rules, Fundamental Rules and Supplementary Rules of the Central Government for the time being in force relating to traveling allowance

and daily allowance on tours and allowances for journeys on transfer and amended from time to time.

Provided that an employee on deputation from the Central Government or State Government or an Institution shall be governed in the matter of these allowances and other travel concession allowance either by such rules as may be included in the terms and conditions of their deputation or in the absence of any such terms or conditions, by the regulations of the Society and an employee on deputation to the Central Government or State Government or an Institution shall be governed by the rules or regulations of the Central Government or Institution, as the case may be, unless otherwise provided for in the terms and conditions of his deputation.

2. Notwithstanding anything contained in sub-regulation (1) every employee shall be entitled to the following benefits or allowances, unless otherwise stated in the terms and conditions of the contract of services of deputation, namely

- i) An employee who is required by the order of a superior authority to travel by special means of conveyance the cost of which exceeds the amount of daily allowance or mileage allowance admissible to him, the Chairman may sanction the actual cost of travel in lieu of daily or mileage allowance and place it for confirmation before the Executive Committee.
- ii) Daily allowance will be admissible to an employee (other than the staff Car Driver) in respect of an place of half from which the employee departs the day on which he arrives at that place provided the duration of halt exceeds six hours.
- iii) The cost of conveyance engaged for short journey within eight kilometers at the tour station shall normally be met from the daily allowance admissible to the employee. However, the Chairman in his discretion, may permit any expenditure like cost hiring conveyance incurred for extensive journey performed within or beyond eight kilometers and at the tour station, or portion of such cost being met from the funds of the Society if he is satisfied that the interest of the Society warranted an exception to the general rule;
- iv) An employee, who is charged rent by the Central Government or a State Government or an Institution for accommodation provided to him on tour, shall be entitled to re-imbusement of the difference between the rent so charged and the rent which would have payable had he been an employee of the Government or the Institution as the case may be.

#### **43. COUNTERSIGNING OF TRAVELLING ALLOWANCE BILLS**

All tour programs and bills for traveling allowance whether on tour of transfer, of all categories of employee under him shall be signed /countersigned by the Principal and of the Principal by the Chairman.

## **CHAPTER – IX**

### **44. JOINING THE PERMISSIBLE ON TRANSFER AND PAY ADMISSIBLE DURING JOINING TIME:**

An employee on transfer from one station to another shall be entitled to such joining time and to such pay during the period of joining as a Government servant on transfer wise will be entitled to under the fundamental and supplementary Rules of the Central Government for the time being in force.

## **CHAPTER – X**

### **45. A MEDICAL FACILITIES**

All employees and members of their family shall provide with such medical facilities as the Board of Governors may determine from time to time.

### **46. TERMINAL BENEFITS**

The Board of Governors under Item No.9 of the meeting held on 24.11.90 approved the revised rates of terminal gratuity/death gratuity as per Govt. of India rates applicable from time to time to Central Govt./Autonomous bodies, Civil Servants covered under C.P.F. Scheme for the employees of this Institute w.e.f.Sept., 1990.

### **47. APPLICATION OF RULES REGULATIONS AND ORDERS OF THE CENTRAL GOVT. IN CERTAIN CIRCUMSTANCES:-**

All matters for which specific provision has not been made in these regulations, shall, as far as possible & to such extent as may be considered appropriate by the Central Govt., Servants.

### **48. INTERPRETATION:**

Any question relating to interpretation of these regulations shall be referred to the Board of Governors, whose decision shall be final.

49. When the Board of Governors is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to any person governed by these regulations, it may, not with standing anything contained in these regulations, deal with the cases of such a person in such manner as may appear to them to be just and equitable and their decision shall be final.

**50. THE POWERS TO AMEND REPEAL OR MODIFY REGULATIONS :**

The powers to amend repeal or modify any or all of these Regulations or Regulations shall vest in the Board of Governors provided that the amendment, etc. may be initiated only by the introduction of a Resolution for the purpose and shall be deemed to have been carried out only, if it is approved by majority of the total membership of the society and by a majority of not less than two third members of the society present and voting.

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