

CODE OF CONDUCT/ETHICS FOR STAFF (TEACHING/NON TEACHING)

The Management shall have the right to introduce measures to improve efficiency and productivity, such as changes in workflow, work planning, work systems, procedures, automation, computerization, conduct rules, cutting down unnecessary and avoidable work as the management considers necessary.

The Management shall at its sole discretion may allot work/duties and transfer employee from one department to another, from one job to another, from one place to another according to the exigencies of Schools' work, provided his salary and benefits are not adversely affected. The need for officiating will be decided by the Management depending on the nature and/or exigencies of work. The employee shall accept jobs entrusted to him/her by their superiors.

Code of Conduct/Ethics

11.1 GENERAL:

- Staff is expected to lead by example and ensure that they are upholding the school philosophy.
- Staff members are expected to adhere to the dress code policy.
- Staff should strive towards excellence and maintain highest standard of professionalism, mannerism, speech, appearance etc.
- Habitual late coming and negligence of duty will neither be acceptable nor permitted.
- Usage of mobile phones during teaching hours is not allowed. If there is an urgent call to be made or attended, permission can be taken from the respective Reporting Officer. Specially assigned staff whose position requires them to contact outside world are exempted from this.
- Smoking / gambling/spitting/ tobacco chewing /consumption of alcohol is not allowed inside the School premises.
- Taking private tuitions is not permitted. Non-Teaching staff including support staff shall not take any part time jobs or take any assignment without the prior permission of the Principal in writing.
- All Teaching and Non- Teaching staff, including support staff, shall not take any membership of any political parties, unions, etc.
- Teaching and Non-Teaching staff shall follow the guidelines issued to them from time-to-time.
- Asking for or accepting any contribution/money with the intention of raising of funds of any kind or making any collection whether in cash or in kind, is not allowed, except as sanctioned by any law for the time being in force.
- Propagating hatred through teaching lessons or otherwise communal or sectarian outlook or instigating or allowing any student to indulge in communal or sectarian activities is strictly not allowed.
- Refrain from talking about any issue or matter regarding school or having strong reactions in front of children.
- Embezzlement of funds or misappropriation of school property or theft or fraud strictly prohibited.
- Mutilation / distortion of school records and property or using it for personal means strictly prohibited.
- Possession of weapons, explosives, and other objectionable material in school premises is strictly prohibited.
- Indulging in any form of malpractice connected with school activities or examination strictly prohibited.
- Must take utmost caution in handling confidential material and ensure that such information is not accessed by unauthorized persons.
- Be impartial in your dealings with others.
- Must set good examples and be role model by doing the right thing in the right manner at right time.

- Practicing, or inciting any student to practice, casteism, communalism or untouchability is not permitted.
- Causing, or inciting any other person to cause, any damage to school property is strictly not permitted.
- Behaving or encouraging or inciting any student, teacher or other employee to behave, in a rowdy or disorderly manner in the school premises is not permitted.
- Being guilty of, or encouraging violence, or any conduct which involves moral turpitude, is not permitted.
- Being guilty of misbehaviour or cruelty towards any parent, guardian, students, teacher, or other employees of the school is neither expected nor allowed.
- Organizing or attending any meeting during the school hours, is not permitted, except where he is required, or permitted by the head of the school to do so.
- Abide by the rules and regulations of the school and also show due respect to the constituted school authority.
- Practice of sexual harassment, physical or verbal in any form, indecent or objectionable sexual advances are liable to severe disciplinary action.
- Maintain a work environment free of sexual harassment, whether physical, verbal, or psychological.
- Be punctual in attendance and in respect of his class-work and also for any other work connected with the duties assigned to him by the head of the school;
- The breach of any condition specified in above mentioned or as mentioned in succeeding rule(s) shall be deemed to be a breach of the Code of Conduct.

11.2 TOWARDS COLLEAGUES:

- Refrain from any kind of criticism and gossip about their colleagues within or out of school.
- Do not discriminate on the basis of person's marital, social, religious or financial status.
- Policy matters and procedures regarding service rules and selection for a Unit Head / Co-ordinator's post are drawn on a need basis. The selection procedure and service rules are democratic. Respect this process and seek whole picture when in doubt instead of raising it with your colleagues, discuss it with HOS.
- Do not air out loose comments that can create doubt, panic, rumour or disturb the institutional process.

11.3 TOWARDS CHILDREN:

- Use of corporal punishment like slapping, pinching, pushing, and pulling in any form or to any degree will not be accepted under any circumstances.
- The Staff is to always ensure the safety and wellbeing of students.
- Sharing information about a child with other members of staff must be done only in professional forum for a facilitating educational and administrative processes.
- Sustained neglect in correcting class work and homework is detrimental for student learning.
- By word or action, no child should be hurt emotionally, mentally, and physically.
- No child should be criticized for not being able to cope up with the classwork or any other school related activity.
- The staff should report to the management immediately if they witness any kind of sexual/physical abuse of a child. The staff should also have the full courage to intervene and stop any person who is trying to abuse the child sexually/physically.
- No child should be left out of any school/group activity. Every child deserves a right to express himself/herself. If the teacher witnesses some kind of groupism in the class where a child is excluded deliberately by other children, she/he has to intervene and sort out matters and make the child feel emotionally secure.
- The child's personal life and family matters should not be discussed in a derogatory manner.
- The staff should refrain from any kind of discrimination against any student on the grounds of caste,

creed language, accent, place of origin, social and cultural background, class, clothes, physical appearance.

- The staff shall not enter into any monetary transactions with any student / parent, nor accept any gifts from them, nor shall he/she exploit his influence for personal ends.

11.4 TOWARDS PARENTS:

- Parents should be treated with dignity and respect in words, actions and body language. Their queries should be answered with patience and understanding.
- The staff must refrain from any kind of criticism or derogatory remarks about the parents.
- The staff must bring to the management's notice if there is some kind of unreasonable demand on the parent's part, instead of arguing with the parents.
- If parents come with a query, do acknowledge and if not clear, please ask senior authorities and get back to the Parent.
- Be specific in giving any word of advice to the parents about the child. The Parent must be taken into confidence before giving any such advice.
- Meeting with parents during school hours to be avoided. If need be, give prior appointment and then meet the parents after the children have left for the day.
- Unless urgent, staff should not attend phone calls made by parents during school hours, unless there is an exceptional problem.
- Staff should avoid discussing school matters with parents in a social setting.

11.5 FOR STAFF MEMBERS WHO ARE ALSO PARENTS:

- Be respectful to your child's teacher.
- Respect your colleague's professional expertise in his/her subject areas.
- Please attend your child's Open days/PTM/Report card days at the time allotted to you.
- Do not ask questions about your child's progress/performance to the teachers in corridors, lunch room, or during class hours. Reserve them for the PTMs and open days.
- If your child comes to you with a complaint during school hours, please ask him/her to go to his/her class teacher.
- If you have some genuine concerns and issues with your child's teacher(s), please address it to the HOS

11.6 TOWARDS SCHOOL INFRASTRUCTURE:

- Make best use of School Infrastructure and facilities for enrichment of teaching learning process and not for any personal gains/benefits.
- The internet facility is provided to update one's knowledge and keep abreast with the current development in the educational field. It should be used only for these purposes and not for any other personal requirements.
- Net surfing for personal accounts, banned sites etc is strictly not allowed and they should adhere to the IT policy Document.
- The staff is responsible for their computer login & email password and needs to be careful of the same. The same must not be shared with anyone for any reason.
- Printing of personal documents from school IT infrastructure is not allowed.
- Switching off electrical appliances and computer monitors when not in use.

11.7 MISCONDUCT

Without prejudice to the generality of the term 'misconduct' the following acts of omission and commission shall be treated as misconduct.

1. Wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior.
2. Going on strike or abetting, inciting, instigating, or acting in furtherance thereof.
3. Wilful slowing down in performance of work, or abetment or instigation thereof.

4. Theft, fraud or dishonest in connection with the schools' business or property or the theft or property of another employee within the premises of the establishment.
5. Taking or giving bribes or any illegal gratification.
6. Habitual absence without permission, or absence without leave or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.
7. Late attendance on more than three occasions within a month.
8. Abstaining from duty for more than 10 days without prior sanction of leave or staying beyond the sanctioned leave without permission.
9. Obtaining or attempting to obtain leave of absence on false pretension.
10. Habitual breach of any Standing Order guidelines/code of conduct or any law applicable to the school or any rules made there under.
11. Engaging in trade within the premises of the school.
12. Drunkenness, riotous, disorderly, or indecent behaviour on the premises of the school.
13. Commission of any act subversive of discipline or good behaviour on the premises of the school.
14. Habitual neglect of work, or gross or habitual negligence.
15. Wilful damage to work in process or to any property of the school.
16. Holding meeting inside the premises of the school without the previous permission of the Director/Principal.
17. Disclosing to any unauthorized person any information in regard to the processes of the school which may come into the possession of the staff in the course of his work.
18. Gambling within the premises of the school
19. Smoking or spitting on the premises of the school.
20. Failure to observe safety instructions notified by the Management or interference with any safety device or equipment installed within the school.
21. Distributing or exhibiting within the premises of the school handbills, pamphlets, posters, and such other things or causing to be displayed by means of signs or writing or other visible representation on any matter without previous sanction of the Principal.
22. Refusal to accept a charge-sheet, order or other communication served by the management either in person, by post or through courier. in accordance with the Rules
23. Breach of the terms and conditions of service laid down by or under these rules.
24. Violation of the Code of Conduct.
25. Moral turpitude shall include the following acts namely:
 - Immodest or immoral behaviour with a female or male student or employee.
 - Any other act of similar nature.
 - Conviction by any court of law in India, of any offence, involving moral turpitude.
26. Wilful negligence of duty shall include the following acts, namely:
 - Dereliction in, or failure to discharge any of the duties prescribed by Management and or Principal.
 - Habitual absence from duty without previous permission.
 - Any other act of similar nature.
27. Incompetence includes the following acts namely:
 - Failure to keep up academic progress and upto date knowledge in spite of repeated instructions in that regard.
 - Failure to properly complete the teaching of the syllabus determined for the stipulated periods.
 - Any other act of similar nature.
28. Manifestation of temper, in any manner, while dealing with students, staff, parents, outsiders and the Management is liable to be treated as an act of serious misconduct.
29. Refusal to work on holidays or on off days when required to do so, refusal to work overtime, in the exigencies of School work notwithstanding any statutory provisions.
30. Refusing to undergo training as and when required by the management.
31. Writing of anonymous or pseudonymous letters criticizing employees/Employer.
32. Reading magazine, novels and other non-professional literature/material during working hours.
33. Loitering, idling or wasting time during working hours staying within the premises of the School after authorised hours of work without permission.
34. Interfering in the work of other employees and/or the management.
35. Unauthorized use of any of the employer's facility/equipment or any other thing for personal use

36. Giving false information regarding one's name, father's name, Date of Birth, qualification, details of previous service/salary particulars, address, etc. at the time of securing employment or thereafter.
37. Hiding away or attempt to hide away any articles, documents or materials of the School.
38. Assumption of authority in matters, which are the prerogative of the School.
39. Falsifying or refusing to give testimony when an accident, misconduct or other matters are being investigated.
40. Doing private or personal work within the work premises without the previous permission of the management.
41. Photo or otherwise copying and taking the extracts of official documents with a view to keeping/storing them at home or maintain files at home will be considered breach of trust.
42. Breach of trust i.e., act of omission by which the employee will be losing confidence of the School Administration.
43. Any act which is pre-judicial or detrimental to the interests of Organisation or the Management of the School.
44. Any act subversive of discipline and efficiency, and any act involving moral turpitude omitted within the premises of the School, and outside if the same has bearing on the services of the employee.
45. Using abusive language or slogans against any superior officer or any officer of the School within the premises of the School.
46. Not disclosing/intimating to the School authorities any infectious or sexual/skin/any other disease/contagious disease from which the employee is suffering.
47. Habitual breach of any rules or instruction for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the school.
48. Carrying School's goods, files or office documents to the house/home or any other place outside the work premises without prior permission in writing of the HOS.
49. Unauthorised use of any of the School's facility/equipment or any other thing for personal use.
50. Leaking any information or question papers or results as they are confidential.
51. Assaulting, abusing, or intimidating any employee of the Employer either within the premises or at any other place.
52. Carrying on directly or indirectly or benami transactions in the office premises: (a) Money-lending business and/or (b) Other private business without the written permission of the Management or having private financial dealings with persons or firms etc., having business relations with the School for the sale and purchase of any materials, equipment or supply of labour, if any, or for any other purpose.
53. Refusal to work on a job or a mission, which does not call for any additional skill or experience and can be done by the employee/officer without adversely affecting his service conditions.
54. Attempting to obtain any benefit under false pretext or by making false statements.
55. Refusal to act in any position offered by the Management.
56. Bringing inside the work premises, possession or use of alcoholic drinks, narcotic drugs, within the School premises or reporting for work while under the influence of alcoholic drinks, drugs, or narcotics
57. Entering or remaining in the work premises after the permissible/ authorised hours of duty.
58. Publication of any articles relating to the work of the Employer without obtaining prior written permission of the Employer.
59. Refusal to act on the accepted terms and conditions of service.
60. Handling or attempting to handle any machine, equipment, apparatus or vehicle not entrusted to the charge of the employee.
61. Approaching higher authorities for personal promotion or favours or gains directly or through other people.
62. Abuse of authority, threats, use of harassment or pressure to obtain illicit favours.
63. Breach of confidentiality or a loss of confidence by any act against the interests of the School.
64. Deliberate disturbance to the proper functioning of the association.
65. Making statements (in any manner whatsoever) to the press or other media without prior permission of the Management.
66. Fulfilling a task by other person than the one to whom it has been assigned. In case of absence the employee has no right to bring another person to replace him, except with the prior consent/permission of Management.

67. Any other act of commission or omission, which is against the interest of the Employer or subversive of discipline.
68. Indiscipline or breach of any rules or instructions for the maintenance and or instructions for the running of any department or maintaining its cleanliness.
69. Refusal to give evidence in any enquiry against any other employee, charged with any misconduct.
70. Organising, attending or holding meetings within the boundaries of the premises or in any of the premises owned by the School or in front of the residential premises of the officers or the Employer and in its estate without previous written sanction of the Management.
71. Threatening or intimidating any employee within the premises of the School or outside concerning matters relating to the School.
72. Knitting, gossiping within the premises of the School.
73. Sale or canvassing for the sale of tickets of chances in any lotteries or raffles within the premises of the School.
74. Sale or canvassing for the sale of any commodity within the premises of the School.
75. Sale or canvassing for the sales of tickets, coupons or other tokens in connection with any scheme for the sale of any commodity or articles within the premises of the School without previous written sanction of the HOS.
76. Sleeping or dozing whilst on duty.
77. Resorting to picketing, hunger strike against any officer whether within the premises of the School or outside it relating to in the matters concerning the Management.
78. Lending or borrowing money to or from subordinate employees.
79. Habitual indebtedness.
80. Spreading false rumours or giving false information which tends to disrupt the School functioning, or its employees (or spreading among the employees).
81. Speculation in any investment or commodity within the premises of the School.
82. Theft of property belonging to other employees inside the premises of the School.
83. Submission or representation to any authority or publicmen except through proper channel.
84. Misbehaviour during the pendency of disciplinary action instituted against him.
85. Interference, tampering with records, attendance register etc. either pertaining to himself/herself or to any other employee.
86. Unauthorised removal or defacement of notices of the School at the notice board.
87. Wilful non-cooperation with fellow employee for proper discharge of duty at any time.
88. Giving interview to press, radio, television without the permission of the Management.
89. Participation in public discussions, debates, and deliver speech in public pertaining to the affairs or business of the School without permission from the competent authority.
90. Expectorating or otherwise committing nuisance on the premises of the School.
91. Indulging in sexual harassment.
92. Any attempt or threat to assault or attempt to murder/attack or assault or beating or murder of any employees or any other person/persons who has/had any connection with the School within or outside the premises of the School.
93. Coming on duty in intoxicated state or drinking liquor or using other intoxicants, charas, bhang, ganja etc. or keeping such things on person inside the premises of the School.
94. Habitual production of the Medical Certificate for availing of leave.
95. Having immoral relationship with employee of either sex within the premises of the School.
96. Eve-teasing in the premises of the School or transport provided by the School, if any.

11.8 PUNISHMENT FOR MISCONDUCT

If the Management/Head of the institution is convinced that a staff member/an employee is guilty of committing any misconduct/s, the following punishments (as per the Central/State conduct rules, where the school is located) may be imposed upon him/her :

- (i) Suspension without pay for a period not exceeding one month.
- (ii) Demotion.
- (iii) Reduction in salary.
- (iv) Stoppage of increments.
- (v) Discharge.
- (vi) Dismissal.

11.9 RULES AND REGULATIONS REGARDING IMPOSING PENALTIES AND FORMATION OF DISCIPLINARY AUTHORITY

Penalties – the following penalties may, for good and sufficient reasons, including the breach of one or more of the provisions of the Code of Conduct be imposed upon an employee of a school, namely:

- a) Minor penalties –
 - (i) Censure
 - (ii) Recovery from pay the whole or any part of any pecuniary loss caused to the school by negligence or breach of orders;
 - (iii) Withholding of increments of pay;
- b) Major penalties –
 - (i) Reduction in rank.
 - (i) Compulsory retirement.
 - (ii) Removal from service, which shall not be a disqualification for future employment in any other school.
 - (iii) Dismissal from service, which shall ordinarily be a disqualification for future employment in any school.

The following shall not amount to penalty within the meaning of this rule, namely:

- i) Stoppage at the efficiency bar on the ground of unfitness to cross the bar;
- ii) Retirement of the employee in accordance with the provisions relating to superannuation or retirement;
- iii) Replacement of a teacher who was not qualified at the date of his appointment by a qualified one;
- iv) Discharge of an employee appointed on a short-term officiating vacancy caused by the leave, suspension, or the like.

Disciplinary authority

Disciplinary authority in respect of staff member/employees – The disciplinary committee in respect of that school, shall consist of –

- a. The Chairman of the managing committee
- b. The Manager of the school
- c. A nominee of the director in case of an aided school or a nominee of the appropriate authority in the case of school
- d. The Head of the school, except where the disciplinary proceeding is against him, and where the disciplinary proceeding is against the Head of the school. The Head of any other school. Nominated by the Director.

- e. A teacher who a member of the managing committee of the school nominated by the Chairman of such managing committee.

11.10 PROCEDURE FOR IMPOSING MINOR PENALTIES –

1. The Employee should be issued a show cause notice or given a copy of the charge- sheet, depending on minor or major offence respectively, with a statement of imputations of misconduct.
2. He should be given reasonable time and opportunity to submit his defence.
3. On receipt of the defense, the Disciplinary Authority may pass appropriate orders, or may hold an inquiry if—
 - (i) It is of the opinion that such inquiry is necessary, or
 - (ii) The inquiry is mandatory in view of the punishment proposed. The procedure for the inquiry will be as for major penalty.

No order imposing a minor penalty shall be made except after informing the employee in writing of the proposal to take action against him and the allegation on which such action is proposed to be taken.

11.11 PROCEDURE FOR IMPOSING MAJOR PENALTY –

1. The charged staff member should be served with a charge-sheet together with a statement of imputations of misconduct or misbehaviour and reasonable time and opportunity given to him to reply to the charges or to be heard in person.
2. Inquiry is a must to consider charges refuted by him. It must be conducted by the Disciplinary Authority, or an Inquiry Officer appointed by it. It should also appoint a Presenting Officer to present the charges. It may use the Serving Officers as Inquiry Officer and Presenting Officer.
3. The delinquent official has a right—
 - (a) To inspect documents referred to in the annexure to the charge-sheet.
 - (b) To engage any other serving or retired Government Employee to assist him;
 - (c) To engage a legal practitioner if the Presenting Officer is a legal practitioner. In other cases, the Disciplinary Authority may permit such an engagement, having regard to the circum-stances of the case.
4. If at the inquiry the employee pleads guilty to any of the article of charge, the Inquiry Officer should record a finding of guilt in respect of those articles and hold inquiry only in respect of the remaining, if any.
5. Institution has the first priority to present the case and produce witnesses and evidence.
6. Delinquent staff member will be allowed to offer his defence witnesses and evidence.
7. Witnesses on both sides may be examined, cross-examined, and re-examined.
8. The defendant may examine himself a witness in his own behalf if he so desires. If he has not done so, the Inquiry Officer may generally question him to enable him to properly explain the circumstances cited in the evidence against him. Based on a reference from an inquiring authority, seeking the issuance of a notification by the Central Government / Competent Authority under Section 4 of the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents)

Act, 1972, the Inquiry Officer is empowered to exercise powers of Civil Court for enforcement of attendance of witness and production of documents.

The Inquiry Officer shall strictly follow the procedures laid down in Rules before closing the Inquiry.

9. Defence may be in writing or oral. Oral defence will be recorded, got signed and a copy supplied to the Presenting Officer.

10. Thereafter, Inquiry Officer will hear arguments on both sides or take written briefs from both. Presenting Officer's brief will be taken first, copy thereof supplied to the defendant and his reply brief obtained thereafter.

‘Once a regular hearing in a departmental proceeding is started, such hearing should, as far as practicable, be continued on a day-to-day basis, unless in the opinion of the Inquiry Officer, for the reasons to be recorded in writing, an adjournment is unavoidable in the interest of justice’.

11. Entire proceedings should be recorded in writing, every page to be signed by the respective witness, the defendant and the Inquiry Officer, and copies furnished to the defendant and the Presenting Officer.

12. If the delinquent official does not attend, ex parte enquiry may be conducted, observing the procedure in full.

13. On completion, the Inquiry Officer will submit his report and his findings on each article of the charges to the Disciplinary Authority.

14. Disciplinary Authority may accept or disagree (recording reasons for disagreement), record its own findings and make a final order.

15. If the Disciplinary Authority who initiated the case is competent to award only minor penalties, and is of the opinion that major penalty is to be imposed, it should send the entire records and findings without recording any opinion with regard to the imposition of the penalty to the Competent Disciplinary Authority which will record its findings and pass orders as deemed fit.

16. The Disciplinary Authority should forward a copy of the report of the Inquiring Authority together with its tentative reasons for disagreement, if any, with the findings to the Employee giving him fifteen days time to make any representation / submission.

17. The representation, if any, submitted by the staff member should be considered before passing final orders.

18. Along with the final orders, the Employee should be supplied with—

(i) A copy of the findings on each article of charge;

(ii) A copy of the advice, if any, given by the directorate.

(iii) Where the Disciplinary Authority has not accepted the advice a brief statement of reasons for such non-acceptance.

19. Disciplinary Authority should take final decision on the enquiry report within 3 months.

20. All Departments should ensure that all major penalty proceedings against Employees under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent Employee.

11.12 REPRESENTATION BY AN ADVOCATE IN ENQUIRY NOT PERMISSIBLE

Context and Judgement:- Petitioner, a teacher, was charge-sheeted and an enquiry was initiated against her under rule 120 of the Delhi School Education Act. She sought the assistance of a legal practitioner in the enquiry being conducted against her which was declined hence she filed a writ petition. **While dismissing the writ petition, it has been held that a school teacher cannot be allowed to have assistance of an advocate in the enquiry since there is no such provision under the Delhi School Education Act or the Rules.**

11.13 WHEN PRESCRIBED PROCEDURE NEED NOT BE FOLLOWED—

Following are the special circumstances where the prescribed procedure for inquiry need not be followed:—

- (1) Where a penalty is due to conviction on a criminal charge, or
- (2) Where the Disciplinary Authority is satisfied (reasons should be recorded in writing) that it is not reasonably practicable to hold an enquiry in the manner provided, or
- (3) Where the President is satisfied that in the interest of the security of the State, it is not expedient to hold an enquiry in the manner provided.

In cases under **Category (1):**

The Disciplinary Authority has to peruse the judgment of the Criminal Court and take into account the gravity of the misconduct committed, its impact on the administration and other extenuating circumstances or redeeming features. Once it is concluded that the Employee's conduct is blameworthy and punishable, it may impose such penalty as it is competent to do. The penalty should neither be grossly excessive, nor out of proportion to the offence committed or one not warranted by the facts and circumstances of the case.

In cases under **Category (2):**

Detailed guidelines have been laid down in this regard. Inquiry should not be dispensed with lightly or arbitrarily or out of ulterior motives or merely in order to avoid the holding of an inquiry or because the institution's case is weak and is, therefore, bound to fail. Further, it is a constitutional obligation that the Disciplinary Authority should record in writing (preferably in the order itself) the reasons for its satisfaction that it was not reasonably practicable to hold the inquiry. The reason, though brief, should not be vague or not just a repetition of the language of the relevant rule.

In both the cases, the Employee should be given an opportunity of making representation against the penalty proposed.

11.14 IF THE DELINQUENT EMPLOYEE DIES during the pendency of the disciplinary proceedings, the proceedings should be dropped.

11.15 STREAMLINING OF CONDUCT OF DISCIPLINARY PROCEEDINGS TO REDUCE DELAY.—

The following measures have been prescribed to ensure that disciplinary cases are not unduly delayed:—

- (i) Cases should be carefully studied to decide whether major / minor proceedings are required to be initiated;
- (ii) Delay in framing charges should be avoided; responsibility should be fixed for inordinate delay in framing charges without valid reasons;

- (iii) To ensure that the charged officer submits written statement within the time-limit;
- (iv) The departmental officers appointed as Inquiry Officers are relieved from their normal duties for a period up to 20 days in two spells for completion of inquiry on full-time basis and submit report.

11.16 PAYMENT OF PAY AND ALLOWANCES ON REINSTATEMENT. -

(1) When an employee who has been dismissed, removed or compulsorily retired from service is reinstated as a result of appeal or would have been so reinstated but for his retirement on superannuation while under suspension preceding the dismissal, removal or compulsory retirement, as the case may be, the managing committee shall consider and make a specified order

a) With regard to the salary and allowances to be paid to the employee for the period of his absence from duty, including the period of suspension preceding his dismissal, removal, or compulsory retirement, as the case may be; and

b) Whether or not the said period shall be treated as the period spent on duty.

(2) Where the managing committee is of opinion that the employee who had been dismissed, removed or compulsorily retired from service had been fully exonerated, the employee shall be paid the full salary and allowances to which he would have been entitled had he not been dismissed, removed or compulsory retirement from service, as the case may be; Provided that where the managing committee is of opinion that the termination of the proceedings instituted against the employee had been delayed due to reasons directly attributable to the employee, it may, after giving a reasonable opportunity to the employee to make representations and after considering the representation, if any, made by the employee, direct, for reasons to be recorded by it in writing, that the employee shall be paid for the period of such delay only such proportion of the salary and allowances as it may determine.

(3) The payment of allowances shall be subject to all other conditions under which such allowances and admissible and the proportion of the full salary and allowances determined under the proviso to sub-rule (2) shall not be less than the subsistence allowance and other admissible allowances.

RULES REGARDING SUSPENSION

11.17 SUSPENSION –

(1) Subject to the provision of sub-sections (4) and (5) of section 8, the managing committee may place an employee of a recognized private school, whether aided or not under suspension.

a) Where a disciplinary proceeding against such employee is contemplated or pending; or

b) Where a case against him in respect of any criminal offence is under investigation or trial or

(a) Where he is charged with embezzlement; or (d) where he is charged with cruelty towards any student or other employee of the school or

(b) Where he is charged with misbehaviour towards any parent, guardian, student or employee of the school or

(c) Where he is charged with the breach of any other code of conduct.

(2) No order for suspension shall remain in force for more than six months unless the managing committee, for reasons to be recorded by it in writing directs the continuation of the suspension beyond the period of six months; Provided that where a suspension is continued beyond a period of six months, the Director may, if he is of opinion that the suspension is being unreasonably prolonged, revoke the order of suspension.

(3) An employee of a recognized private school, whether aided or not shall be deemed to have been placed under suspension by an order of the appointing authority:

a) with effect from the date of his detention, if he is detained in custody for a period exceeding forty-eight hours on a charge of an offence which in the opinion of the managing committee involves moral turpitude;

b) With effect from the date of his conviction, if in the event of a conviction for an offence, involving in the opinion of the managing committee moral turpitude, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired from service consequent on such conviction.

Explanation: The period of forty-eight hours referred to in this rule shall be computed from the commencement of detention or conviction, as the case may be, and for this purpose intermittent periods of detention shall be taken into account.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or rendered void, in consequence of, or by, a decision of a court of law or of the Tribunal, and the disciplinary authority on a consideration of the of the circumstances of the case decides to hold further inquiry against such employee on the same allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, such employee shall be deemed to have been placed under suspension by the managing committee from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further enquiry shall be ordered unless, it is intended to meet a situation where, the court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) An order of suspension made or deemed to have been made in these rules shall continue to remain in force until it is modified or revoked by the managing committee or the Director.

(b) Where an employee is suspended or is deemed to have been suspended and any other disciplinary proceeding is commenced against him during the continuance of that suspension the managing committee may for reasons to be recorded by it in writing, direct that the employee shall continue to be under suspension until the termination of all or any such proceeding.

(c) An order of suspension made or deemed to have been made under these rules may, at any time be modified or revoked by the managing committee or in the case of a aided school, by the Director.

Comments

(Need to be checked, as Rules requiring prior or ex-post factor approval and not applicable to the private schools, can be deleted)

The provisions of sections 8(2) and 8(4) of the said Act, rules 115(2) & (5) and 12(1)(d)(iii) & (iv) and 120(2) of the said Rules requiring prior and ex-post factor approval for disciplinary proceedings would have no application even to the private unaided schools. As a sequitur to that sub-section (5) of section 8 would also really have no application to such private unaided schools. It was further observed that for any restriction upon the management pertaining to disciplinary action and procedure thereto, the court cannot direct the legislature to re-frame an enactment but can only strike down the enactment which is unconstitutional.

Subsistence allowance –

(1) An employee, under suspension shall in relation to the period of suspension, be entitled to the following payments, namely:

(a) a subsistence allowance at the amount equal to one half of the pay last drawn by him in addition to such pay dearness allowance at the appropriate rate to be paid in the same manner as salary.

Provided that where the period of suspension is extended beyond six months the managing committee shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of past six months as follows:

i) The amount of subsistence allowance may be increased by a suitable amount not exceeding fifty per cent of the subsistence allowance admissible for the period of first 1[six months] if in the opinion of the managing committee to be recorded in writing the period of suspension has been prolonged, for reasons not directly attributable to the employee.

ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance admissible for the first 1[six months], if in the opinion of the managing committee to be recorded in writing, the period of suspension has been prolonged due to reasons directly attributable to the employee;

(b) Any other compensatory allowance admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension: Provided that the employee shall not be entitled to the compensatory allowance unless the managing committee is satisfied that the employee continues to meet the expenditure for which such compensatory allowance is admissible;

(c) No payment of subsistence allowance shall be made unless the employee furnished a certificate to the effect that he is not engaged in any other employment, business, profession or vocation:-

(1) Provided that in the case of an employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where these subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

(2) If the managing committee fails to pay any subsistence allowance or compensatory allowance within thirty days from the date from which the payment becomes due the employee may appeal to the Director who may pass appropriate orders:

Provided that in the case of an aided school, the managing committee shall deposit with the Administrator its share of the subsistence allowance admissible to an employee under suspension.

(3) If any doubt arises regarding the application of this rule, the same shall be resolved in accordance with the orders issued by the Central Government in respect of its employees.

(4) Where a suspended employee is exonerated after disciplinary proceeding or where any criminal prosecution against a suspended employee ends with an honourable acquittal the salaries and allowances of such employee minus the subsistence received by him shall be paid to him from the date on which he was suspended.