



GOVERNMENT OF KERALA

Abstract

Power Department-Malabar Cancer Centre, Thalassery - Service Rules - Approved - Orders issued.

POWER (B) DEPARTMENT

G.O.(Ms.)No.4/08/PD.

Dated, Thiruvananthapuram, 01-03-2008

- Read:- 1. G.O.(Ms) 5/98/PD. Dated, 03.02.1998.
2. G.O.(Ms)23/2000/PD. Dated 30.09.2000.
3. Letter No.1228/Adm-1/04/MCC. Dated 18.01.2005 from the Director, Malabar Cancer Centre, Thalassery.

ORDER

Government are pleased to accord formal approval for the Service Rules (Malabar Cancer Centre Society Service Rules 2008) of the Malabar Cancer Centre, Thalassery annexed herewith.

2. These Rules shall come into force on 01.03.2008.

3. All other rules, circulars etc in respect of matters which are repugnant to or in-consistent with provisions made in this rule will stands cancelled thereupon.

By Order of the Governor
L. Radhakrishnan
Secretary to Government

To

The Director, Malabar Cancer Centre, Thalassery
The Accountant General (Audit/A&E) Trivandrum
The General Administration (SC) Dept. (vide item No.2002 dt.27.02.2008)
The Finance Department (vide 59963/Puc/07/Fin. dated 10.12.07)
S/F, O/C.

Copy to:-

The PS to Minister (WS & BC & E)
The PA to Secretary (Power)
The CA to Additional Secretary (Power)

Forwarded/By Order

Section Officer

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MALABAR CANCER CENTRE SOCIETY
SERVICE RULES, 2008

Chapter I

PRELIMINARY

- (1) **Short title, extend and commencement.** - (1) These rules may be called the "Malabar Cancer Centre Society Service Rules, 2008."
- (2) These rules shall apply to all employees of the Malabar Cancer Centre except whose conditions of service are governed by contract or agreement or appointed on daily wages, part-time or on fixed tenure basis.
- (3) These rules shall come into force on 01.03. 2008.

Chapter II

DEFINITIONS

- (2) **Definitions.** - In these Rules, unless the context otherwise requires-

- (1) "academic staff" means Doctors and Clinicians, Senior Consultants, Junior Consultants, Senior Registrars, Junior Registrars, Medical Officers, Senior Doctors, Junior Doctors, Scientific Officers, Research Associates, Statisticians or Engineering Scientists and includes such other staff specified as such by the Executive Committee.
- (2) "actual pay" means the minimum pay of the employee in the grade plus the increments earned by the employee.
- (3) "administrative staff" means the staff who are engaged in administrative work and includes every person specified as such by the Executive Committee.
- (4) "allowances" means all allowances to the employees sanctioned by the Society, from time to time.
- (5) "appointing authority" means the authority competent to make appointments under the Rules of the Society.
- (6) "auxiliary technical staff" means Fitter, Foreman, Tradesman/Operators, Mechanics, Machinists, Welders or Turners, and includes such other staff specified as such by the Executive Committee.
- (7) "basic pay" means the minimum pay of the employee in the grade in which he is appointed plus the increments carried by him.

(8) "competent authority" in respect of an employee, in so far as any power delegated under these Rules is concerned, means the authority to which such power has been delegated, and where no such specific delegation has been made, the competent authority shall be the Executive committee.

(9) "clinical staff" means Doctors, Clinicians, Senior Consultants, Consultants, Registrars, Medical Officers and such other staffers directly engaged in the practice of medicine; such other staff specified as such by the Executive Committee.

(10) "day" means calendar day, beginning and ending at midnight.

(11) "director" means the Director of the Society.

(12) "duty" includes: -

(a) service as a probationer or trainee provided that such service is followed by confirmation.

(b) joining time.

(c) a course of instruction or training which an employee undergoes, specially ordered by the Society to be treated as duty.

(d) all periods which are specially ordered to be treated as duty by the appointing authority

(13) "employee" means an employee under the whole time employment of the Society

(14) "executive committee" means the Executive Committee of the Malabar Cancer Centre Society.

(15) "family" means an employee's wife or husband, children including step children and legally adopted children and parents who are wholly dependent on the employee and residing with him.

(16) "foreign service" means service in which an employee receives his pay with the sanction of the Society from any source other than the fund of the Society.

(17) "holiday" means a holiday declared by the Society from time to time.

(18) "honorarium" means a recurring or non-recurring payment made to an employee from the funds of the Society as remuneration for such special work of an occasional or intermittent character as may be determined by the competent authority from time to time.

(19) "joining time" means the time allowed to an employee to join in a new post.

(20) "last grade servants" means Attenders or Peons and includes every person specified as such by the Executive Committee.

(21) "leave salary" means the monthly amount paid by the Society to an employee on leave.

(22) "lien" means the title of an employee to hold substantively either immediately or on termination of a period or periods of absence, a permanent post to which he has been appointed substantively.

(23) "medical certificate" means Medical Certificate from any Medical Officer serving in any hospital under the State or Central Government;

(24) "month" means a calendar month

Note (i): In computing a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Note (ii): whenever it is necessary to calculate a period in calendar months, the period shall be taken to end either on the day of the month corresponding to the day before the day on which the period begins or if there is no such corresponding day in the month, then on the last day of the month.

(25) "non-clinical staff" includes paramedical and administrative staffers of the Society

(26) "nursing staff," means staff who are engaged in nursing care of patients and include Nursing Superintendent, Nursing Officers, Ward Sisters, Staff Nurses, Nursing Assistants and every person specified as such by the Executive Committee.

(27) "officiate" means an employee officiates in a post when he performs the duties of a post on which another person holds a lien. The appointing authority may, if it thinks fit., appoint an employee to officiate in a vacant post on which no other employee holds a lien.

(28) "paramedical staff" means the staff who are engaged in scientific, technical or skilled work and includes Technicians, Radiographers, Laundry Supervisor, Scientific Assistants, Dietician, Electricians, Refrigeration & air-conditioning Mechanic-cum- Plant Operators, Cook, Medical Records Officer and Staff Pharmacist, Unit Helpers, Lift Operators, Security staff, Medico Social Workers, Drivers or Receptionist- cum-Telephone Operators.

(29) "pay" means the amount drawn monthly by an employee as,-

- a) the pay in the time scale attached to the post in or against which he/she is working; and
- b) personal pay or special pay or other emoluments, if any, which may be specially classified as pay by the Society.

(30) "permanent post" means a post carrying a definite scale of pay sanctioned without time limit.

(31) "personal pay" means additional pay granted to an employee, -

- (a) to save him from loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure or
- (b) in exceptional circumstances, on other personal considerations.

Note: Personal pay granted under Clause (a) shall be absorbed in any future increase in the basic pay.

(32) "probation" means appointment of a person on a post for determining his fitness for eventual substantive appointment to that post.

(33) "probationer" means an employee employed on probation against a substantive vacancy in the Society.

(34) "public conveyance" means a train, steamer, bus, boat or other conveyance, which plies regularly for the conveyance of passengers.

(35) "salary" includes monthly pay and allowances attached to a post held by an employee and drawn by him

(36) "society" means the Malabar Cancer Centre Society.

(37) "special pay" means addition to the pay or emoluments of a post granted in consideration of the following, namely: -

a) the nature of work is especially arduous or

b) the post would call for higher scale of pay in view of the additional or higher responsibilities attached to it;

(38) "standing orders" means orders, instructions and rules which will govern the duties and functions as well as work and conduct of the various categories of staff of the Society.

(39) "substantive pay" means the pay other than special pay, personal pay or emoluments classified as pay by the Society to which an employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

Note: When a special pay is granted in lieu of a higher time scale, such special pay will also count as substantive pay, provided the employee holds a lien on the post to which the special pay is attached.

(40) "subsistence allowance" means a monthly grant made to an employee under suspension, who is not in receipt of pay or leave salary.

(41) "time scale pay" means pay which, subject to the conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum and includes the class of pay hitherto known as progressive.

(42) "temporary post" means a post sanctioned for a limited period.

(43) "trainee" means a person deputed for training with a view to employ him in the institution governed by the Society, who draws pay at monthly rates from the Society during such training, but is not employed in a post against a substantive vacancy.

(44) "traveling allowance" means an allowance granted to an employee to cover the expenses, which he incurred in traveling in connection with the affairs of the Society.

Chapter III

GENERAL CONDITIONS OF SERVICE

3. Employees at the disposal of Society. - (1) Unless in any case it is otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Society and he may be employed in any manner required by competent authority without any claim for additional remuneration.

(2) In the interest of the Society, an employee shall be transferred from one post to another by competent authority, but not to a post carrying lower time scale of pay otherwise than on a disciplinary measure or on account of inefficiency.

4. Subscription to Provident Fund. - An employee shall be required to subscribe to Employees Provident Fund. The employer's share shall be 12% of pay and dearness allowances and that of employees share shall not be less than 12% of pay and dearness allowance

5. Pay of an employee. - An employee shall begin to draw pay and allowances attached to a post with effect from the date he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

Note: If the charge is assumed or relinquished in the forenoon or afternoon, drawal of pay and allowances shall commence or cease from the same day or as the case may be, from the following day.

6. Subsistence allowance. - An employee shall be paid subsistence allowance during a period of suspension.

7. Effect of unauthorised absence. - Unauthorised absence from duty may be treated as misbehavior and such absence may constitute an interruption in service entailing forfeiture of past service, for all purposes, unless otherwise regularized by the competent authority.

Note: The forfeiture of past service shall have the effect of losing the benefit of increments earned by an employee in the whole service and forfeiting leave at his credit as on the date of such interruption.

8. Absence from duty. - Unless the competent authority in view of the exceptional circumstances of the case otherwise determine, on a continuous absence from duty for a period of six months, an employee shall be deemed to have resigned and shall accordingly cease to be in the employment of the Society.

9. Probation. - (1) A person appointed to a post directly shall be on probation for a period of two years on duty within a continuous period of three years. If appointed on promotion the probation shall be for a period of one year within a continuous period of two years.

(2) The appointing authority may extend the period of probation for a further period not exceeding one year if the said authority is satisfied that the employee has not established his fitness for eventual continuance in the post against which he is appointed.

(3) At the end of the period of probation or the extended period of probation, as the case may be the competent authority shall consider the probationer's suitability in holding the post in which he has been appointed and if the authority finds the probationer fit for the post, the appointing authority shall issue an order declaring him to have satisfactorily completed his probation.

(4). Where the employee, during the period of probation or during the extended period of probation is found not suitable to hold the post to which he is appointed, the appointing authority may, -

- a) in the case of a person appointed by promotion, revert him to the post held by him immediately before such appointment.
- b) in the case of a person appointed by direct recruitment terminate his service under the Society without notice.

(5) Maternity leave under Rule 28 be treated as duty for the purpose of probation. Other kinds of leave combined with maternity leave will not be treated as duty for the purpose of probation.

10. Termination of Service. - The Services of an employee may be terminated by the appointing authority, -

- a) without assigning reasons at any time and without notice in the case of temporary employees; or
- b) by observing all legal formalities and relevant provisions of KCS & CCA Rules 1960, as amended from time to time in case of regular employees. Provided no notice shall be necessary for termination of an employee for want of Vacancy.

Note (i): In the case of termination for want of vacancy, the junior most employee in the post shall be terminated. The seniority of an employee in a post shall be determined by the order of merit in which he was selected for appointment to that post. Those selected earlier shall be ranked senior to those selected later.

Note (ii): In the case of appointment through Employment Exchange, the seniority of persons selected following the communal rotation on a day shall be determined in the following order.

- a. Scheduled Tribe/Scheduled Caste.
- b. Other Backward Classes.
- c. Open.

Note (iii): In the case of appointment by methods other than selection, the seniority shall be determined as per the provisions in KS & SSR.

(11) **Retirement.** - (1) A non-clinical staff shall retire from service with effect from the afternoon of the last day of the month in which he attains the age of fifty-five years. For clinical staff the retirement age is fifty eight years.

(2) A employee may with the prior sanction of the appointing authority, voluntarily retire from service on completion of twenty years of service, qualifying for gratuity or at the age of fifty, whichever is earlier.

Note:- An employee seeking voluntary retirement shall give the appointing authority three months notice of his intention to do so.

(3) An employee shall be compulsorily retired by the appointing authority -

(a) as a penalty; or

(b) on being declared medically unfit for service by a Medical Board constituted by the committee.

12. Resignation. - (1) Subject to acceptance by the appointing authority, an employee may resign from service by notice of one month in writing to the Appointing authority or on payment of one month's pay in lieu thereof.

Note: At the request of an employee where resignation is accepted from a date before the completion of the notice period, the pay for the period so fallen short in the notice period shall be recovered from the employee.

(2) The resignation tendered by an employee shall normally be accepted after the suitable settlement of his liability, if any, outstanding in the name of the employee. Where the employee concerned is engaged in an important work of employer, or it may take time to make alternative arrangements to fill the posts, the resignation may be accepted only when alternative arrangements for the filling of the posts have made. The resignation becomes effective when it is accepted and the employee is relieved of the duties. When the resignation is not become effective and the employee desires to withdraw his resignation it is open to the Appointing authority either to permit or refuse to permit or to refuse to permit the employee to withdraw resignation.

(3) However, once the resignation is become effective the employee is no longer in service of the Society.

(4) An employee on leave may be permitted to resign his post without rejoining duty after the leave, provided the Appointing authority so decides with due regard to the administrative convenience.

(13) Resignation or dismissal. - An employee who has resigned or who is dismissed.

from service shall forfeit his past service for all purposes. An employee dismissed from service shall not be eligible for any appointment in the Society.

(14) Initial Pay. - An employee on his first appointment to a post on a time scale of pay shall draw as initial pay at the minimum of the time scale.

Provided that the appointing authority may with the approval of the Executive Committee permit an employee to draw pay at a higher stage.

Provided further that in the case of Ex-servicemen, weight age for their past military service at the rate of one increment for every ten years of such service subject to a maximum of two increments shall be allowed on their initial appointment with the approval of Executive Committee.

(15) Appointment to higher time scale. - Where an employee holding a post or grade is appointed to a post/grade on a higher time scale, his initial pay in the new post or grade shall be fixed at the stage next above the pay notionally arrived at in the lower time scale of pay by increasing the pay drawn by the employee in the time scale of the lower post/grade by an increment.

Note 1: A scale of pay shall be reckoned as higher time scale on the following principles namely: -

- a) according to the higher maximum; or
- b) if the maximum is the same, according to the higher minimum; or
- (c) if the maximum and minimum are the same, according to the rate of increment.

Note 2: Special pay granted in lieu of a higher time scale and drawn continuously for a minimum period of one year shall be taken into account for the purpose of fixation of pay.

(16) **Increment.** - (1) An increment shall be granted on the first day of the month in which it falls due unless it is withheld.

Note: where an efficiency bar is prescribed in a time scale, an employee without the specific sanction of the appointing authority shall not draw the increment next above the bar.

- 2) An increment may be withheld from an employee by the appointing authority if his conduct has not been good or his work has not been satisfactory. In ordering the withholding the authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.
- 3) Increment accruing consequent on declaration of probation shall be drawn only with effect from the date of completion of probation but subsequent increments shall be drawn on the first day of the month in which they fall due.
- 4) The following kinds of service shall count for increment in a time scale; namely-
 - a. duty in a post on a time scale;
 - b. service in another post other than a post carrying a lower time scale of pay;
 - c. all kinds of leave except leave without salary taken otherwise than on medical certificate, and
 - d. joining time in the post, the pay of which was drawn during the period.

Provided that the Committee may, where it is satisfied that the leave without salary was taken for acquiring a higher qualification or for any other reason beyond the control of the employee, direct that such leave shall be counted for increment.

(17) **Unauthorised absence from duty.** - (1) Notwithstanding anything contained in this where an officer unauthorisedly absents himself from duty on account of participation in any strike it shall cause interruption in service entailing forfeiture of past service for all purposes, provided that the Director may at his discretion decide that the period of such unauthorised absence be treated as 'dies non'.

- (2) Where an officer forfeits his past service as above he shall lose the benefit of all increments earned by him in the scale of pay of the post which he was holding at the time of interruption and such part service shall not count for purposes of increment leave.

(3) Where the period of unauthorized absence is treated as 'dies non', the officer shall lose the pay and allowances for the period and the benefit of such period being counted for leave.

Note: Refusal to do work though physically present at the place of duty by resorting to pen-down strike or stay-in-strike or other methods shall be treated as unauthorized absence constituting interruption in service and entailing forfeiture of past service or at the discretion of the Appointing authority as 'dies non'.

(18) Leave includes, -

- a. Leave without salary
- b. Leave with salary
- c. Maternity Leave
- d. Casual Leave
- e. Special Casual Leave
- f. Compulsory Leave to Radiation workers.

Note: An employee on casual leave or special casual leave shall not be treated as absent from duty and his salary shall not be intermitted.

(19) **Leave not to be a right.** - Leave cannot be claimed as a matter of right. When the exigencies of service so demand, leave of any description may be refused or revoked by the authority empowered to grant it.

(20) **Combination of leave.** - Any kind of leave other than casual leave and special casual leave under these rules may be granted in combination with any other kind of leave.

Note: Sundays and notified holidays can be prefixed or suffixed as the case may be to leave.

(21) **Application for leave.** - (1) Leave shall always be applied for and got sanctioned before it is availed of except for satisfactory reasons.

(2) Any application for leave or for extension of leave shall be made in the prescribed form to the authority empowered to sanction it. (proforma annexed)

(3) Application for leave on medical ground shall be accompanied by a medical certificate. The authority empowered to sanction leave may direct an employee to produce medical certificate in support of leave applied for on ground of ill health. It may also arrange to secure a second medical opinion from an appropriate medical authority as it may decide in respect of leave applied for with a medical certificate.

Note: An employee who is granted leave on medical certificate shall produce a fitness certificate at the time of reporting for duty on the expiry of leave.

(22) **Overstay of leave.** - An employee remaining absent after the end of his leave shall not be entitled to leave salary and the period of such absence shall be treated as unauthorized absence unless the period is otherwise regularised by the authority competent to sanction leave.

(23) **Maximum period of continuous leave.** - No employee shall be granted leave of any kind for a continuous period exceeding two years.

(24) **Lapse of leave.** - Leave with salary earned by an employee as on the date of retirement shall lapse on his retirement provided the leave salary for the leave with salary earned as on that date subject to a maximum 300 days shall be paid for.

Note : This benefit shall accrue also to an employee who dies while in service or whose service is terminated as per the rules.

(25) **Leave with salary.** - (1) An employee shall be entitled to avail leave with salary at the rate of one (1) day for twenty-two (22) working days till the completion of probation.

(2) An employee who has completed the probation shall be entitled to avail leave with salary at the rate of one (1) day for eleven (11) working days in a calendar year.

(3) An employee who has completed one year of service is entitled to get twenty (20) days of half pay leave for every completed year. So also he/she is entitled to commute the half pay to full pay.

Note: Only the days on duty with salary will be reckoned for the purpose of calculating leave. The days on casual leave sanctioned will be treated as duty.

(4) Half pay leave may be granted to an employee on medical certificate or on private affairs.

(5) Employees in the non-clinical category and others except clinical category will be permitted to surrender the leave with salary at the rate of state Government employees are allowed to surrender earned leave.

(26) **Commutation of leave.** - The commuted leave during the entire service shall be limited to a maximum of two hundred and forty (240) days. The commuted leave not exceeding half the amount of half pay leave due may be granted to a permanent employee, and when the commuted leave is granted twice the amount of such leave shall be debited to half pay leave. The commuted leave should be sanctioned only if the sanctioning authority finds it reasonable.

(27) **Leave without allowance.** - Leave without allowance may be granted to an employee at a time up to 180 days without medical certificate

Note (i): The maximum leave without salary that may be granted to an employee without medical certificate in his entire service shall be two years.

(28) **Maternity leave.** - (1) Maternity leave for a period of 135 days may be granted to a female employee.

(2) Maternity leave may also be granted to a female employee in case of miscarriage including abortion, subject to the condition that such leave shall not exceed 45 days and the application for leave shall be supported by a medical certificate.

(29) **Leave for Study purpose.** - Deleted

(30) **Special Disability Leave.** - Subject to the following conditions, special disability leave may be granted to an employee who is disabled by injury sustained during the course of his employment, namely:-

- a. such leave shall be admissible to those employees who have sustained injury or disability as stoppable to the services by the enquiry committee formed for the purpose.
- b. such leave can be granted only on the recommendations of the Medical Officer of the Society not below the rank of a Consultant authorised for the purpose by the Society.
- c. such leave shall be considered as special category leave with pay and allowances.
- d. the period of leave shall be fixed as per the recommendations of the Medical Officer.
- e. such leave will not be debited against the regular leave account of employee.

(31) **Casual leave.** - Every employee of the Society shall be entitled to casual leave as given below, namely:-

- a) the amount of casual leave admissible shall be at the rate of 20 (twenty) days in a calendar year subject to the condition that the total period of absence on casual leave combined with holidays shall not exceed 15 days at a time.
- b) casual leave may be combined with holidays
- c) casual leave for half a day at a time may be granted for half days ending lunch recess; and
- d) employees, who join the society during the course of a calendar year, shall be granted casual leave in proportion to the period of service during that year.

(32) **Special casual leave.** - Special casual leave may be granted to an employee in the following circumstances, namely: -

- a) When he is ordered by the society to absent himself from duty on the certificate of a medical officer or sanitary authority on account of presence of infectious disease in his house.

Provided that where the employee himself is infected, no special casual leave will be granted.

Note (i) The following disease shall be treated as infectious diseases for the purpose of grant of special casual leave.

- (a) Small Pox (b) Plague (c) Cholera (d) Acute influenza pneumonia
(d) Typhoid (e) Diphtheria (g) Cerebra spinal meningitis

Note (ii) Leave under this head shall not ordinarily be granted for a period exceeding 21 days but in exceptional cases, it may be granted up to 30 days.

- b) When he/she is summoned to serve as a juror or assessor or to give evidence before a court as a witness in Civil and Criminal cases in which his/her private interests are not at issue, to cover the period of absence necessary.
- c) When he is bitten by a rabid animal, or if it becomes necessary to undergo anti-rabid treatment due to infection during post-mortem examination or other similar reasons to cover the actual period required for treatment and for the journeys to and from the nearest anti-rabid treatment center.
- d). When undergoing sterilisation operation for a period not exceeding six (6) days for men and 14 days for women.
- e). Women employees to undergo IUCD insertion, for the day of insertion.
- f) The employee donated blood to be given leave for the day of such donation provided a certificate of voluntary blood donation is produced from the Medical Officer of the institution where the blood is donated. Maximum number of leave that can be availed will be two in a calendar year

(33) Compensatory Off. - (1) Compensatory off for working on designated holidays as ordered by the competent authority may be combined with casual leave or other authorized holidays within a month from the date of compensatory off is effective.

(2) The maximum compensatory off for working on designated holiday that can be granted at a time shall be three (3) days.

(3) When the employees are required to work on a designated holiday, they will be eligible for an off equal period within a fortnight after the holiday. The head of department of the section will permit the time for the same.

(34) Compulsory leave to Radiation Workers. - All staff designated as Radiation workers shall be granted compulsory leave for thirty days every calendar year of which 15 days will be special leave with salary granted by the Malabar Cancer Centre and 15 days from the employees leave account with or without salary. Staff working in Departments of Radiotherapy, Imageology including RIA Lab, and Radiation Physics are also declared as radiation workers for the said purpose.

(35) Leave Salary. - An employee on leave with salary or on maternity leave shall be entitled to leave salary equal to the pay and allowance which he would have drawn had he been on duty during the period of leave.

(36) Leave Account. - A leave account shall be maintained for each employee and the details of every leave shall be entered therein.

Chapter IV

GRATUITY AND OTHER BENEFITS

(37) **Gratuity.** – (1) The scheme introduced by the Life Insurance Corporation of India for payment of gratuity will be applicable to all permanent employees of the Society and is as follows.

- a. An employee retiring from service under Rule 11 will be granted gratuity at the rate of half months emoluments (Pay + DA), which he drew last for each completed year of qualifying service and the annual premium covering all the employees coming under gratuity scheme will be paid by the employer.
- b. If an employee dies in harness the gratuity will be paid by the Insurance Department for the entire period of his service of retirement and the employer will pay a nominal amount towards 'Life Cover Charge' along with the annual premium.

(2) Unless otherwise specifically provided the service that qualifies for increment shall qualify for gratuity.

Note: The Executive Committee shall be competent to declare any other service as service qualifying for gratuity.

(3) Any amount owed by a retired employee to the Society shall be recovered from his gratuity.

(38) **Medical benefits.** – The Kerala Government Servants Medical Attendance Rules.

1960, as modified from time to time, shall apply to the employees of the Society also.

(39) **Traveling Allowances.** – Traveling allowances to employees shall be paid as per the relevant provisions of Kerala Service Rules, as amended from time to time.

Chapter V

RECRUITMENT RULES

- 40 **Posts and appointments**- The authority for creation of cadres and posts under the society shall be the executive committee by virtue of powers vested with them according to the Memorandum of Association and Rules relating to the Malabar Cancer Centre Society. The Executive Committee shall by regulations made in this behalf, lay down terms and conditions and methods of recruitment and payments, including age, experience and qualification to the respective posts in various cadres in the society.
- 41 **Recruiting Authority**- The recruiting authority to various posts shall be as follows:-
- | | |
|--|--|
| a) Director | : Government of Kerala |
| b) Academic Staff | |
| Senior Administrative Staff | : Staff Selection Committee of the Malabar Cancer Centre Society |
| c) Paramedical, Nursing, Auxiliary, Technical staff, Junior administration staff, Last grade | : Director or Recruitment Committee. Constituted for the purpose |
- 42 **Staff Selection Committee of Malabar Cancer Centre Society shall consist of:**
- | | |
|---|-----------|
| a) Secretary to Government, Power Department or his nominee | -Chairman |
| b) Secretary to Government, Health Department or his nominee | -Members |
| c) Secretary to Government, Finance Department or his nominee | -Members |
| d) Members of the scientific Committee | -Members |
| e) Principal, Medical College, Calicut | -Members |
| f) Director, Malabar Cancer Centre Society, Thalassery | -Convener |
- 43 **Appointing Authority**- The appointing authority to all posts shall be the Director
- 44 **Method of Recruitment**-(1) The executive Committee shall fix the method of recruitment to each post when the same is created or when the same falls vacant. It shall have the authority to recruitment personnel to fill up posts through direct recruitment, invitation and promotion of personnel in the society or on deputation from Universities, Research Centres, or other autonomous Centres or other State and Central Government Departments or on contract basis
- 2) The rules of Reservation followed by the Government of Kerala shall be observed strictly in the case of recruitment of staff of to the Society.
- 3) Nothing in these shall be constructed to limit or abridge the power of the Governing Body or Executive Committee to re-employ persons in the service of the society who have retired from service.
- a Provides that - such re-employment shall be in the interest of the society;
- b for other special circumstances to be recorded in writing and sanctioned by the Executive Committee; and

- c. the re-employment is not sanctioned beyond two years after the date of normal retirement, the re-employment being only for one year at a time
- 45 Rules for promotion and up gradation of posts of non academic staff.-

1. There shall be a system of assessment promotion or up gradation from new grader to the next higher grade irrespective of the occurrence of vacancies in the higher grade for employees classified as Administrative non academic staff of the Society
2. An employee shall be eligible to be considered for assessment promotion or up gradation after the expiry of five years service in a particular grade.
 - Note (i)* The service that counts for increment in the Rules of the Society shall count as service for the purpose.
 - Note (ii)* Any periods of leave without salary not supported by medical certificate and not exceeding ninety days at a time shall also count as service for the purpose.
 - Note (iii)* Service rendered in the pre-revised scales of pay of a grade shall also count as service for the purpose.
3. The assessment of employees for promotion or upgradation shall be made once in a calendar year sufficiently early after 1st January in respect of all who have become eligible for consideration for such promotion or on before 31st December of every year.
4. An employee who is under suspension or against whom a disciplinary proceeding is pending shall not be eligible to be considered for assessment for promotion until the disposal of the disciplinary proceedings.
 - Note:-* In a case where an employee was not considered for assessment due to suspension or disciplinary proceedings and where he was exonerated of the charges his case for assessment shall be considered in the year in which he completed five year of service in the grade
5. Assessment promotion or upgradation of an employee shall take effect from the first of the month in which he completed five years of service in the grade.
6. The eligibility of an employee for promotion or upgradation shall be assessed by a Committee constituted for the purpose and in accordance with the criteria prescribed by the Executive Committee
7. The employee being assessed shall be required to fill in a self assessment proforma which shall be placed before the assessment Committee along with the recommendations of the concerned head of division who has supervised the work of the employee for a period not less than 45 days which shall be duly reviewed by the Director.
8. The case of an employee who has been found unfit or assessment promotion or upgradation shall be considered against vacancy for the next year
9. No appeal shall lie against the recommendation of the assessment Committee
10. The pay of an employee appointed to a higher grade by assessment promotion or upgradation shall be fixed in accordance with the provision in these Rules
11. If due to promotion a junior draws more pay than the senior in the higher time scale, the pay of the senior shall be fixed at the same stage as that of the Junior, who draws higher pay than his senior

12. Assessment promotion or upgradation in respect of an employee shall be after every five year of service in the lower grade and such upgradation shall be limited to three in the whole of his entire service.
13. The Staff assessment form shall be with following proforma namely,-

Proforma

PART-I

Five Yearly Assessment Form

(to be filled by the office)

- 1 Reported period from..... To.....
- 2 Name (in capitals)
- 3 Date of Birth
- 4 Designation
- 5 Present grade, scale of pay and pay
- 6 Date of entry into service
- 7 Date of appointment to the present grade
- 8 Academic/Professional qualifications (Underline any qualifications obtained during the period under report)
- 9 Period of absence from duty on leave, training suspension etc. during period under report
- 10 Punishments, if any imposed during the period under report

Part-II
(to be filled by the employee)

1. Educational qualifications

Degree/Diploma/Certificate	Class/Grade	University/Board/Institutions
i)		
ii)		
iii)		
iv)		
v)		

2 Additional qualifications /training acquired during the period under review:

3. Employment record of last five years ending on 12-200 starting with the present post.

List in reverse order every employment held

Designation of post	Salary/Scale of pay	Date of joining	Date of leaving
i)			
ii)			
iii)			
iv)			
v)			
vi)			

4. Brief description of significant contributions in your work during the period under report:

Date: _____

Signature
Name
(in block letters)
Designation: _____

Part -III
(to be filled in by the Head in charge)

1. Is the information provided by the employee correct to the best of your knowledge.
2. Please give a resume of the work done by the employee during the last five years ended on 12-200 in relation to tasks assigned to him/her. (attach separate sheet if necessary)
3. Please comment on employee's
 - a) Amenability to discipline:
 - b) Punctuality:
 - c) Integrity:
4. Recommendation of the Division Head in charge

Date: _____

Signature
Name
(in block letters)
Designation:

Part IV

RECOMMENDATION OF THE DIRECTOR

Date: _____

Signature
Name
(in block letters)
Designation:

46 Promotion of academic staff-

- (1) Promotion to higher posts of academic staff in the society is not automatic. Promotions to higher posts shall be based on merit and seniority shall not be the sole criteria for promotion. Promotions will be based on ability, efficiency, previous work assessment reports, conduct and seniority of the employees. The Society shall, however reserve the right to advertise any vacancy and select a candidate on the basis of an interview.
- (2) All academic posts are selection posts the selection to higher posts for academic staff will be based on dedications and excellence in clinical work, original constitutions in research, organizational ability and seniority.
- (3) The assessment from shall be with following proforma, namely:-

Yearly Assessment form (Academic Staff)

Part-I

(to be filled by the Officer)

From..... To.....

Reported Period

- 1 Name
- 2 Date of Birth
- 3 Designation & Grade
- 4 Date of appointment to the posts
- 5 Qualifications acquired during the period of report
- 6 Period of leave, training, suspension etc during the period under report
- 7 Punishment, if any during the period under report

Part-II

(to be filled by the employee)

- 1 Educational qualifications
- 2 Date of Birth
- 3 Additional training during the year
- 4 Employment record (Giver a brief summary of your contributions to the centre during the reporting period under the heads, academic research and clinical in a separate sheet of paper)
- 5 Publications if any
- 6 Conference attend if any
- 7 Awards, nomination, visiting appointments etc which may help to assess your standing in the specialty

Signature

Name (in block letters)

Date:

Part-III

(to be filled by the Head of Division)

- 1 Whether information given by the officer is correct
- 2 Your assessment about the work of the officer
 - a Academic
 - b Clinical
 - c Research
 - d Organisation
- 3 Your comments on integrity and amenability to discipline
- 4 Performance of the Officer
- 5 Final recommendation

Date:

Signature with Name & Designation

Part-IV

Recommendation of the Director

Signature
Name & Designation:

Date:

Chapter VI

CONDUCT RULES

- (47) **Acceptance of Rules.** - (1) Prior to actual appointment to any post, candidates selected for appointment shall sign an acknowledgement and agreement in the form, specified by the Society, which confirms acceptance of the Conduct Rules and Service Rules and Regulations of the Society. The administrative office of the Society will retain this form.
- (2) As a condition for appointment, a person must produce a certificate of fitness in the approved form from the Medical Board of the Society. The Society may, in individual cases dispense with the production of a certificate and may, by general orders, exempt any specified class of employees from operation of this rule.
- (3) Specified categories of employees shall submit themselves to periodical medical tests or inoculations, as may be decided by the Society, from time to time.
- (48) **Deduction from salary.** - There shall be deductions from the salary of employees, wherever necessary, on account of the following items, namely: -
- a. Professional tax
 - b. Income tax
 - c. Provident Fund contribution
 - d. Contribution to EIC
 - e. Contribution to patient welfare fund
 - f. House rent for residential accommodation
 - g. Co-operative recoveries, if any
 - h. Contribution to staff benevolent fund
 - i. Contribution to the patient's benevolent fund
 - j. Any other deductions ordered
- (49) **Question regarding pay.** - Any question regarding pay must be discussed first with the employee's supervisor, who may refer the matter to the Accounts Section
- (50) **Lockers.** - (1) All employees shall themselves make necessary arrangements to protect their personal belongings. Lockers may be supplied to the employees depending on their availability on a first come first served basis.
- (2) The Society is not responsible for loss of personal items by the employees.
- (51) **Transfers.** - (1) A person wishing a transfer within the hospital from one department to another department or section should first discuss the same with his immediate supervisor or departmental head.
- (2) The employees to be considered for transfer must have been on staff for at least six months and recommended by his supervisor. He should apply in writing to his department head requesting a transfer to a particular department in which he would like to work

(3) Administrative Officer shall make a decision on the request in consultation with the Departmental Head concerned. Requests for transfer are accepted only when a specific position is vacant.

(4) Employees are liable to be transferred from one Department or section to any other Department or Section at the discretion of the Society without prejudice to the existing conditions of service, and emoluments of such employees.

(52) **Holidays.** - (1) A list of holidays will be declared in the beginning of every calendar year.

(2) When employees are required to work on a designated holiday, they will ordinarily be granted compensatory leave for such days worked within a month after the holiday. Paramedical staff for whom compensatory leave is granted will be allowed to combine the leave with the holidays, provided the total absence does not exceed 48 hours.

(53) **Cleanliness.** - The employees should, -

- a. not spit except in the spittoon provided.
- b. not smoke in the hospital premises,
- c. keep clothes and uniforms clean.
- d. use bath rooms and toilets hygienically and not leave them dirty for the person who follows them.

(54) **Uniforms.** - Uniforms are provided for such categories of staff, as the Director may specify. The employee shall not leave the hospital wearing the uniforms. Cost of uniform willfully damaged by an employee will be deducted from his salary.

(55) **Fire Prevention.** - (1) All employees must be familiar with their role in case of actual fire and must attend the lecture demonstration or drills, which are held periodically.

(2) Essential procedures:

- i) Keep calm,
- ii) If fire is inpatient's room, remove patients, close doors and windows.
- iii) Notify the hospital telephone operator about the location of fire and what is burning,
- iv) Use fire extinguishers until the arrival of Fire Force,
- v) Remove patients from adjoining areas if there is danger of spreading the fire.

(56) **Visiting.** - Visiting of patients by employees must be confined to off duty hours. Visiting among employees while on duty interrupts work and is disapproved.

(57) **Telephone.** - (1) Good telephone habits are essential to let others know that we are interested in serving them. Employees must observe the following guidelines in using the telephones.

- a. answer promptly
- b. identity yourself by name and department
- c. transfer calls courteously.
- d. give accurate and careful answers.
- e. replace phone carefully.

(2) The PBX system will enable employees to dial any department of the Society directly. PBX system will put the employees in touch with the Society's telephone exchange. Incoming personal calls are not permitted except in emergency. Outgoing personal calls or personal trunk calls are not permitted on Society's phone.

(58) **Equipments.** - Employees must bation care and caution in the use of hospital property and must not attempt to use any equipment unless they have been previously instructed and approved by the Departmental Head to use or operate it. Employees must inform their supervisor if any equipment is found defective.

(59) **Attendance and late coming.** - (1) All employees shall report for work at the Society in time and according to the duty rotation fixed for them from time to time by the Departmental Head or such other officer authorized in this behalf. All employees shall be at their work spot prepared to start work exactly at the notified time.

(2) All employees shall be provided with the time card and they shall punch in the time of their arrival for work and punch out the time of departure after work. Occasionally 5 minutes late attendance is permitted. But if an employee is coming late (over 5 minutes) for every three days late, he/she will lose one day's casual leave. Failure to punch in or out will be considered as misconduct.

(3) All male and female employees of the Society are liable to be searched while entering or leaving the Society's premises. All employees shall be co-operative in having the search made which shall be carried out in the case of female employees by a female employee appointed for the purpose. The search shall be made in the presence of witness of the same sex only.

(4) Any employee carrying Tiffin boxes, document cases, bags and similar cases shall keep them open when demanded as they pass out of the Society's door.

(5) When there is reason to suspect that an employee is in wrongful possession of any property belonging to the Society, the Hospital Administrator Nursing Superintendent or Department Head or the Director shall have the power to cause a search to be made at once in the society's premises.

(6) The society has a right to remove from those searched any article belonging to the society and such other articles as the society may consider would endanger the personnel or property of the society.

(60) **Obligation during working hours.** - (1) Every employee shall carry out the work for which he has been employed to the best of his ability and in accordance with the instructions given to him by the Departmental Head or the Hospital Administrator.

(2) Employees shall not enter or pass through departments other than those in which they are employed unless this is necessary in the course of their duties.

(3) Each employee is responsible for and takes proper care of his work areas and equipment in his charge. Employees shall not take out of the premises any articles or documents, X-Ray film materials, etc., belonging to the society without the written permission of the superior officers.

(4) Employees shall use the canteen only during the intervals fixed and no employee shall be allowed to sit inside the canteen at other times. Any complaint regarding the working of the canteen must be routed to the Administrative Officer through the Supervisor.

(5) Employees must not encourage visitors to visit them during hours of work. If any visitor wants to meet any employee, the visitor shall contact the employee through the Receptionist and arrange the meeting.

(6) The Security staff shall have the power to enter any department at any time with the permission of the concerned supervisor or department head.

(7) If an employee remains absent beyond the period of leave granted he shall lose his lien on his appointment unless he returns within 7 days of the expiry of the leave or he explains to the satisfaction of the Departmental Head his inability to return after the expiry of his leave.

(8) On entering the premises or leaving after the scheduled hours of work, all employee shall punch their card at the authorized places.

(61) **Accidents.** - (1) For the protection and in the interest of employees, all injuries and accidents shall be reported to the superior or departmental head as soon as possible after they occur. If an employee witnesses or discovers an accident in which another employee is involved, he should give whatever first aid he can and escort or direct the employee to the duty doctor and report the accident to the superior or departmental head.

(2) In the case of an injury sustained by an employee on outstation duty shall be informed to the Director through Supervisor or departmental head in writing with necessary medical certificate from a registered medical practitioner.

(3) The supervisor or head of department shall furnish a written report as early as possible on any kind of injury taking place within the premises of the Society.

(4) An enquiry may be ordered by the Director in all such cases to establish whether injury was sustained during performances of the benevolent duty and the nature and seriousness of the incident.

(5) If a patient is injured or involved in any accident, the employee should give all assistance possible and report the incident to the Head Nurse or Supervisor. If the patient is seriously injured, do not attempt to move him until a physician or supervisor approves that.

(6) If an employee witness or discover an accident in which a visitor to the Society is injured, he should assist him/her in every way possible, escort him/her to the duty doctor and report the incident to the supervisor or departmental head. If the visitor is seriously injured do not attempt to move him until a physician approves that.

(62) **Punishment.** - The Appointing Authority shall have the right to effect any kind of punishment mentioned under Rule 75 as amended from time to time on an employee including an order of dismissal for misconduct for the following acts of omission and commission as per the procedure laid down in Chapter VII:-

- i) Willful damage to Society's property.
- ii) Theft, fraud or misappropriation in connection with Society's property.
- iii) Taking or giving bribes or any illegal gratification.

- iv) Discourtesy or unbecoming conduct towards patients, visitors and fellow employees.
- v) Drunkenness, riotous or disorderly behavior within the premises of the Society or any act subversive of discipline.
- vi) Habitual absence without leave or continuous absence without leave for more than 7 days.
- vii) Habitual break of law or rules applicable to society. ✓
- viii) Addiction to drugs.
- ix) Willful insubordination or disobedience whether alone or on combination with another or others of any orders of a superior.
- x) Frequent repetition of acts of negligence or neglect of work.
- xi) Collection or canvassing for the collection of any money within the Society's premises.
- xii) Overstay of leave without proper authority or satisfactory explanation.
- xiii) Engaging in a trade, money, or any other business within the premises of the society.
- xiv) Distribution or exhibition within the society premises of any bills, posters, or pamphlets without the permission. ✓
- xv) Refusal to work on any other job as may be required by the superior for bonafide reasons.
- xvi) Holding or attempting to hold meeting within the premises of the Society without the sanction. ✓
- xvii) Sleeping while on duty. ✓
- xviii) Gambling within the premises of the society.
- xix) Intimidating, assaulting, or threatening any person within the society's premises.
- xx) Unauthorized use of Society's quarters.
- xxi) Conviction by a court of law for a criminal offence involving moral turpitude or entailing punishment by imprisonment. ✓
- xxii) Furnishing false information at the time of employment in respect of details about himself, parent, age, qualification, previous experience etc.,
- xxiii) Divulging of information regarding patients except to proper authorities in the Society.
- xxiv) Unauthorized use of Society's facilities such as X-Ray, Laboratories, ECG/EEG etc for patients other than those registered at the society.
- xxv) Bigamous marriage unless permissible under personal law applicable to such employee.

(63) **To do any work on demand.** - The Supervisor/Departmental Head shall have the right to require for bonafide reasons, an employee to do any work other than the work on which he is usually engaged.

(64) **Grievance about employment.** - If an employee has any grievance arising out of his usual employment, he must inform the same to his immediate superior. If no satisfactory reply is received within 2 days, he/she can adopt the following course of action. -

- a. Present a written statement to the Departmental Head. The Departmental Head shall investigate into the complaint and if possible give a reply within 3 days.

- b. If the employee is not satisfied still, he may discuss the matter with the Administrative Officer who will conduct a preliminary inquiry and give reply. If the employee is still not satisfied, the Administrative Officer in consultation with the Director will give a final ruling on the complaint.

Note:-No employee shall have recourse to a court of law for re-dressal of his /her grievances on service or on any other allied matter unless and until he/she has exhausted all the means available to him/her under relevant rules of society.

(65) **Employees seeking job elsewhere.** - All application for employment elsewhere should be routed through the Director. Only two applications from a confirmed employee and four applications from a probationer will be forwarded in a year for employment elsewhere.

(66) **Bulletin boards.** - Bulletin boards are provided at the society to keep the employees informed of the happenings, events, and changes that may be taking place. The main bulletin board is located near the front lobby and notices placed on it shall be deemed to have read by the employees.

(67) **Property Statement.**- All employees of the society except those in the last grade must submit the society not later than 15th January each year a statement in proforma annexed showing all the immovable properties of which he/she stood possessed or in which he/she had an interest at the close of the preceding calendar year.

Chapter VII

RULES FOR DISCIPLINARY PROCEDURE

(68) **Definitions.** - Unless the context otherwise requires:-

(1) "Appointing Authority" means the authority empowered to make appointment to a post which the employee for the time being holds;

(2) "Disciplinary Authority" in relation to imposition of a penalty on an employee, means the authority competent under those rules to impose the employee that penalty.

(69) **Suspension.** - An employee may be placed under suspension from service. -

(1) Where a disciplinary proceedings against him is contemplated or is pending; or

(2) Where a complaint against him of any criminal offence is under investigation or trial and if such suspension is found necessary in public interest.

Note (i): The appointing authority shall be competent to place an employee under suspension from service. The suspension shall take effect from the date of communicating the orders placing the officer under suspension.

Note (ii): In respect of an employee whose appointing authority is the committee, the Director shall exercise the powers of the appointing authority.

for the purpose of this rule. He shall make a report to the committee on the circumstances under which the order of suspension was made.

(70) **Detention in custody.** - An employee who is detained in custody whether on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended with effect from the date of detention. The appointing authority shall issue an order and the employee shall remain under suspension until further orders. An employee who is undergoing a sentence of imprisonment shall be dismissed/removed from service.

(71) **Continuance of suspension in case of further enquiry.** - Where a penalty of compulsory retirement or dismissal from service imposed upon an employee under suspension is set aside in appeal or otherwise, and the case is remitted for further inquiry or action with or without any directions, the order of his suspension shall be deemed to continue in force on and from the date of the original order of compulsory retirement or dismissal and shall remain in force until further orders.

(72) **Revocation.** - An order of suspension made or deemed to continue, may at any time be revoked by the authority, which made the order or by higher authority

(73) **Subsistence allowance.** - Whenever an employee is placed under suspension, he shall be paid subsistence allowance at the rate as prescribed in the Kerala Service Rules.

Note: No such payment shall be made unless the employee furnishes a certificate that he/she is not engaged in any other employment, business, profession or vocation during the period.

(74) **How the period of suspension to be treated.** - If an employee is fully exonerated of the charges for which he/she was placed under suspension and is reinstated, the period spent under suspension shall be treated as duty with all attendant benefits, but for the suspension. In other cases, the authority competent to impose the penalty shall decide as to how the period of suspension shall be treated.

Note: In the case of dismissal from service with retrospective effect, no recovery of subsistence allowances already paid to an employee is necessary.

(75) **The Penalties.** - The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed upon an employee:

- a. Censure:
- b. Withholding of increments.
- c. Recovery from pay of the whole or part of, any pecuniary loss caused to the Society by negligence or breach of orders or otherwise.
- d. Withholding of promotion to a post or grade.
- e. Reduction to a lower grade or post or to a lower time-scale or a stage in a time-scale.
- f. Compulsory retirement.
- g. Dismissal from the service of the Society.

Note: The following shall not amount to penalty within the meaning of these rules:

- i. Withholding of increments consequential to the extension of probation or reversion to previous post, of an employee appointed on probation to another post during or extended period of probation, in accordance with the Rules or orders governing the service or post or the terms of his appointment.
- ii. Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld.

(76) **Disciplinary authority.** - The Appointing Authority may impose the penalties specified in Rule 75 on an employee.

Note: In respect of employees whose appointing authority is the Executive Committee the penalties specified in item nos. (a) to (c) of Rule 75 may be imposed by the Director.

(77) **Powers of higher authority.** - The powers which an authority may exercise under Rule 75 shall be exercised by the higher authorities also.

(78) **Procedure to be followed in taking disciplinary action.** - (1) No order imposing any of the penalties specified in items (a) to (c) of Rule 75 shall be passed except after: -

- a. the employee is informed in writing of the proposal to take action against him/her and of the allegations on which it is proposed to be taken and is given an opportunity to make any representation he may like to make against the proposal.
- b. such representation, if any, made by him is taken into consideration.

(2) No order imposing on an employee any of the penalties specified in items (d) to (g) of Rule 75 shall be passed except after an inquiry in the manner herein after provided, namely: -

- a. The disciplinary authority or any other authority empowered by it in this behalf shall frame definite charge or charges which shall be communicated to the employee, together with a statement of allegations on which each charge is based and of any other circumstances to be taken in to consideration in passing orders on the case. The employee shall be required to submit within a reasonable specified time a written statement of his defense and also to state whether he desires an oral inquiry. If an oral inquiry is desired by the employee, or is considered necessary, the authority referred to above or a person authorized by it (hereafter referred to as the inquiring authority) may during the course of the inquiry, add to, amend, alter or modify the charges framed against the employee in which case the employee shall be required to submit within a reasonable specified time, any further written statement of his defence and inquire into such of the charges as are not admitted in the written defence statement if any received within specified time.
- b. The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from official records pertaining to the case as he may require in the presence of an officer authorized by general or special order:

- c. The Disciplinary authority, if it is not the inquiring authority, may nominate any person to present the case in support of the charges before the Inquiring Authority. The employee may be allowed to engage a legal practitioner if the inquiring authority permits it having regard to the circumstances of the case.
- d. The Inquiring Authority shall in the course of inquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine the witness examined in support of the charges and to give evidence in person and to have such witnesses, as are permitted and produced / examined in his defence. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and witness examined in his defence. The Inquiring Authority may decline to examine any witness if his evidence is considered not relevant or material and shall record the reasons in writing. If the Inquiring Authority proposes to take into account the oral evidence of any witnesses, the authority shall examine such witness and give an opportunity to the employee to cross-examine the witness. All oral evidence adduced by the witness shall be recorded in writing by the Inquiring Authority and attested by the persons concerned.

Note(i): Any previous written record or a statement made by a witness shall not be used or relied on and shall not form part of the record of the Inquiry except where the employee agrees in writing to treat it as such.

Note(ii): The employee may present to the Inquiring Authority a list of witnesses whom he desires to examine in his defence and shall produce such of the witnesses as are permitted, for examination.

- e) At the conclusion of the inquiry, the Inquiry Authority shall prepare a report of the inquiry recording the 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 also record findings on such charges if the employee has admitted the facts constituting them or has had opportunity for defending himself against them. The disciplinary Authority shall, where it is not the Inquiring Authority consider the records of the inquiry and where it does not agree with the findings of the Inquiring Authority, record its findings on such charge with reasons thereof.
- (f) If the Disciplinary Authority, having regard to the findings on the charges is of the opinion that any of the penalties specified in items (d) to (g) of Rule 75 shall be imposed, it shall, -
 - i. furnish the employee with 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
 - ii. give a notice stating the action proposed to be taken in regard to him and calling on him to submit within a specified time, such representation that he may wish to make against the proposed action.

- iii. The Disciplinary Authority shall consider the representation if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders on the case.
- (g) If the Disciplinary Authority, having regard to its findings is of the opinion that any of the penalties specified in items (a) to (c) of Rule 75 shall be imposed, it shall pass appropriate orders in the case.
- (79) **Joint Inquiry.** – Where two or more employees are jointly concerned in any case, the authority competent to impose the penalty of dismissal from service on all such employees or a higher authority may make an order directing that disciplinary action against all of them may be taken in a joint proceeding and specifying the authority which may function as the Inquiring Authority for the purpose of such joint proceedings.
- (80) **Special procedure in certain cases.** – Notwithstanding anything contained in these rules the requirements of sub rule (2) of rule 78 shall not apply –
- a) where a penalty is proposed to be imposed on an employee on the ground of conduct which had led to his conviction on a criminal charges; or
 - b) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable or in the interest of justice or it is not expedient to follow the procedure prescribed in the said rules.
- (81) **Appeal.** – An appeal against an order, imposing a penalty by the Director shall lie to the committee and these imposed by the Committee rest with the Governing Body.
- (82) **Form and contents of Appeal.** – Every employee preferring an appeal which shall not contain any disrespectful or improper language, and shall be complete in itself, shall do so separately and in his own name and addressed to the authority to whom the appeal lies through the authority which made the order appealed against, with all material, statements and arguments relied upon by the appellant.
- (83) **Withholding of Appeals.** – The authority which made the order appealed against may withhold the appeal, if –
- a) it is not preferred within two months from the date on which the order appealed against is communicated or
 - b) it is an appeal against an order for which no appeal lies; or
 - i. it does not comply with Rule 81 or
 - ii. it is the repetition of an appeal already decided
 - iii. no new facts or circumstances are adduced for a reconsideration of the case;

Provided that an appeal withheld under sub rule (iii) shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the provision of the Rules, shall not be withheld.

Provided further that in every case in which an appeal is withheld the appellant shall be informed of the fact and reasons therefore with copy of the order, communicated to the employee and to the appellate authority and that such a decision shall not be appealable.

- (84) **Appellate Authority's power to call for appeal.** – The authority to which the appeal lies may call for an appeal withheld under Rule 83 and pass such orders as it considers fit.
- (85) **Procedure for disposal of appeal.** – In the case of an appeal, the appellate authority shall pass such orders as appears to it just and equitable, having regards to all the circumstances of the case. Provided that no order imposing enhanced penalty shall be passed without giving an opportunity to the employee to defend against the penalty proposed.
- (86) **Orders of Appellate Authority.**- Orders passed by the appellate authority shall be final.

Chapter VIII

DEPUTATION OF STAFF FOR SHORT-TERM TRAINING COURSES, CONFERENCE/WORKSHOPS, ETC.,

- (87) **Deputation for training courses, conference, workshops, etc.** – The Director may on merits of individual cases, sanction the deputation of academic/clinical staff of the Society to attend short-term courses, conferences, workshops, seminars etc., in India subject to the following conditions; namely; -
1. The short-term training courses, conference, workshops, seminars etc., to be attended by the academic/clinical staff are useful for the research activities of the Centre.
 2. The duration of short-term training course shall not normally exceed 31 days. The total absence from headquarters in connection with seminar, workshops, conferences etc. (excluding any training courses mentioned) shall not exceed normally 31 days in any financial year.
 - (3) Employees shall be sponsored for conferences, workshops, seminars, etc. only if they submit a paper, which is duly approved by the organizers for presentation before such conference, workshops, seminars etc.
 - (4) Permission to attend the conference, workshops, seminars etc., shall be given to the author of the paper or the senior or some other author of the joint paper at the discretion of the Director on the merits of the case after taking into account the recommendation of the Head of Division.
 - (5) The paper to be presented at a conference, workshop, seminar etc., should be on the work done in the Society by the employees of the Society or on a subject coming within the purview of the activities of the Centre.
 - (6) The number of conferences, workshops, seminars etc., in all to be attended by the academic/clinical staff in a year shall not generally exceed the following limits, subject to the condition that his/her absence shall not adversely affect the normal function in the Centre.

Head of Division and Senior : 6 (2 within the State and 4 outside
Doctors & Registrars the State but within India)

Other staff

: 3 (2 within the State and 1 outside the State but within India.)

- (7) Except with the permission of the Executive Committee, no academic/clinical staff shall be deputed outside India to attend short-term courses, conferences, workshops, seminars etc. and that too will be in accordance with directions issued by Government of Kerala in this regard from time to time
- (8) The Academic /clinical staff deputed for short-term training courses, conferences, workshops, seminars etc., shall be eligible for normal TA and DA applicable to their grade from time to time in case they do not get TA and DA from the organizers of such courses etc. Registration fee/Delegate fee, if any, paid by them for attending the short-term training courses/conferences/workshops/seminars etc., shall be reimbursed. The period of absence of the person during the attendance of the above course shall be treated as on duty.
- (9) No person shall be sponsored for more than one training course during a financial year.

Chapter IX

MISCELLANEOUS

(88) Employment to dependents of employees. - Where an employee dies while in service, one dependant of such employee may get employment under the Society subject to such conditions as the Executive Committee may from time to time specify. Such appointments shall be confined to non-clinical post and shall observe the qualification, experience etc prescribed for the respective post.

Note: Dependents include wife, son, and daughter and in the case of unmarried person brother and sister.

(89) Removal of doubts. - If any doubt arises as to the interpretation or application of any of these rules the matter shall be referred to the Government and its decision thereon shall be final.
