

MARATHI - SHREE VITTHAL RUKMINI TEMPLES COMMITTEE, PANDHARPUR,
SERVICES (PAYMENTS DURING SUSPENSION, DISMISSAL AND REMO

SHREE VITTHAL RUKMINI TEMPLES COMMITTEE, PANDHARPUR Post. Pandharpur, Tal. Pandharpur, Dist. Solapur- 413304 SERVICE REGULATIONS 2015 (Payments during Suspension, Dismissal and Removal) SASH to Pandharpur Temples Act, 1973 REGULATIONS Shree Vitthal Rukmini Temples Committee, Pandharpur, Ta- Pandharpur Dist- Solapur Dated - 08/09/2017. No. SVRTCP/EST/ 165/2015. In exercise of the powers conferred by section 2, 37 & 38 of the Pandharpur Temples Act, 1973 (Mah.IX of 1974), and of all other powers enabling it in that behalf, the Shree Vitthal Rukmini Temples Committee, hereby makes the following regulations, namely • CHAPTER 1 GENERAL

1. Short title and commencement.- (1) These Regulations may be called the Shree Vitthal Rukmini Temples Committee, Pandharpur, Services (Joining Time and Payments during Suspension, Dismissal and Removal) Regulations, 2015, (2) They shall come into force on 01 January, 2016

2. Extent of application.- Except as otherwise provided by or under these regulations, these regulations shall apply to all employee appointed to the Committee services and posts in connection with the affairs of the Committee but shall not apply to the officers appointed on deputation by the State Government

3. Power of Interpretation.- If any question arises relating to the interpretation of these regulations, it shall be referred to the Government, whose decision thereon shall be final. oo coma,,

4. Power of relaxation.- Where the Government is satisfied that the operation of any of these regulations causes or is likely to cause undue hardship in the case of any Committee employee or class of Committee employee, it may, by an order in writing, exempt any such Committee employee or class of Committee employee from any provisions of these regulations or may direct that such provisions shall apply to such Committee employee or class of Committee employee with such modifications not affecting the substance thereof as may be specified in such order. An order passed by the Committee under this regulation shall be submitted to the State Government within a period of fifteen days from the date of passing of the order. If in the opinion of the Government the order needs to be modified or annulled, the Government, after consultation with the Committee, may issue such directions: Provided that, any such modification or annulment shall be without prejudice to the validity of anything done or omitted to be done under the order of the Committee so modified or annulled

5. Validity of terms of contract.- The terms of a specific contract enforceable at law, necessarily override the provisions of these regulations

6. Regulation of claims to pay and allowances.- A Committee employee's claim to pay and allowances shall be regulated by the regulations in force at the time in respect of which the pay and allowances are earned

7. Exercise and delegation of powers under these regulations.- It shall be open to the Committee to prescribe by general or special order, that powers under these regulations may be exercised or delegated to the Executive Officer or any other Officer of the Committee. come'

CHAPTER 11 DEFINITIONS

1. Definition. - In these regulations, unless there is anything repugnant and subject or context, (1) (2) (3) (4) (5) (6) (7) "Act" means the Pandharpur Temples Act 1973 (Mah. IX of 1974); "Cadre" means a group of permanent as well as temporary post sanctioned, from time to time, of a service or a part of a service sanctioned as a separate unit; "Committee" means the Shree Vitthal Rukmini Temples Committee constituted under section 21 of the Act; "Compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed, including different types of traveling allowances; "Competent authority", in relation to the exercise of any power, means the Committee, or any authority to which the power is delegated by or under these regulations; "Inquiry authority", in relation to the disciplinary action, means the Manager appointed by the State Government. "Disciplinary authority", in relation to the disciplinary action, means the Executive Officer appointed by the State Government. (8) (9) (10) (11) (12) in relation to the "Appellate authority", disciplinary action, means the Executive Officer appointed by the State Government. 'Date of first appointment' means the date the Committee employee assumes the duties of his first post in the Committee service; "Day" means the period beginning from one midnight and ending with the next

midnight; "Executive Officer" means the Executive Officer appointed by the Government under section 33 of the Act; "Duty" includes, (a) (b) service as a probationer ; joining time , a course of instructions or training authorized by or under the orders of the Committee : Note 1.- The time reasonably required for the journeys between the place of training and the station from which the Committee employee proceeds in order to undergo training, is part of the period of training ; Note 2.- When one or more holidays follow the (d) period of training, the training period may be deemed to have been extended to cover such holidays the period occupied, in appearing for a language or computer proficiency examination prescribed by the Committee at which a (ii) Committee employees has been granted permission to appear; in attending an obligatory departmental examinations. The period intervening between the dates on which a Committee employee is engaged on contract or ad-hoc basis temporarily for special or other duty and the date on which he takes over charge: Provided that, the period does not exceed the joining time that would be permissible to a Committee employee; "First appointment" means the appointment of a person who is not holding any appointment under the Committee to a substantive post even though he v. (13) (14) (15) (16) (17) may have previously held such an appointment; the Government "Government" means Maharashtra; of "Joining time" means the time allowed to a Committee employee to join a new post or to travel to or from a station to which he is posted; "Leave" means permission to remain absent from duty granted by a competent authority under this regulations; "Lien" means the title of a Committee employees to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively; BOMBAY (18) (a) "Month" means a calendar month and in calculating 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. Instruction:- Calculations of period expressed in terms of months and days should be made as under . To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted • X. 25th January to 3 1 st January February to April 1st May to 13th May Y. O O o O M. O 3 o 3 D. 7 13 20 (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below • 30th January to 31st January February 1st March to 2nd May Y. 0 o o o M. 0 1 o 1 D. 2 2 4 ? ASH (19) (20) (21) (22) (23) "Officiate" a Committee employee officiates in a post when he performs the duties of a post on which another person holds a lien. A Competent Authority may, if it thinks fit, appoint a Committee employee to officiate in a vacant post on which no other Committee employee holds a lien; "Pay" means the amount drawn monthly by a Committee employee as - (ii) (iii) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; personal pay and special pay; and any other emoluments, which may be specially classed as pay by the Committee. "Permanent post" means a post carrying a definite rate of pay sanctioned without limit of time; "Personal pay" means additional pay granted to a Committee employee,- to save him from a loss of substantive pay in (a) respect of a permanent post other than a tenure post due to a revision of pay or due to pay reduction of such substantive pay otherwise than that as a disciplinary measure; or on other in exceptional circumstances, (b) personal considerations; "Presumptive pay" of a post, when used with reference to any particular Committee employee, 00 eomgAY (24) 1 means the pay to which he would be entitled, if he held the said post and were performing its duties, but it does not include special pay unless the Committee employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned; "Probationer" means a Committee employee employed on probation in or against a substantive or temporary vacancy in the cadre of the Committee. Note 1.- No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination. Note 2.- A Committee employee other than one who holds substantively a permanent post appointed on promotion to a temporary post will be treated for all purposes as a temporary Committee employee. Note 3.- The status of a probationer is to be considered as having the attributes of a substantive status except where the regulations prescribe otherwise; (25) (26) "Salary" means all emoluments received by a Committee employee as pay, additional pay, special pay, personal pay and all allowances attached to the post. he is holding and includes ex-gratia payment granted by the Committee; "Selection grade" means a scale of pay, which has been sanctioned specifically as a selection grade by an order of the Committee; COM&, BOMBAY ASHIAÄ (27) (28) (29) (30) Note. "Special pay" means an

addition, of the nature of pay, to the emoluments of a post or of a Committee employee granted in consideration of, (b) the specially arduous nature of the duties; a specific addition to the work or responsibility; "Substantive pay" means the pay other than special pay, personal pay or emoluments classed as pay to which a Committee 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; "Temporary employee" means and includes persons appointed on contract basis, ad-hoc basis, for specific period, for completion of specific work; "Temporary post" means a post carrying a definite rate of pay sanctioned for a limited time. Substantive appointment to temporary post shall be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts shall be made in all officiating capacity only. Instruction.- The benefit of substantive appointment to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Committee employee has already been appointed substantively to temporary post and there is a temporary interruption in his tenure of the post, it would not be er Committee employee substantively to proper to appoint and the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than three years may be treated as temporary. It follows, therefore, that where a Committee employee is already appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years; (31) (32) "Tenure post" means a permanent post which ari individual Committee employee may not hold, for more than a limited period without reappointment; (a) (b) (c) - Scale Pay" means a pay which "Time subject to any conditions prescribed in these regulations, rises by periodical increments from a minimum to a maximum; Time-scales are said to be identical, if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical; A post is said to be on the same time-scale as another post on time-scale, if the two time- scales are identical and the posts fall within a cadre, or a Group in a cadre, such cadre of Group having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or Group and not by the fact that he holds that post; 0.0 SON BAY (33) (34) (35) "Transfer" means the movement of a Committee employee from one headquarter station in which he is employed to another such station either, (a) (b) to take up the duties of a new post; or in consequence of a change of his headquarters; "Transit Time" means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel. "Registered Trust" means trust established under section 2 (za) of the Act

CHAPTER 111 PAYMENTS DURING SUSPENSION, DISMISSAL AND REMOVAL 1. Pay and allowances cease from the date of dismissal or removal.- The pay and allowances of a Committee employee, who is dismissed or removed from service, ceases from the date of such dismissal or removal 2. Grant of leave not permissible during suspension.- Leave may not be granted to a Committee employee who is under suspension

3. Subsistence allowance and compensatory allowances during suspension.- A committee employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely: COMA, / (a) A subsistence allowance at an amount equal to the leave salary which the Committee employee would have drawn if he had been on leave on half pay and, in addition dearness allowance based on such leave salary: Provided that, where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows: (i) It may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the Committee employee; (ii) It may be reduced by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of the first three months if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be

recorded in writing, directly attributable to the Committee employee; (iii) The rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub- clauses (i) and (ii), above: (b) Other compensatory allowance shall be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub- clauses (i) and (ii), above. r; Provided that, the Committee employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the Committee employee continues to meet the expenditure for which they are granted

4. Recovery of Trust dues from subsistence allowances and furnishing of non-employment certificate while under suspension.- (1) Notwithstanding anything contained in regulation 17, the authority suspending the Committee employee may withhold the payment of dearness allowance and compensatory allowances to the Committee employee under suspension and appropriate the same towards the payment of any amount which may be due to the Committee. (2) The following provisions shall apply to the recovery of dues from the subsistence allowance:- (a) Compulsory deductions. -The following deductions shall be enforced from the subsistence allowance:- (ii) (iii) (iv) (v) Income tax and Profession Tax; License fee and allied charges i.e. electricity, water, furniture etc.; Repayment of advances taken from the Committee at such rates as the Executive Officer deems it right to fix; Subscription to Provident Fund; Recovery of any amount due to the Committee for which responsible; (b) Optional deductions.- not be made except with the consent:- is employee a Committee The following deductions shall Committee employee's written (ii) (iii) (iv) Premia due on Postal Life Assurance Policies; Amount due and monthly contribution of the Committee Employee Credit Co-operative Society Ltd; Refund of advances taken from Provident Fund; Amounts due on Court attachments; (3) No payment under regulation 17 shall be made unless the committee employee furnishes a certificate to the following effect before payment is made every month: "I certify that I did not accept any private employment or engage myself in trade or business during the period in question." If the authority has any reasons to doubt this certificate; it may ask any officer of the Committee to verify the certificate and if the Committee employee is found to have given a false certificate that shall be construed as an act of misconduct and made an additional charge against him. (4) The compensatory local allowance and house rent allowance sanctioned at the discretion of the suspending authority under regulation 17, can be drawn only if the Committee employee under suspension certifies that he or his family or both resided for the period for which the allowance is claimed at the station where he was on duty at the time of suspension

5. Regularization of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside as a result of appeal and such Committee employee is reinstated.- (1) When a committee employee who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would go to BAY have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order, (a) (b) regarding the pay and allowances to be paid to the Committee 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 whether or not the said period shall be treated as a period spent on duty. (2) Where the authority competent to order re-instatement is of the opinion that the Committee employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the Committee employee shall, subject to the provisions of sub-regulation (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be: Provided that, where such authority is of the opinion that the termination of the proceedings instituted against the Committee employee had been delayed due to reasons directly attributable to the Committee employee, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served shall, subject to the provisions of sub-regulation (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine. (3) In a case falling under sub-regulation (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes. (4) The payment of allowances under sub-regulation (2) shall be subject to all other conditions under which such allowances are admissible. (5) The amount determined under the proviso to sub-regulation (2) shall not be less than

the subsistence allowance and other allowances admissible under regulation 17. (6) Any payment made under this regulation to a Committee employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the pay and allowances admissible under this regulation are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Committee employee

6. Regularization of pay and allowances and the period of absence from duty where dismissal, removal, or compulsory retirement is set aside by a Court of law and such Committee employee is reinstated.- (1) Where the dismissal, removal or compulsory retirement of a Committee employee is set aside by a Court of law and such Committee employee is reinstated without holding any further inquiry, the period of absence from duty shall be regularized and the Committee employee shall be paid pay and allowances in accordance with the provisions of sub-regulation (2) and (3) subject to the directions, if any, of the Court. (2) If the dismissal, removal or compulsory retirement of a Committee employee is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be. (3) The payment of allowances under sub-regulation (2) shall be subject to all other conditions under which such allowances are admissible. (4) Any payment made under this regulation to a Committee employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the pay and allowances are admissible under this regulation are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Committee employee

7. Reinstatement of a committee employee after suspension and specific order of the Executive Officer regarding pay and allowances etc. and treatment of period as spent on duty.- (1) When a Committee employee who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make a specific order,- regarding the pay and allowances to be paid to the (a) Committee employee for the period of suspension ending with reinstatement or the date of his retirement on superannuation as the case may be; and (b) whether or not the said period shall be treated as a period spent on duty (2) Notwithstanding anything contained in regulation 17, where a Committee employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance already paid. (3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Committee employee shall, subject to the provisions of sub-regulation (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended Provided that, where such authority is of the opinion that the termination of the proceeding instituted against the Committee employee had been delayed due to reasons directly attributable to the Committee employee, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing that the Committee employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine. (4) In a case falling under sub-regulation (3), the period of suspension shall be treated as a period spent on duty for all purposes (5) In cases other than those falling under sub-regulation (2) and (3), the Committee employee shall, subject to the provisions of sub-regulation (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the Executive Officer may determine, after giving notice to the Committee employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been

served, as may be specified in the notice (6) Where suspension is revoked pending finalization of the disciplinary or court proceedings, any order passed under sub- regulation (1), before the conclusion of the proceedings against the Committee employee, shall be reviewed on its own motion in sub-regulation (1), who shall make an order according to the provisions of sub-regulation (3) or (5), as the case may be. (7) In a case falling under sub-regulation (5), the period of suspension shall not be treated as a period spent on duty, unless the Executive Officer specifically directs that it shall be so treated for any specified purpose : Provided that, if the Committee employee so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Committee employee Note.- The order of the Executive Officer under the preceding proviso shall be absolute and cannot be called in question. BOMBAY (8) The payment of allowances under sub-regulation (2), (3) or (5) shall be subject to all other conditions under which such allowances are admissible. (9) The amount determined under the proviso to sub-regulation (3) or (5), shall not be less than the subsistence allowance and other allowances admissible under regulation 17

8. Adjustment of subsistence allowance against final payment.- The amount of subsistence allowance, if any, already drawn is to be deducted from the pay and allowances or proportion of them, which may be granted under regulation 19, 20 or 21, as the case may be

9. Filling in vacant posts substantively due to reduction, removal or dismissal, after six months.- Posts vacated by Committee employee reduced, removed or dismissed from service, may be filled substantively only after the expiry of the period of six months from the date of such reduction, removal or dismissal, as the case may be, subject to the condition that the arrangements thus made will be reversed if such Committee employee are reinstated on appeal

10. Grant of pay and allowances on reinstatement does not cancel officiating arrangement.- The grant of pay and allowances or a proportion of them under regulation 13, 14 or 15 does not cancel any acting arrangements which may have been in force during the period of a Committee employee's removal, dismissal or reduction

CHAPTER IV RETIREMENT BENEFITS, EMPLOYEES PROVIDENT FUND, RETIREMENT AGE & EXTENSION OF SERVICE 1. Retirement Benefits.- As per condition no. 4 of the Government of Maharashtra, Law & Judicial Department, .4 COMN/s esolution no. PTA 2014/ 533/ Cha. 70/ Desk 16, dated 29th November, 2016, the committee employees will not be eligible for the benefits of pension scheme after retirement as well as the committee employees will not be eligible for (Time bound promotion or Kalbadha Padonnati & Kunthit Vetanvathi)

2. Employees Provident Fund.- The Employees Provident Funds Scheme will be compulsory. applicable to all committee employees. The contribution to this scheme by the employees will be made by the deduction from his or her salary as per rules of this scheme

3. Retirement Age.- Every committee employee will be retired from his or her service on the date completing his or her age of 58 years. (a) But if this date comes on the first day of the month, the day of retirement of the employee will be considered as the last day of the previous month. (b) If this day comes after the first day of that month, then the day of retirement will be consider as the last day of that month

4. Extension of Service.- The temple committee will have the right to extend the service of the employee after his or her retirement, considering the experience, conduct, knowledge, etc. of the employee & the necessity of the temple committee. But the period of extension should not be more than two years. (S. B. Teli) Executive Officer, Shree Vitthal Rukmini Temples Committee, Pandharpur