

THESE REGULATIONS MAY BE CALLED THE SHREE SIDDHI VINAYAK GANPATI TEMPLE TRUST (PRABHADEVI) SERVICES (DISCIPLINE AND APPEAL)

Shree Siddhi Vinayak Ganpati Temple Trust (Prabhadevi) Services (Discipline and Appeal) Regulations, 2008. Siddhi Vinayak Ganpati Temple Trust Act, 1980 In exercise of the powers conferred by sub-section (3) of 13 read with the Section (2) of section of the Shree Siddhi Vinayak Ganpati Temple Trust (Prabhadevi), Act, 1980 (Mali-VI of the Shree Siddhi Vinayak Ganpati Temple Trust Management Committee hereby makes, with previous approval of the Government of Maharashtra the following regulations, namely PART —1 GENERAL Short title:— (1) These regulations be called the Shree Siddhi Vinayak Ganpati Temple Trust (Prabhadevi) and Appeal) Regulations, 2008 (2) They shall come into force on 2008 2. Definitions. —In these regulations, unless the context otherwise requires,— (a) "Shree Siddhi Vinayak Ganpati Temple Trust (Prabhadevi) Act. (Mah. VI "appointing authority". in relation to Trust servant means,— (i) the authority appointment to the service of which the Trust servant is for the time being a member or holds the grade of the Trust the time included; or (ii) the authority competent to make appointments to the post which the Trust servant for the time being holds; or (iii) the authority which appointed the Trust such service, grade or post, as the case may be; means the Management Committee constituted under section 5 of the Act; (d) "Disciplinary authority" means the authority competent under these regulations to impose on a Trust servant any of the in regulation 5, (e) "Executive Officer" means the Executive Officer appointed by Government under section 5 of the Act (i) "Governor" means the Governor of Maharashtra; advocate. Vakil or attorney of any High Court, agent; (h) "major penalty" means any of the penalties specified in (i) to (iv) of sub-regulation (i) of regulation (i) "minor penalty" means any of the penalties specified in (i) to (iv) of sub-regulation (1) of regulation 5; (j) "State" means the State of Maharashtra; means the Shree Siddhi Vinayak Ganpati Temple Trust (Prabhadevi); Trust servant" means any person who is appointed to Trust set-vice or post in connection with the affairs of the Trust, Except as otherwise provided by or under these regulations, these regulations shall apply to every Trust servant not being,— (a) any member of any Government Service on deputation to the Trust; (b) person in casual employment of the Trust. (2) Notwithstanding anything contained in clause (b) by order, exclude any class of Trust servants from the operation of all or any of these regulations, (5) any doubts, 25 (a) whether these regulations or any of them apply to any person, or (b) whether any person to whom these regulations apply, belong to particular service, the Committee shall decide the and decision of the shall be final, 11 SUSPENSION 14. Suspension.— The appointing authority or the disciplinary authority or any other authority empowered in that behalf by the appointing authority, by general or special order, may place Trust servant under suspension proceeding against him is contemplated or pending; (b) Where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the Trust, or where a case against him in respect of any is under investigation, or trial Provided that, where, an authority makes the order of suspension other than the appointing authority, such shall report to the authority, the circumstances in which the order was made. X Trust servant shall be deemed to be placed under suspension by an order of the appointing authority,— from the date of his detention; if he is detained in police or judicial custody, whether on criminal charges otherwise, a period exceeding forty—eight hours; (b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or is only retired consequent to such conviction Explanation.— The period of forty-eight hours in clause (b) of sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account, (S) Where a penalty of dismissal, removal or compulsory retirement imposed on Trust servant under suspension is set aside in appeal or on under the S& regulations, and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders. Where a penalty of removal or compulsory retirement from service imposed upon a Trust servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority on consideration of the circumstances of the case, decides to hold a further inquiry

agaitiÂt him -cm the allegations on wliieh the penally or dismissal or c0mpulsory retirement was originally iraposed,Älae Trusc servant shall be deemed to have been placed under suspension by the appointing nuthorif.y from of the original order of dismissal removal compulsory retirement Shall continue to remiimunder suspension until further orders: Provided that' 00 such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed order purely on technical grounds Without going into the merits of the case (5) (a) An order of suspension made or deemed to have been rnadeunder this regulation shall continue to remain in COrce until it is tj10difid or revoked the authority competent to do so, (b) Where a Trust servant is suspended or is deemed to have beetl suspended {whether it: with any disciplinary proceeHing or otherwisel and tny Other proceeding is commenced against during the continuance of that suspension, the authority 27 competent to place him under suspension znay. for reasons to be recorded by it in writing, direct that the Trust servant shill continue to be under until the termination orall or any of such •proceedings- order of made 01' dccmed to have been made under this regulation may at any time be modified revoked by the authority which made or is deemed to have made. the order or by apy authority -to which that authority is subordinate. PENALTIES AND DISCIPLINARY AUTHORITIES 5 Penalties.- 11) Without to the provisions of any law the thne being in force. the following penalties may. and sufficient reasons as hereinafter provided, he imposed Trusx servant, Mi nor Penalties:— (11) '»vithltoldingofhis promotion; (iii) recovery from pay part of any pecuniary [oss caused by to the Trust, by negligence OT breach of orders: •ithholdi ng of otpayi (v) reduction to lower stage in the time scale of pay for a period. With further directions to whether not the Trust servant will earn increments of pay the period of such reduction .anci whether on the period. the reduction or will not have the effect or postponing increments ofhis pay; to a lower Of pay, grade post, or service shall ordinarily be R bREtO the promotion of' Trust servant to the time-scale ofpay, grade, post or service from which he was reduced. AB'ith or without further directions regarding conditions or restoration to the -time—scale Of pay, grade. post or which the Trust servtnt was reduced and bis seniority and pay on such restoration to that scale of pay. post or services; Major Penalties:- (vii) compulsory retirement; (viii) removal from service which shall not be disqualification fov (Uther.exuployment under apy public; Authority i.e. the State as defined in, Article of the Constitution of India (is) dismissal from service which shall ordinarily be disqualification for fulture employment under any Public Authority the State as defined ill of the Constilttion of Inciil' Provided that. in every case in "which the charge acceptance from any person any gratification other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established. the penalty mentJ01led in clause {viii) or (ix) shall be imposed; Pmviciecl that, in any exceptional case and for special reasons recorded in writing any other penalty may be imposed. Explanation.- The following shall not amount to a penalty within the meaning of this regulation, namely: - (1) Withholding of increments or pay ofa Trust servant for his failure to pass departmentalexamination or the Hindi and Marathi lymguage nation in accordance regulations or orders governing the service to he belongs or post which he holds or lhe terms of his appointment; Stoppage Ota Trust tt the efficiency bar irr the time-scaleofpay the gvvund Of his unfitness cross the bar; Non-promotion of a Trust servant, whether in a substantive ov officiating capacity, after consideration of his to a service, grade or post for promotion to which he is eligible, administratlve ground uncourttested with his conduct; (iv) Reversion of a Trust servant officiating on a higher service, grade Ctr post to a lower servvce, grade or post in the ground that he is considered to be unsuitable for such higher service. grade or post or any administrative ground unconnected with his conduct; Reversion Of a Trust servant appointed on probation to my other service, grade or post, to his permanent service. grade or post during or at the end of the period of probation in with the terms of his appointntent or the regu%ltiong and orders governing such probation; Wi} Replacement the service ofa Trust ser•..nt, whose service beet) borrowed front any Government in India or any authority under its control, at the disposal Government, or authorit•yi (vii) Chmpulsöry retirement of a Trust servant in nc;corâancewith the provisions his sup,crannuntion or retirement; (viii) Termination ofthe services,— Trust O" Ot at the encl of the period of his in accordance with the of his appointment the and orders governing such pyobaziorz; or a temporary Trust pervatât employed under an the term ofsuch agreement. Whet-ea- mentioned in or in regulation (E) is imposed on a T msg Servat1Lr authority imposing tlvepenaity shall Äpressly statein the order imposing such penalty that the period for which the reduction is to be effective that the period for effective will be exclusive of any interval spent on leave before period is completed. — The Cornmittee may impose any Ille penalties specified i!! regulation on. Trust servant.

Without prejudice to the provisions of sub-regulation the appointing authorities may impose of the penalties specified in regulation 5 and Group Services so long as they have the power to appoint; Provided that, the Executive shall exercise the powers of imposing minor penalties on Group C and Group Trust servants under their respective administrative control, 30

7. Authority-to-institute-proceedings.- (1) The Committee or other authority empowered by general or special order may.- (a) institute disciplinary-proceedings against any Trust servant; (b) direct a disciplinary authority to institute disciplinary proceedings against any Trust servant on whom that disciplinary authority is competent to these regulations any of the specified 5. (c) direct the transfer pending enquiry from enquiring authority, appointed by the disciplinary authority under sub-regulation of regulation 8. to any Other enquiring authority if it is satisfied that it is necessary for timely completion of enquiry, disciplinary authority competent under these regulations to impose any of the penalties specified in regulation 5 may institute disciplinary proceedings against any Trust servant on whom the disciplinary authority competent to impose any of the penalties specified in regulation PART - PROCEDURE FOR IMPOSING PENALTIES (1) No order of the penalties shall be made except after an inquiry held, as far as may be in the manner provided in this regulation or regulation 9, Whenever the disciplinary authority has the opinion that there are grounds for the imputation of misconduct or misbehaviour against a Trust servant. it may itself inquire, or appoint authority under this regulation to inquire into the truth thereof Where a disciplinary authority itself holds an inquiry under this regulation, any reference to an enquiring authority in this regulation shall unless the context otherwise requires, be construed as reference to the disciplinary authority. (3) Where it is proposed to hold an inquiry against a Trust servant under the authority shall draw up or cause to be drawn up,- 31 (a) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles or charge; or (b) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain,- (i) a statement of all relevant facts including any admission or confession made by the Trust servant; and (ii) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained. The disciplinary authority shall deliver or cause to be delivered to the Trust servant a copy of articles of charge, the statement of the imputations of misconduct or misbehaviour, and a list of names of the witnesses by which each article of charge is proposed to be sustained and shall by a written notice require the Trust servant to attend at such time and place as may be specified in the notice, written statement of his defence and to state whether he desires to be heard in person. On receipt of the written statement of defence, the disciplinary authority itself inquire into such of the articles or charges as are not admitted. or, if it considers it necessary so to do. appoint under sub-regulation enquiring authority for purpose; and where all the articles of charge have been admitted by the Trust servant in his written statement of the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall in manner laid down in regulation of this (b) If no written statement of defence is submitted by the Trust servant, the disciplinary authority may itself inquire into the articles of charge. It may, if it considers it necessary to do appoint under sub-regulation {2} of these regulations as enquiring authority for the purpose; Where the disciplinary authority appoints enquiring authority it may, by an order, appoint a Trust servant or legal practitioner, to be known as the *Presenting Officer* to present the case in support of the articles of charge before the enquiring authority. (G) The disciplinary authority shall, where it is not the enquiring authority, forward to the enquiring authority/ 32 (i) a copy of the articles of charge and the statement of the imputations or (ii) a copy of the written statement of defence. if submitted by the Trust servant; (iii) copies of statements of witnesses, if referred to in sub-regulation (g) of this regulation; (iv) evidence providing the delivery of the documents referred to in sub-regulation of this regulation; (v) a copy of the order appointing the Presenting Officer. The Trust servant shall appear in person before the enquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of defence. or, if he is unable to appear, as the enquiring authority may, by a notice in writing specify in his behalf, or within such further time not exceeding ten days, as the enquiring authority may allow. (8) The Trust servant may take the assistance of other Trust servant or retired Trust servant or retired Government servant to present the case before him, but may not legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority regard to the circumstances of the case permits, (9) If the Trust servant who has not any of articles of charge in his written statement of defence, or has not submitted any written

statement of defence, before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to and if he pleads guilty to any of the articles the inquiring authority shall record the plea, sign the obtain signature of the Trust servant thereon. (10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Trust servant pleads guilty, 1) The authority shall, if the Trust servant appears within the specified time or refuses to appear, require the Presenting Officer to produce the evidence by which he proposes to prove articles of charge and shall the case to a later date not exceeding thirty days, after recording an order that the Trust servant may; for the purpose of preparing his (iii) appear within five days of the order or within such further time exceeding five days as the inquiring authority allow, the documents specified in the list referred to in sub-regulation regulation; submit, list of witnesses to be examined on his behalf: give a notice seven days of the order or within such further time exceeding ten days as the Inquiring authority may allow. for the discovery or production of any documents in the possession of the Trust but not mentioned in the list referred to in sub-regulation (S) of this regulation, indicating relevance of documents. Trust servant applies orally or in writing for the supply of the documents mentioned in the list referred to in sub-regulation of regulation, the inquiring authority shall furnish him copies as early as possible, and in any case not later than three days before the date of the examination of the witnesses on behalf of the disciplinary authority. 13) Where the inquiring authority receives it notice from Trust servant for the discovery production of documents, the authority shall forward the same or copies thereof to the authority in whose custody possession the documents are kept with a requisition the production of the documents by such date as may be specified in such requisition to the authority; Provided the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case. 34 (14) On receipt of the requisition referred to in sub-regulation every authority having the custody possession of the requisitioned documents shall produce the same before the inquiring authority: Provided that, if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by writing that the production of all or any of such documents would be against the interest of the Trust, it shall inform the inquiring authority and the inquiring authority shall, on being so informed, communicate the information to the Trust servant and withdraw the requisition made by it for the discovery of documents, (1b) The inquiry shall be commenced on the date fixed in that behalf by the inquiring authority and shall be continued thereafter on date or dates as may be fixed, time to time, by that authority, { 16) On the date fixed (for the inquiry) the oral and documentary evidence by which the articles are proposed to be proved shall be given by or on behalf of the Presenting Officer and may be given by or for the Trust servant, The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined. not on any matter; the leave of the inquiring authority, The inquiring authority may also ask such questions to the witnesses as it thinks fit. If it is necessary before the case on behalf of the disciplinary authority, the inquiring authority may allow the Presenting Officer to produce evidence not included in the list given to the Trust servant or may itself call for new evidence or recall and re-examine any witness and in such case the Trust servant shall be allowed to demand it, copy of the list of further evidence proposed be produced and an adjournment of the inquiry for three clear days before the production of such new evidence. exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority may also allow the Trust servant to produce new evidence; if it is of the opinion that the production of such is necessary in the interests of justice. 85 Provided that, no evidence be permitted to be called for any witness shall be recalled to fill up any gap in the evidence unless there is an inherent lacuna or defect in the evidence which has been produced originally. (18) When the case for the disciplinary authority is closed the Trust servant shall be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded in writing the Trust servant be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer appointed; if any. on of the Trust servant then be produced, The Trust servant may examine himself on his behalf if he so prefers. The witnesses produced by the Trust according to the provisions applicable to servant shall then be examined by the inquiring authority the witnesses for the disciplinary authority, (20) The authority may, after the Trust servant closes his case and shall, if the Trust servant, himself examined himself. generally question him on the circumstances appearing against him in the evidence the purpose of enabling the Trust servant to explain any circumstances appearing in the evidence against him. The authority may after the completion of production of evidence, hear Presenting Officer, appointed, if any. and the servant, or permit them to file

written briefs.} their respective case, if they so desire (92) If the Trust servant to a copy of the articles of charge has been delivered does not submit a statement of defence on or the date specified for purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the authority may hold the inquiry partly. Where a disciplinary authority competent to impose any of the minor penalties but not competent to impose any of the penalties itself inquired into or caused to be inquired into any of the articles of charge and authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it. If it is of the opinion [that any of the major penalties should be imposed on] the Trust servant, that authority shall forward records of the inquiry to such disciplinary authority as is competent to impose such penalty. (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is in the interest of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses, and may impose the Trust servant such penalty as it deems fit in accordance with these regulations. Provided that, if any witnesses are recalled, they may be cross-examined by or on behalf of the Trust servant, (24) Whenever an inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry cases co-exercises jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises such jurisdiction, the inquiring authority so succeeding act on the evidence so recorded by its predecessors, or partly recorded by its predecessor and partly recorded by itself. Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, and re-examine any such witnesses as hereinbefore provided. Provided further, if any witnesses are recalled, they may be cross-examined by or on behalf of the Trust servant, After the conclusion of the inquiry the inquiring authority shall prepare a report. report shall contain,— (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour; (b) the defence of the Trust servant in respect of each article of charge; (c) an assessment of the evidence in respect of each article of charge; (d) the findings on each article of charge and the reasons therefor. (26) Where, in the opinion of the inquiring authority, the proceedings of the inquiry establish any article of charge different from original articles of the charge, it may record its finding on such article of charge. Provided that, the findings on such article of charge shall not be recorded unless the Trust servant has either admitted the facts which such article of charge is based on or has had a reasonable opportunity of defending himself against such article of charges, The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include, the report prepared by it under sub-regulation (25); (b) the written statement of defence, if any, submitted by the Trust servant; (c) the oral and documentary evidence produced in the course of the inquiry; (d) written briefs, if any, filed by the Presenting Officer or the Trust servant or both during the course of the inquiry; and the orders, if any, made by the disciplinary authority and the inquiring authority in relation to the inquiry. 9, (I) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it, in writing, remit the case to the inquiring authority for inquiry and report, and the inquiring authority shall thereupon proceed to hold the further inquiry in accordance with the provisions of regulation 10 of these as far as may be. The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its findings on each charge, If it disagrees with the findings of the inquiring authority on any article of charge, it shall record its reasons for such disagreement. 38 If the disciplinary authority having regard to its findings on or any of the articles of charge is of the opinion that any of the minor penalties should be imposed on the Trust servant, it shall, notwithstanding anything contained in regulation 10 of these regulations, determine what penalty, if any, should be imposed on the Trust servant and make an order imposing such penalty. (4) If the disciplinary authority, having regard to its findings on all or any of the charges and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of sub-regulation (V) of regulation should be imposed on the Trust servant, it shall make an order imposing such penalty and it shall not be necessary to give the Trust servant any opportunity of making representation against the penalty proposed to be imposed. 10; Procedure for imposing minor penalties- (1) Save as otherwise provided in sub-regulation 3 of regulation 9, no order imposing any of the minor penalties shall be made except after,— (a) informing the Trust servant in writing of the proposal to take action against him on the basis of the imputations, Of misconduct or

misbehaviour •which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may make against the proposal; (b) holding an Inquiry in the laid down in regulation S' every case in which the disciplinary authority is of the opinion that such inquiry is necessary; (c) taking into consideration the representation submitted by the Trust servant under clause (a) of this regulation and the record of inquiry, if any, held under clause (b) of this regulation; and (d) according a finding on each imputation of misconduct or misbehaviour (Z) Notwithstanding anything contained in clause (b) of this regulation if in a case it is proposed, after considering the representation if any, made by the Trust servant under clause of that sub-regulation, to withhold increments of pay and withholding of increments is likely to affect adversely the amount of pension payable to the Trust servant or to withhold increment* Of pay •with Cumulative effect any period, an inquiry shall be held in the laid down in sub-regulations (g) and of regulation S, before making any Order of imposing on the Trust servant any such penalty: (3) The record of the proceedings in such cases shall include, - (i) a copy of the intimation to the Trust servant of the proposal to take action against him; - copy of the statement or imputations of misconduct or misbehaviour delivered to him; his representation, if any; evidence produced during the inquiry; the findings on each imputation of misconduct or misbehaviour; and the orders in the case together with the reasons therefor made by the disciplinary authority shall be communicated to the Trust servant. It shall also be supplied with a copy of the report of the inquiry; if made by the disciplinary authority and a copy of its findings on each article of charge. If where the disciplinary authority is not the inquiring authority, a copy to the report of the inquiry authority together with the findings or the disciplinary authority together with brief reasons for its disagreement* if any, with the findings of the inquiring authority unless they have already been supplied to 12. (1) Two or more Trust servants are concerned in a case; the disciplinary authority competent to impose the penalty of dismissal from service all such Trust servants may make order directing that disciplinary action all of them may be taken in a common proceeding. Where the authorities competent to impose the penalty of dismissal on such Trust servants are different, an order for taking disciplinary action in a common proceeding may be made, by the highest of such authorities with the consent of the others. Order for taking disciplinary action in common the authority which may function as the disciplinary authority for the of such proceeding, (ii) the penalties specified in regulation 5 which such authority be competent to impose; and (iii) the proceeding laid down in regulation 8 and regulation 9 or regulation 10 shall be followed in the proceeding. IS Special procedure certain cases. Notwithstanding anything contained in regulation S do regulation of these regulations. - where any penalty is imposed on a Trust servant on the ground of conduct which has led to his conviction on a criminal charge or (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably provided in these regulations (iii) where the Committee is 'Satisfied that in the Interest of the Trust, it is not expedient to hold any inquiry in the manner provided these regulations, the disciplinary authority may consider the circumstances of the case and make such orders there: as it seems fit: Provided that; the Trust servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause PART-V APPEALS Orders against which no appeal lies. Notwithstanding anything contained in this part, no appeal shall lie against, - (i) any order made by the Committee. (ii) any order of interlocutory nature or of the nature of or final disposal of disciplinary proceedings, Other than order of suspension; (iii) any order passed by an inquiring authority in the course of an inquiry under regulation of these regulations. Orders against which appeal lies, - Subject to the provisions of regulation 5, a Trust servant may prefer an appeal against all or any of the following orders, namely: - (i) order of suspension made or deemed to have been made under regulation A-of these regulations; (ii) imposition of the penalties specified in regulation 5 or these regulations, whether made by the disciplinary authority or by appellate or reviewing authority; - an order enhancing any penalty, imposed under regulation 5 of these (iv) any order which, - (8) denies or varies to his disadvantage his pay allowance, pension or other conditions of service as by regulation or by agreement; or denies promotion to which he is otherwise eligible according to the recruitment regulation and which is due to him according to his Order (c) interprets to his disadvantage the provisions of any such an order; - stopping him at the efficiency bar" in the time of pay on the ground of his unfitness to cross the bar; (b) reverting him while officiating in higher service, grade or post to a lower service, grade or post, otherwise than as penalty; (c) determination of the subsistence and the other allowance* to paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion (d) determining his pay -allowances, -

(i) for the period or suspension. or (ii) for the period from the date of his dismissal, removal, or compulsory retirement. or from the date of his reduction to a lower service, grade, post, timescale or stage in a time-scale of pay to date of his reinstatement or restoration to his service, grade or shall be treated as a period spent duty for any purpose. Explanation- this regulation the expression "Trust servant" includes a person who has ceased to be in Trust service

16. Appellate authorities. (1) Subject to the provisions of any law the time being in force. - (i) a member of Group 'A' or Group service including a person who belonged to any of these classes immediately before he ceased to be in service. appeal to the authority subordinate to the Committee; of Group or Group service including a person who belonged to any of those classes immediately before he ceased to be in service: may appeal to the immediate superior officer imposing penalty upon him under regulation 5 of these regulations and no further appeal shall be admissible to him. Notwithstanding anything contained in sub-regulation (1) of this regulation, (i) an appeal against order proceeding under regulation 12 of these regulations shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate, (ii) where the person who made the order appealed becomes, by virtue of his subsequent appointment or otherwise the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate. Period Of Limitation for appeals.— NO appeal preferred under this part shall be entertained unless appeal is preferred within a period of forty-five days from the date on which the order appealed against is delivered to the appellant provided that; the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. IS. Mode, form and contents of appeal.- Every person preferring an appeal shall do so separately and in own and shall address it to the authority to which the appeal lies. (Q) The appeal shall be complete in itself and contain material and arguments on which the appellant relies, but shall not contain any disrespectful or improper language, (R) Submission of appeals— (1) Every appeal shall be submitted to the authority which made the order appealed (Z) A copy of the appeal shall also be submitted direct to the appellate authority

20. Transmission of appeals.- The authority which made the order appealed against shall, on receipt a copy of the appeal, without avoidable delay and without any direction from appellate authority, transmit to the appellate authority, every order together with its comments thereon and the relevant records

21. Consideration of appeal.- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of these regulations and having regard to the circumstances of the case, the order of suspension is justified or not and or revoke the order, accordingly, (2) In the case of an appeal against an order imposing any of the penalties specified in regulation 5 of these regulations or enhancing any penalty imposed under that regulation, the appellate authority shall consider, - (a) whether the procedure laid down in these regulations has been followed. and if not, whether such non-compliance has resulted in the violation of provisions or the Constitution of India or in the failure. or justice; (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and whether the enhanced or the enhanced penalty imposed is adequate.- inadequate or severe; and pass orders, - (i) Confirming. enhancing' reducing or setting aside the penalty; or case to the which had passed order appealed against, With such directions as it may deem fit in the circumstances of the case Provided (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which the order appealed is the case to impose; if the enhanced penalty which the appellate authority proposes to impose is one of the major penalties and an inquiry under regulation 8 not already been held in the case, the appellate authority shall, subject to the provisions of regulation itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation and thereafter, on a consideration of proceedings such inquiry; such orders as it may deem fit; and (iii) if the enhanced penalty which the appellate authority proposes to impose is one of penalties and an inquiry under regulation 8 of these regulations has already been held in the case the appellate authority shall make such orders as it may deem fit. (g) In appeal against any other order specified in regulation 5 of these regulations, the appellate authority shall consider all the circumstances of the case and make such order as is just and equitable

