

**THE WEST BENGAL STATE UNIVERSITY  
(BARASAT, NORTH 24 PARGANAS)  
FIRST STATUTES – 2014**



**West Bengal State University  
Berunanpukuria, Malikapur,  
Barasat, North 24 Parganas,  
Kolkata - 700 126**

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## CHAPTER X

### DISCIPLINE AND CONDUCT OF THE EMPLOYEES OF THE UNIVERSITY

#### 127. Discipline and Conduct of the employees of the University:-

- (1) All employees of the University including teachers, officers and other non-teaching employees shall devote themselves to the duties of their office with utmost diligence and obedience and comply with orders and directions as may be issued by the Vice-Chancellor or any other competent line of authority.
- (2) Every employee of the University shall maintain absolute integrity, and do nothing which is unbecoming of an employee of the University.
- (3) No employee shall, in the performance of his official duties or exercise of power conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior which direction should, whenever possible, be recorded in writing.
- (4) No employee shall, without express permission of the Vice-Chancellor, engage directly or indirectly in any trade or business whatsoever or any other work which in the opinion of the Vice-Chancellor may interfere with the proper discharge of his duties, provided, however, that this clause shall not apply to any work undertaken by any member of the staff in connection with the work of a University or a corporate body other than those engaged in trade and industries.
- (5) No employee shall undertake private tuition.
- (6) An employee shall undertake part-time teaching assignment in another University/ Institution on a request by such University/ Institution and on the Vice-Chancellor permitting the same.
- (7) In addition to the teaching work and research supervision, a teacher shall be liable to perform such extra-curricular duties, supervision and other work in connection with any examination held by the University as may be allotted to him by the Vice-



Chancellor.

- (8) An employee shall require doing extra work as may be assigned to him by the Vice-Chancellor or the Registrar, as the case may be, commensurate to the status and duties of the employees.
- (9) No employee of the University shall join or continue to be a member of an association the objects of which are prejudicial to the interest of the University or public order or morality.
- (10) No employee shall, except with the previous sanction of the appropriate authority, engage in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking or use his position as a University employee to help such business or undertaking. However she/he may undertake honorary work of a social or charitable nature or; work of a academic, literary, artistic or scientific character, provided that his official duties do not suffer thereby but the appointing authority may, in its discretion, at anytime, forbid her/him to undertake, or require her/him to abandon any such work, if it is in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.
- (11) Save in cases mentioned below no employee of the University shall serve in, or give evidence before, any Committee or Commission without obtaining prior permission of the Executive Council:-
  - (a) Committee or Commission appointed by the Government, Central or state, the Parliament or the State Legislature;
  - (b) A Judicial enquiry;
  - (c) A departmental enquiry ordered by the Chancellor, the Vice-Chancellor or any appropriate authority of the University.
- (12) No employee of the University shall divulge, either directly or indirectly any official secrecy concerning the University.
- (13) No University employee shall, in any radio/T.V/Internet broadcast or in any document published/electronically disseminated anonymously or in his own name or in the name of any other person or in any communication to the press or in any public

utterances, make any statement of fact or opinion which brings disrepute to the University, and has the effect of any adverse criticism of any current or recent policy or action of University or of another University or of the Department of Higher Education, Government of West Bengal, and/or which is capable of embarrassing the relations between Universities of the state or country, between the University and its affiliating colleges, and between the University and any department of the Central Government and/or the State Government.

(14) An University employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain or cause or permit any other person to apply for or obtain a patent for an invention made by such employee save with the permission of the University and in accordance with such conditions as University may impose. If a question arises whether a University employee's duties involve the carrying out of scientific or technical research within the meaning of this rule, the decision of University shall be final.

(15) No University employee shall behave in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of University. An University employee shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being; not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of her/his duties at any time is not affected in any way by the influence of such drink or drug; refrain from consuming any intoxicating drink or drug in a public place; not appear in a public place in a state of intoxication; not use any intoxicating drink or drug to excess; be in the University premises with possession or use of weapons; and conduct in a fashion that can be construed as sexual harassment of a colleague(s).

(16) Every employee of the University shall not, except with the previous sanction of the appropriate authority, accept either directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family so to accept from



any person any gift of more than trifling value:

*Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making/ receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of a trifling value should be reported to the appropriate authority and the gifts shall be disposed of in such a manner as the appropriate authority may direct; If a question arises whether any gift is of trifling value or not, or where the concerned employee is in any doubt whether a gift offered to her/him is of a trifling value or not, a reference shall be made to the appropriate authority and the decision of the Executive Council thereon shall be final.*

**128. Act of Misconduct:-** Any of the following acts of an employee shall be construed as an act of misconduct:

- (i) gross negligence in the discharge of duties;
- (ii) wilful insubordination or disobedience to a reasonable order of a higher authority or breach of discipline;
- (iii) theft, fraud or dishonesty in connection with the property of the University;
- (iv) misappropriation of University funds;
- (v) tampering with official records;
- (vi) giving false information regarding one's name, father's name, age, qualifications, previous service etc. at the time of employment;
- (vii) habitual late attendance or wilful absence from duty without leave or sufficient causes;
- (viii) taking or giving bribes or any illegal gratifications or indulging in corrupt practices;
- (ix) indecent behaviour or any other act subversive of discipline;

- assaulting or intimidating any employee of the University;
- vi) sabotage or wilful damage to or causing loss of goods or properties of the University;
- vii) spreading false information with a view to causing disruption of the normal work of the University;
- viii) unauthorized use of land and building of the University;
- ix) conviction in a Court of Law for offence involving moral turpitude;
- x) breach of rules and regulations, orders and circulars of the University or of any of the higher authorities;
- (xvi) abetment or attempt to commit any of the acts of misconduct;
- (xvii) any other ground which may be considered by the Executive Council to be detrimental to the interest of the University or the institution he is serving;
- (xviii) plagiarism;
- xix) commission of any offence involving moral turpitude;
- xx) engaging in any unauthorised work, gainful or otherwise;
- (xxi) engage in sexual harassment of colleagues and students;
- (xxii) violation any/all clauses given in Statute 127.

29. **Disciplinary Action:-** Disciplinary action, including imposition of penalties, may be taken by the Executive Council on being forwarded by the Vice Chancellor against an employee for any of the reasons enumerated under the heading of discipline and act of misconduct.

30. **Disciplinary Authority:-** Subject to the provisions hereinafter the Vice-Chancellor of the University shall be the disciplinary authority in respect of employees other than those belonging to the nonteaching staff and in the case of non-teaching staff, the Registrar of the University shall be disciplinary authority provided that the disciplinary authority shall not be entitled to impose any punishment other than "censure to be recorded in his Service Book for future reference" on any employee and in case the disciplinary authority is of opinion that the gravity of offence probed may warrant imposition of any



- (x) assaulting or intimidating any employee of the University;
- (xi) sabotage or wilful damage to or causing loss of goods or properties of the University;
- (xii) spreading false information with a view to causing disruption of the normal work of the University;
- (xiii) unauthorized use of land and building of the University;
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- (xv) breach of rules and regulations, orders and circulars of the University or of any of the higher authorities;
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- (xvii) any other ground which may be considered by the Executive Council to be detrimental to the interest of the University or the institution he is serving;
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punishment other than "censure to be recorded in his Service Book for future reference", it shall be the duty of the disciplinary authority to place all papers including the findings of the disciplinary authority on an enquiry, if any, before the Executive Council for passing the final order as the Executive Council may deem appropriate. It shall be for the Executive Council, with two-third majority, in such case to decide whether the finding of the disciplinary authority should be accepted or not.

**131. Penalties:-** The following penalties or any of these may be imposed on any employee for misconduct, for good and sufficient reasons and after complying with the procedure laid down hereinafter.

- (i) Censure, recorded in his Service Book for future reference;
- (ii) Withholding of increment or promotion including the stoppage of increment and efficiency bar, if any.
- (iii) Reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing of the future increments of his pay.
- (iv) Reduction to a lower time-scale of pay, grade, post or service which shall not ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions to the restoration to the grade or post or service from which the employee was reduced and his seniority and pay on restoration to that grade, post or service.
- (v) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of order.
- (vi) Compulsory retirement
- (vii) Suspension from service, which shall not be disqualification for future employment under the University.
- (viii) Dismissal from service, which shall ordinarily be a disqualification for future employment under the University.

**132. Preliminary Enquiry:-** Whenever a complaint is made against an employee of the University about the committing of an act of misconduct, it shall be competent for the disciplinary authority described hereinbefore, to carry out a preliminary inquiry before commencing the formal disciplinary proceedings referred to hereinabove. Such preliminary inquiry may be made either by the disciplinary authority himself or by some other person(s) authorised by the said authority to carry out the inquiry. Such person(s) need not be connected with the University. This preliminary inquiry will be in the nature of a fact finding inquiry for the purpose of enabling the disciplinary authority to ascertain whether there is a prima facie case which will justify the commencement of formal disciplinary proceedings. The disciplinary authority, however, need not carry out such preliminary enquiry, if the said authority does not consider it to be necessary. It shall be competent for the Executive Council, for good and sufficient reason, to direct the Vice-Chancellor or the Registrar to initiate either a preliminary inquiry or formal disciplinary proceedings against any of the employees of the University.

**133. Procedure for Imposing Penalties:-**

- (1) No order imposing of the penalties specified in Statute 131 shall be made except after an enquiry held in the manner provided in the Statute.
- (2) The disciplinary authority shall draw or cause to be drawn up-
  - (a) the substance of the imputation of misconduct or misbehaviour into definite and distinct article or articles of charges;
  - (b) a statement of imputation of misconduct or misbehaviour in support of each article of charge which shall contain-
    - (i) a statement of relevant facts including any admission or confession made by the employee;
    - (ii) a list of documents by which, and a list of witnesses by whom, the article(s) of charge are proposed to be sustained;
  - (c) the disciplinary authority shall deliver or cause to be delivered to the employee, a copy of the article(s) of charge and the



- statement of imputation of misconduct or misbehaviour prepared under sub-paragraph-(b) and shall require the employee to submit to the disciplinary authority, or to the enquiring authority where an enquiring authority has been appointed by the disciplinary authority, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person;
- (d) the disciplinary authority may in a case for the purpose of enquiry, appoint an Enquiring Authority and forward to it :-
- (i) a copy of the article(s) of charge and the statement of the imputation of misconduct or misbehaviour.
  - (ii) a copy of the statement of witnesses, if any,
  - (iii) evidence proving the delivery of the documents mentioned in sub-paragraph (b) (i) to the employee;
- (e) the employee shall appear in person before the disciplinary/inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles(s) of charge and the statement of imputation of misconduct or misbehaviour as the disciplinary/inquiring authority may fix by a notice in writing or within such further time as the disciplinary/inquiring authority may allow;
- (f) if the employee who has not admitted any of the article(s) of charge in his written statement of defence appear before the disciplinary/inquiring authority, such authority shall ask him whether he admits or pleads guilty to any of the articles of charge and shall record the plea, sign the record and obtain the signature of the employee thereon. Thereupon the disciplinary/inquiring authority shall return the findings of guilt or otherwise in respect of these articles of charge to which the employee pleads guilty. The disciplinary/ inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead guilty or claims to be tried, require the University or its representatives to produce the evidence by which it is proposed to prove the article(s) of charge and shall adjourn the case to a later date

not exceeding thirty days, after recording an order that the employee needs such time for the purpose of preparing his defence;

- (g) the employee shall thereafter-
- (i) inspect within five working days of the order or within such further time not exceeding five working days as the disciplinary/inquiring authority may allow, the documents specified in list referred to in clause (b) (ii);
  - (ii) submit a list of witnesses to be examined on his behalf;
  - (iii) give a notice within ten working days of the order or within such time not exceeding ten working days as the disciplinary/inquiry authority may allow asking for the discovery or the production of any documents which are in the possession of the authority but not mentioned in the list mentioned in clause (b) (ii);
- (h) the disciplinary/inquiring authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition:

*Provided that the disciplinary/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;*

- (i) on receipt of the requisition referred to in clause-(h) every authority having the custody or possession of the requisitioned documents shall produce the same before the disciplinary/inquiring authority:

*Provided that if the authority having the custody or possession of the requisitioned documents is of the opinion for reasons to be recorded by it, in writing, that the production of all or any of such documents would be against the interest of the University, it shall inform the disciplinary/*



*inquiring authority accordingly and the disciplinary/inquiring authority on being so informed communicate the opinion to the employee and withdraw the requisition made by it for the production or discovery of such documents;*

- (j) The disciplinary/inquiring authority shall allow the employee an opportunity to cross examine the witnesses, if any, examined on behalf of the University in support of the charge and shall also allow the employee to examine such witnesses in support of his defence as may be considered relevant in the context of the charge;
- (k) after the completion of the inquiry, the disciplinary/inquiring authority shall prepare its report which shall contain the following:-
  - (a) the article(s) of charge and the statement of imputation of misconduct or misbehaviour;
  - (b) the defence of the employee in respect of each article of charge;
  - (c) assessment of the evidence in respect of each article of charge;
  - (d) the findings on each article of charge and the reasons there for;
- (l) in such a case where the disciplinary authority is not authorized to impose the required penalty upon the employee, he shall forward his report together with records of the disciplinary proceedings to the Executive Council for consideration and necessary action. The Executive Council shall decide provisionally as to the punishment to be imposed upon the employee concerned, if it is proposed to punish the employee with any of the punishments viz. dismissal, removal from service, reduction in rank or in time-scale or grade or compulsory retirement. In all other cases, the Executive Council shall be entitled to pass a final order imposing any of the punishments upon the employee except those mentioned in the forgoing Statutes;

- (r) Any other matter not covered in the Statutes or Ordinances may be dealt with the provisions of West Bengal Service Rules, 1971 and the West Bengal Services (Classification, Control and Appeal) Rules 1971, as may be amended from time to time.

**134. Special Procedure in Certain Cases:-** Nothing in Statute 133 shall apply in a case where the Executive Council imposes any penalty enumerated in Statute 128 on an employee-

- (i) on the ground of conduct which has led to his conviction on a criminal charge or on the strength of facts or conclusion arrived at in a judicial trial;
- (ii) who has absconded or where for other reasons it is impracticable to communicate with him.

**135. Suspension:-**

- (1) The Executive Council may place an employee under suspension on recommendation of the disciplinary authority, Vice-Chancellor or the Registrar, as the case may be
  - (a) where the disciplinary proceedings against him is contemplated for/ pending or;
  - (b) where a case against him in respect of any criminal offence is under investigation, enquiry or trial.
- (2) An employee shall be deemed to have been placed under suspension by an order of the disciplinary authority-
  - (a) with the effect from the date of detention, if he is detained in police custody on a criminal charge for a period exceeding 48 hours; Notwithstanding the above, appropriate changes, if felt necessary under the circumstance, in 'period/ duration of police custody' can be made by the Executive Council by vide notification in the University Regulation from time to time
  - (b) with effect from the date of his conviction, if, upon such conviction, he is sentenced to a term of imprisonment exceeding 48 hours; Notwithstanding the above, appropriate



changes, if felt necessary under the circumstance, in 'period/duration of police custody' can be made by the Executive Council by vide notification in the University Regulation from time to time.

- (3) where the penalty of dismissal or removal from service imposed upon an employee, under suspension, is set aside on appeal or on review under this Statute or under any order of the Court of Law and the case is remitted for further enquiry or action with any other direction his suspension shall be deemed to have continued and in force from the date of the original order of the dismissal and shall remain in force until further orders of the disciplinary authority.
  - (4) During the period of suspension, the employee concerned shall be entitled to a subsistence allowance of an amount equal to one half of his basic pay and allowances in full.
  - (5) In the event of his suspension being followed by punishment he shall not be entitled to any further emoluments other than what he had already been paid from the date of his suspension unless the Executive Council directs otherwise.
  - (6) An order of suspension under this Statute shall not be deemed to be or construed as punishment for any purpose whatsoever.
- 136. Pay and Allowances on Reinstatement:-** When an employee who has been dismissed, removed or suspended is reinstated, the Disciplinary, Appellate or Reviewing Authority, as the case may be, may grant him for the period of his absence from duty
- (i) if he is honourably acquitted, the full pay and allowances other than the travelling allowance to which she/he would have been entitled, if he had not been dismissed or removed or suspended, less the subsistence grant;
  - (ii) if otherwise, such proportion of pay and allowances as the Disciplinary, Appellate or Reviewing Authority may determine;
  - (iii) In a case falling under clause (i) the period of absence from duty will be treated as a period spent on duty;
  - (iv) In a case falling under clause (ii) the period may be treated as on

duty or leave as may be due to him, but it will not be so treated unless the Disciplinary, Appellate or Reviewing authority directs accordingly.

**137. Appeal against Order Imposing the Penalties:-** An appeal against the order imposing any of the penalties by the Executive Council except the punishment involving termination of service by way of dismissal or removal or compulsory retirement shall lie to an Appellate Authority to be constituted with three persons by a resolution of the Executive Council. At least one of these three persons shall be an outsider. Such Appellate Authority shall be appointed for such term and on such other terms and conditions with regard to the holding of office by the members of the committee and such staff as the Executive Council may determine by resolution.

**138. Appeal against Order of Dismissal/Removal/Compulsory Retirement:-** An appeal against the order of dismissal, removal or compulsory retirement shall be made to the Tribunal constituted under subsection (1) of Section 35 of the Act.

**139. Period of Limitation for Appeal:-** No appeal preferred shall be entertained unless such appeal is preferred within the period of ninety days from the date on which a copy of the order, appealed against, is delivered to the employee concerned;

**Explanation:** The word 'delivered' in this Statute shall mean and include sending of the order to the employee concerned by registered post with acknowledgement due for a lapse of period of thirty days from the date of posting of the order. If the employee concerned does not otherwise acknowledge in writing the receipt of the order or if he refuses to accept the order sent by registered post, his appeal shall not be entertained:

*Provided that the tribunal or Appellate Authority, as the case may be, may entertain an appeal after the expiry of the said period if sufficient cause for not preferring the appeal in time is shown.*

**140. Procedure of Appeal:-**

- (1) Every person preferring an appeal shall do so separately and in his own name and shall submit five copies of the appeal.



- (2) The appeal shall be presented to the authority to whom the appeal lies and it shall contain all materials statements together with a copy of the order sought to be appealed against and documents on which the appellant wants to relay. The language in the petition of appeal shall not be disrespectful or improper and shall be complete in itself.
- (3) The authority which made the order appealed against, on receipt of a copy of the appeal shall forward its comments thereon, if any, together with the relevant records to the Tribunal or Appellate Authority without any avoidable delay.
- (4) The Tribunal/Appellate Authority shall regulate its own procedure in the matter of hearing and disposal of the appeal.

141. **Appellate Authority:-** The Executive Council shall constitute an Appellate Authority consisting of the following members, namely:-

- (i) a person to be nominated by the Chancellor as Chairman;
- (ii) one person having knowledge of law to be nominated by the State Government;
- (iii) one person to be nominated by the Executive Council.

142. **Appellate Tribunal:-** The Executive Council, in pursuance of subsection (1) of section 35 of the Act, shall constitute an Appellate Tribunal consisting of the following members, namely:-

- (i) a Chairman, to be nominated by the Chancellor in consultation with the Minister;
- (ii) one person to be nominated by the Executive Council;
- (iii) one person each to be nominated by the teacher, officer or employee concerned.

143. **Constitution of Election tribunal:** There shall be an Election Tribunal comprising the following members:-

- (i) a person to be nominated by the Chancellor as Chairman
- (ii) one person having knowledge of law to be nominated by the State Government as member; and
- (iii) a person to be nominated by the Vice-Chancellor as member.