

Andhra Pradesh Agricultural University (Conditions of Service) Regulations, 1965

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Andhra Pradesh Agricultural University (Conditions of Service) Regulations, 1965

In exercise of the powers conferred by Statute 9 of the additional statutes made by the Board of Management with the prior approval of Government and issued in University Proceedings No.750/Stat/65, dated 27-7-1965, the Board of Management of Andhra Pradesh Agricultural University, hereby makes the following regulations:-

1. Short title :-

These regulations may be called the Andhra Pradesh Agricultural University (Conditions of Service) Regulations, 1965.

2. Applicability :-

These regulations shall be applicable to the employees other than those specified in Section 9 of the Andhra Pradesh Agricultural University Act, 1963.

3. Definitions :-

(1) In these regulations unless context otherwise requires :
"Appointing authority" means the authority competent to make appointment to various categories of posts in the University ;
"Cadre" means the strength of a service or a part of a service sanctioned as a separate unit ; "Duty" includes the service as a probationer or apprentice ; provided that such service is followed by confirmation ; "Earned leave" means the leave earned in respect of the period spent on duty ; "Lien" means the title of an employee 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 ; "Pay" means the amount drawn monthly by an employee as (i) the pay which has been sanctioned for the post held by him in a substantive, officiating or temporary capacity ; (ii) special pay or personal pay, if any ; and (iii) any other emoluments which may be specifically classified as pay ; "Permanent post" means a post carrying a definite rate of pay sanctioned without a limit of time ; "Temporary post" means a post carrying a definite rate of pay sanctioned for a limited time ; "Tenure post" means a permanent post which an individual officer may not hold for more than a limited period.

(2) Words and expressions not defined in these regulations and used in the Act or the first Statutes shall have the meaning assigned to them in the Act or first statutes as the case may be.

4. Temporary appointments :-

(i) Where it is necessary in the interest of the University to fill emergently a vacancy in any post and if the filling of such vacancy in accordance with the statutes or Regulations is likely to result in undue delay the appointing authority may appoint a person temporarily otherwise than in accordance with said Statute or Regulations unless otherwise provided.

(ii) No appointment under Class (i) shall ordinarily be made, of a person who does not possess the qualifications, if any, prescribed for the said post. Every person who does not possess such qualifications and who has been or is appointed under clause (i) shall be replaced as soon as possible by a person possessing such qualifications.

5. Medical Certificate of Fitness :-

(a) No person shall be appointed to a post without a Medical Certificate of Health in the form prescribed in Appendix III from a Gazetted Medical Officer or Honorary Medical Officer of equal standing or a Registered Medical Practitioner ;

Provided that if an employee has already produced Medical Certificate of fitness at the time of his first appointment to any post in the University Service, no further medical certificate should ordinarily be required for subsequent appointment to any other post.

(b) The following classes of employees shall be exempted from producing medical certificate of fitness :

(i) employees on deputation with the University ; and

(ii) employees appointed in temporary vacancies for a period not exceeding six months.

6. Probation :-

(a) Except in the case of appointments made on tenure or on contract or on deputation or on temporary basis, every person appointed to any post in the University shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years, if he is a direct recruit and in other cases he shall be on probation for a period of one year within a continuous period of two years.

(b) Commencement of Probation : If a person having been appointed temporarily to a post, otherwise than in accordance with the Statutes or Regulations governing appointment thereto is subsequently appointed to the post in accordance with the Statutes or Regulations, he shall commence his probation from the date of such subsequent appointment or from such earlier date as the Competent authority may determine.

(c) Extension or termination of probation : If within the period of probation a probationer fails to acquire the special qualifications or to pass the special tests, if any laid down in the Statutes or Regulations or in the order of appointment the competent authority may, either revert him to the former post, if any, or by order discharge him from service without notice, or extend the period of probation, provided that no probationer shall be continued on probation for more than double the period probation.

(d) Discharge of a Probationer : Notwithstanding anything in these Regulations the competent authority may, at any time before the expiry of the period of probation suspend the probation of a probationer and discharge him for want of a vacancy or at its discretion by order extend the period of probation of the probationer in case the probation has not been extended under clause (c) or terminate his probation and discharge him from service after giving one month s notice or paying one month s pay in lieu of such a notice.

7. Probationers suitability for full Membership :-

(a) At the end of the prescribed or extended period of probation as the case may be the competent authority shall consider the probationer s suitability for full membership of the service for which he was selected.

(b) If the competent authority decides that a probationer is suitable for such membership, it shall as soon as possible, issue an order declaring the probationer, they have satisfactorily completed his probation. On the issue of such orders the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation.

(c) If the competent authority decides that the probationer is not suitable for such membership, by reason of conduct or unsatisfactory work or any other good reasons, it shall, unless the period of probation is extended under Regulation 6(c), by order,

discharge him after giving him one month s notice or paying one month s pay in licence of such a notice.

(d) In respect of a probationer, if no such order as referred to in clauses (b) and (c) is issued within one year from the date of expiration of the prescribed or extended period of probation, such date not being earlier than the 1st October, 1969, the probationer shall subject to the other provisions of these Regulations or any other Regulations prescribing a pass in any test during the period of probation, be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiration of the prescribed or extended period of probation and a formal order to that effect may be issued for the purpose of record :

Provided that nothing in this clause shall apply to a probationer against whom disciplinary proceedings are pending on the date of expiration of the period of one year aforesaid :

Provided further that in respect of a probationer who has completed the prescribed or extended period of probation before the 1st October, 1969 the aforesaid period of one year shall be reckoned from the said date, but not from the date of completion of the prescribed or extended period of probation.

8. Employees absent from duty :-

The absence of an officer from duty whether on leave or on foreign service or for any other reasons and whether his lien on a post is suspended or not, shall not, if he is otherwise fit render him ineligible in his turn for reappointment to a substantive or officiating vacancy in the post on which he may be a probationer or an approved probationer.

9. Seniority :-

1. The seniority of an employee in a grade, shall unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to such grade. If any portion of the service of such person does not count towards probation under these regulations his seniority shall be determined by the date of commencement of his service which counts towards probation.

Provided that it shall be competent for the appointing authority to fix the seniority of an employee in a grade taking into consideration the length of service including temporary service in that or in comparable or in immediately lower grade.

2. The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to a grade, fix the order of preference among them, and where such order has been fixed, seniority shall be determined in accordance with it.

3. When the holder of any post in a grade is reduced to a lower grade, he shall be placed at the top of the latter unless the authority ordering such reduction directs that he shall take rank in such lower grade next below any specified member thereof.

10. Promotion :-

(1) No person in the service of the University shall be eligible for promotion from the post to which he was appointed unless he has satisfactorily completed his probation in that post.

(2) All promotions shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

11. Temporary promotion :-

(i) Where it is necessary in the interest of the University to fill emergently a vacancy in a post in higher category by promotion from a lower category and if the filling of such vacancy in accordance with Statutes and Regulations is likely to result in undue delay, the appointing authority may promote a person temporarily otherwise than in accordance with the said Statutes or Regulations.

(ii) No person who does not possess the qualifications if any, prescribed for the said post shall ordinarily be promoted under clause (i). Every person who does not possess such qualifications and who has been or is promoted under clause (i) shall be replaced as soon as possible by promoting a person possessing such qualifications.

12. Pension cum Provident Fund :-

The employees of the University shall be entitled to such retirement benefits as may be prescribed under Section 33 of the Andhra Pradesh Agricultural University Act, 1963.

13. . :-

(i) The following penalties, may, for good and sufficient, reasons be imposed upon any employee of the University, namely : Censure ;

Fine ; Withholding of increments including stoppage at efficiency bar, if any, or promotion ; Reduction to lower rank in the seniority list or to a lower post or to a lower stage in time scale ; Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of order ; Suspension to the extent contemplated in clause (5) of Regulation (16) below ; Removal from the service of the University which does not disqualify him for future employment ; Dismissal from the service of the University which ordinarily disqualifies from future employment ;

Provided that where it is proposed to take action as mentioned in items (g) and (h) above, in case of an employee on foreign service with the University, a recommendation to that effect shall be made to the lending authority for such action as it considers necessary.

(ii) An employee may be placed under suspension from the University Service pending investigation or enquiry into grave charges, where such suspension is necessary in the interest of the University ; provided that no employee shall be kept under suspension for a period exceeding six months without the approval of the Board.

(iii) (a) The authorities which may impose on employees the penalties of (a) censure, (b) fine, (c) withholding of increments or stoppage at efficiency bar, and (d) Suspension shall be as shown in Appendix I. (b) The penalty of fine may be imposed only on employees in the scales of pay the maximum of which does not exceed Rs.100.

(vi) The authority which may impose on an employee the penalties of (a) reduction to a lower rank in the seniority list or to a lower post or to a lower stage in time scale, or (b) recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders or (c) withholding of promotion or (d) removal from service of the University which does not disqualify from future employment or (e) dismissal from the service of the University which ordinarily disqualifies from the future employment shall be the appointing authority.

(v)(a) Notwithstanding anything in clauses (iii) and (iv) any higher authority to whom the authorities referred to in the said clauses are administratively subordinate may also impose the penalties referred to therein, (b) where in any case a higher authority has imposed or

declined to impose a penalty under this regulation a lower authority shall have no jurisdiction to proceed under this Regulation in respect of the same case ; (c) the fact that a lower authority has imposed a penalty or exonerated an employee in any case shall not debar a higher authority from exercising his powers under this Regulation in respect of the same case. The order of such higher authority shall supersede any order passed by a lower authority in respect of the same case.

(vi) No penalty shall be imposed unless the officer has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(vii) The grounds on which it is proposed to take action under clause (iv) shall be reduced to the form of a definite charges which shall be communicated in writing to the employee concerned and shall be required within a reasonable time to state in writing whether he admits the truth of all or any of the charges, what explanation or defence, if any he has to offer and whether he desires to be heard in person. If he so desires or if the competent authority so directs an oral enquiry shall be held at which all evidence shall be heard as to such of the charges as are not admitted. The persons charged shall be entitled to cross examine the witnesses, to have such witnesses called as he may wish, provided that the Officer conducting the enquiry may for reasons to be recorded in writing refuse to call any witness. The proceedings shall contain sufficient record of the evidence and a statement of the findings and the grounds thereof.

(viii) No employees who is called upon to produce his defence as to charges which form the who subject of any enquiry against him shall be allowed to engage a counsel.

(ix) After the enquiry against an officer has been completed and after the punishing authority has arrived at a provisional conclusion in regard to the penalty to be imposed, the accused Officer shall, if the penalty proposed is dismissal or removal from service, be supplied with a copy of the report of the enquiry authority and he will be called upon to show cause within a reasonable time, not ordinarily exceeding one month, against the particular penalty proposed to be inflicted upon him. Any representation submitted by the accused officer in this behalf shall be taken into consideration before final orders are passed.

14. . :-

(i) An employee shall be entitled to appeal from an order imposing on him any of the penalties specified in Regulation 13(1) except in cases where the order was passed by the Board of Management in which case there shall be no appeal.

(ii) If an order passed by any authority specified in clauses (iii) and (iv) of Regulation 13 an appeal shall lie to the next higher authority to whom the former authority is administratively subordinate.

15. Appeals Committee :-

The Board may constitute a Standing Committee every year consisting of such of its members and others, if any considered necessary to hear and process all appeals which will come up before it.

16. Allowances and leave during suspension :-

(1) An employee under suspension shall be entitled to subsistence allowance at an amount equal to the leave salary and D.A., if any, which the employee would have drawn if he had been on leave on half pay ;

Provided that where the period of suspension exceeds twelve months, the authority which passed or is deemed to have passed the order of suspension shall be competent to vary the amount of subsistence amount for any period subsequent to the period of the first twelve months as follows : the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first twelve 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 employee; the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first twelve 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 employee ; 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 (a) and (b) above. any other compensatory allowance, admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension ;

Provided that the employee shall not be entitled to the compensatory allowance unless the said authority is satisfied that the employee continues to meet the expenditure for which they are granted.

(2) No payment under clause (1) shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(3) A suspended employee shall not be entitled to any leave for the period of suspension.

(4) Arrears of subsistence allowance due to an employee shall not be withheld, but it shall be paid to him after adjusting the same against the following amounts, if any due by him to the University. house rent and allied charges, i.e., electricity, water, furniture etc., repayment of loans and advances taken from the University at such rates as the University may fix ; over payments (having due regard to the circumstances of each case). Recoveries of over payments from the employee under suspension should not ordinarily be made at a rate greater than one third of the amount of subsistence, allowance, exclusive of dearness allowance, if any, admissible under clause (1) above.

(5) Arrears of subsistence grant due to an employee should not be adjusted against any amounts due by him to the University.

(6) If an employee under suspension is dismissed or removed from service, arrears of subsistence allowance, if any, due to him upto the date of termination of proceedings should be paid to him.

17. Pay on reinstatement after suspension :-

When an employee who was suspended is finally reinstated, he shall get full pay unless the competent authority has expressly ordered a deduction to be made for suspension period as punishment.

18. Increments and efficiency bar :-

1. An increment shall ordinarily be drawn as a matter of course, but the competent authority may withhold the increment if the conduct of the employee has not been good or his work not found satisfactory. Where an efficiency bar has been prescribed in a time scale the increment next above the efficiency bar shall not be given without the specific sanction of the appointing authority.

2. All duty in a time scale counts for increment in the time scale.

3.

(a) Service in another post, whether in a substantive or Officiating capacity, carrying the same or higher time scale of pay and the service on foreign service and leave other than extra ordinary leave counts for increments in the time scale applicable to the post on which the employee hold a lien or should have held a lien had his lien not been suspended.

(b) All leave other than extraordinary leave and the period of deputation shall count for increment in the time scale applicable to a post in which a University employee was officiating at the time he proceeded on leave or deputation and he would have continued to officiate but for his proceeding on leave or deputation.

Provided that Board of Management may, in any case in which it is satisfied that extraordinary leave was taken on account of illness or for any other cause beyond the control of the employee or for prosecuting higher scientific or technical studies with an undertaking to serve the University on return from leave for a period of at least five years, direct that extraordinary leave shall be counted for increment under clause (a) or (b)

19. . :-

Deleted by Agri. University Employees Conduct regulations, 1988

20. Lien :-

1. An employee when appointed substantively to a permanent post, acquires lien on that post and ceases to hold any lien previously acquired in any other post.

2. An employee shall not be appointed substantively to a post in which another employee holds a lien.

3. Two or more University employees shall not be appointed substantively to the same permanent post at the same time.

4. Suspension of lien : The Board may at its option suspend the lien of an employee on a permanent post which he holds substantively if he is transferred whether in a substantive or officiating capacity to a post in another cadre and if there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

21. Declaration of Age :-

An employee appointed by direct recruitment shall make a declaration of age to the appointing authority at the time of his entry into the service of the University based on his S.S.L.C. register or such other documentary proof as may be acceptable to the appointing authority upon which the age will be admitted. After the declaration of age and acceptance of the same by the appointing authority it shall be binding on him and no revision of such age shall be allowed to be made at a later date for any purpose whatsoever.

22. Termination of services or resignation :-

The services of a temporary employee of the University who has not been appointed in accordance with the procedure prescribed in the Act or the Statutes are liable to be terminated at any time without notice and without assigning any reasons therefor.

(i) A permanent employee other than a teacher shall be required to give three months notice, in case he desires to be relieved or he shall pay to the University three months salary in lieu of such notice, unless otherwise directed by the Board of Management.

(ii) An employee before leaving the University service shall handover the charge of his post to a duly authorised employee and shall return to the University all books, apparatus furniture etc., issued to him for his personal use and shall pay up in full, all the charges due from him for occupation of residential quarter etc. If he fails to do so the amount due from him on the above items shall be recovered from his last salary or the provident fund or any other sums due to him.

(iii) An employee who is in the occupation of residential accommodation of the University shall on leaving service of the University vacate the residence allotted to him by the University.

(iv) "Every Teacher appointed on regular basis shall execute a bond to serve the University for a minimum period of 2 years, during which period the employee shall not be entitled to proceed either for Post Graduate Studies or seek outside employment except by resigning and fulfilling the obligations under the bond executed by him. In case he wants to leave the University for any compelling reasons within the period of the bond, he should pay the University six months salary or salary for the period for which he has still to serve the University in terms of the bond, which ever is less,

subject to a minimum of one month s salary".

A specimen copy of the Bond is appended. \ \APPENDIX

23. Leave :-

Leave cannot be claimed as of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

24. Authorities to grant leave :-

(Repealed in Proceedings No.1563/Stat./69 dt. 27-9-1969.)

25. Sanction of various types of Leaves :-

The sanction of various types of leave like earned leave, medical and private affairs leave, extra ordinary leave, maternity leave, special casual leave etc., for the employees of the University shall be regulated as per the leave Rules of Government of Andhra Pradesh in force from time to time

25A. Leave salary :-

(Deleted)

26. Study Leave :-

(i) Study Leave means leave granted to a teacher to enable him to study scientific, technical or similar problems or to undergo special courses of instructions or to conduct important researches for which no facilities are available in the University.

(ii) A teacher desiring to prosecute higher studies may, if he has served in that capacity for not less than five years, be granted leave on half pay for a period or periods ordinarily not exceeding two years ; but in special cases upto three years in all. Provided that he spends the entire period in study or research at a University or other institutions or in any approved manner ; and

(a) Where a teacher has gone for higher studies for less than one year, he shall be required to execute a Bond to serve the University for a period of not less than three years on his return ;

(b) Where a teacher has gone for higher studies for a period exceeding one year, he shall be required to serve the University for a period of not less than five years on his return.

(iii) The Board in its discretion, under exceptional circumstances, may waive the condition of five years service for grant of study leave.

(iv) This leave may be combined with earned leave but shall not count as service for any other leave.

27. Medical Leave and leave on private Affairs :-

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28. Extraordinary Leave :-

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29. Maternity Leave :-

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29A. Salary during maternity leave :-

Deleted in proceedings No.567/Stat/78, dated 27-4-78.

30. Special Casual leave :-

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31. Casual Leave :-

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32. Record of Service :-

There shall be a Service Register for every employee giving history of his service from the date of his appointment including increment, promotion, reward, punishment and all other special events in his service. The Service Register shall also contain a Leave Account Form for the employee showing a complete record of all leave (except Casual Leave), earned as well as unearned, taken by him.

33. Retirement and Extension :-

(a) The age of retirement for teachers shall be 60 years provided that it shall be competent for the appointing authority to review the case of any teacher at any time after he attains the age of 58 years and retire him, without assigning any reason, giving three months prior notice or after paying him three months salary in lieu of such notice.

(b)

(i) The age of retirement of the employee other than those mentioned in Clause (a) and Class IV employees shall be 55 years provided that the appointing authority may retire an employee from service in public interest, after giving him at least three months notice or at least three months salary in lieu of such notice at any time after completing twenty five years of qualifying service or attaining fifty five years of age."

(ii) "The age of retirement of the Class IV employees shall be 60 years, provided that the appointing authority may retire an employee from service in public interest, after giving him at least 3 months notice or at least three months salary in lieu of such notice at any time after completing twenty five years of qualifying service or attaining fifty five years of age." [(b)(ii) is inserted as per Proc.No.499/Stat/79, dated 18-4-1979.

(c) Any teacher or any other employee after giving at least three month's prior notice in writing to the appointing authority may retire from service on the date on which he completes twenty five years of qualifying service or attains fifty five years in the case of other employees or any date thereafter to be specified in the notice.

Provided that no teacher or other employee who is under suspension when the notice referred to in clause (c) is given or placed under suspension after such notice is given and before his retirement shall retire except with the specific approval of the appointing authority to which that notice is given.

(d) Any teacher or any other employee who has given a notice under Clause (c) shall not withdraw the notice, except with the specific approval, of the authority to which that notice is given and no request for withdrawal of such notice shall be entertained unless the said authority received it before the intended date of his retirement.

(e) "The employees of the University, in all categories, shall retire from service with effect from the afternoon of the last day of the month in which their date of retirement (on superannuation) falls under the operation of the existing rules.

34. Payment of house rent :-

If an employee occupies the house provided by the University he shall pay standard rent or 7 1/2 % of his pay whichever is less.

35. Additional Charge Allowance :-

If an employee is appointed to hold full charges of a second post in addition to his own, the additional pay which may be granted to him in respect of the additional post shall not exceed one fifth of his officiating pay. If an employee is appointed to discharge only the current duties of a second post in addition to his own, the additional pay which may be granted to him in respect of the additional post shall not exceed one tenth of his officiating pay. No

additional pay shall be granted unless the period of additional charge exceeding 14 working days in the case of full additional charge and one month in the case of discharge of current duties only. The drawal of additional pay shall not be allowed for a period exceeding six months out of which in respect of the first three months, the rate of additional officiating pay shall be as laid down in clauses (i) and (ii) and for the succeeding period it shall be at one half thereof. (Proc.No.652/SC/82, dated 17-8-1982.)

36. Joining time :-

Joining time may be granted to an employee to enable him to join a new post at a different station to which he is transferred while on duty in his old post. Six days are allowed for preparation and in addition a period to cover the actual journey calculated as follows : for that portion of journey which he travels or might travel. One day for each by Railway 400 Kilometres by motor car 128 Kilometres by any other way 24 Kilometres for any fractional portion of any distance prescribed in clause (a) an extra day is allowed. travel by road not exceeding five miles to or from a railway station at the beginning or end of a journey does not count for joining time. Sunday does not count as a day for computing the period of six days allowed for preparations, but Sundays are included in the period allowed for the actual journey. An employee who does not join his post within this time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour.

37. . :-

Notwithstanding anything in these Regulations, the employee whose service are borrowed from the State Government, the Central Government or any other Bodies on the terms and conditions prescribed by them for their employees on foreign service or on contract basis shall be governed by the terms of their appointment.