



**JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY ANANTAPUR  
ANANTHAPURAMU- 515 002 (A.P) INDIA**

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**DISCIPLINE AND APPEAL RULES**

In exercise of the powers conferred under clause (26) and (40) of Section read with section clause (I) of Section 53 of Andhra Pradesh Universities Act 1991, the Executive Council hereby makes this Ordinance in respect of Discipline and Appeal Rules.

**1. SHORT TITLE AND COMMENCEMENT:**

The Rules may be called 'The JNT University Civil Services (Classification, Control and Appeal) Rules' and shall be effective from a date on which the Executive Council accords its approval.

**2. DEFINITIONS:**

- (a) "University" means JNT University constituted under A.P. Universities Act 4 of 1991 amended Act 29 of 2008.
- (b) "Government" means the State Government of Andhra Pradesh.
- (c) "Employees" means Teachers defined under section 2(a) (22) and other employees governed under section 19(7) and (8) of the University Act.

**3. APPLICATION:**

The Rules shall apply to all employees of the University (other than those employed only occasionally or subject to discharge at less than one month's notice whether temporary or permanent, appointed before, on or after the date specified in Rule 1 above, and including those on foreign service, except to the extent otherwise expressly provided (a) by or under any law for the time being in force or (b) in respect of any employee of the University by a contract or agreement subsisting between such member and the University.

**4. PENALTIES:**

- (a) The following penalties may, for good and sufficient reason and as herein after provided, be imposed upon the employees of the University who are involved in any fraud / crime / mischief / bribe / illegal activities etc., during their service in the University:
  - i. Censure;
  - ii. Fine (Only in case of employees below the grade of Junior Assistant of the University Service);
  - iii. Withholding of increments or promotion;

  
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- iv. Reduction to a lower rank in the seniority list or to a lower post of a lower stage in the time scale;
- v. Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of rules;
- vi. Suspension, where a person has already been suspended to review the suspension to the extent considered necessary by the authority imposed the penalty;
- vii. Compulsory retirement;
- viii. Removal from the University Service;
- ix. Dismissal from the University Service;

(b) The Discharge of a person

- i. engaged under contract, in accordance with the terms of his/her contract; OR
- ii. appointed on probation, before the expiry or at the end of the prescribed or extended period of probation; OR
- iii. appointed on a temporary basis, in accordance with the Recruitment Rules; OR
- iv. appointed otherwise than under contract to hold a temporary appointment, on the expiry of the period of appointment; does not amount to removal or dismissal within the meaning of this Rule.

(c) Stoppage or postponement of increment on account of extension of probation or stoppage of 2<sup>nd</sup> increment of an employee in the time scale of his/her pay on the ground of his/her unfitness, does not amount to withholding of increments or promotion within the meaning of this Rule.

(d) A person, on whom the penalty of compulsory retirement is imposed, may be granted, if the Executive Council so desires, such pension as it may decide not exceeding that which would have been admissible to him/her if he/she had been invalidated on medical certificate.

(e) The removal of a person from the University service shall not disqualify him/her from future employment, but by the dismissal of a person from the University service shall disqualify him/her from future employment;

## 5. RECOVERY OF FINE:

Fine levied as a penalty at any time shall be limited to a maximum of Rs.---  
---. The penalty shall be decided by the appropriate authority, and recovered at source either at a time or in installments.

## 6. AUTHORITIES TO IMPOSE PENALTIES:

The authority which may impose any of the penalties prescribed in Rule (3) above shall be the authority in whom the power to make appointment of the employee vests or any higher authority; provided that:-

  
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- (a) in the case of employees specified in the Appendix to these rules the authority specified against each may also impose any of the penalties mentioned therein.
- (b) Where in any case a higher authority has imposed or declined to impose a penalty under this Rule, a lower authority shall have no jurisdiction to proceed under this Rule in respect of the same case.
- (c) When lower authority had declined to impose a penalty in any case it shall not debar a higher authority from exercising its jurisdiction under this Rule in respect of the same case.
- (d) The order of higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.

#### **7. MINOR PENALTY:**

Where it is proposed to impose on an employee of any of the penalties specified here under, he/she shall be given an opportunity of making any representation that he/she may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.

- i. Censure;
- ii. Withholding of increments of pay without cumulative effect;
- iii. Withholding of promotions;
- iv. Reduction to a lower rank in the seniority list or to a lower post of a lower stage in the time scale;
- v. Suspension, where a person has already been suspended to review the suspension to the extent considered necessary by the authority imposed the penalty;

#### **8. MAJOR PENALTY:**

- i. Withholding of increments of pay with cumulative effect;;
- ii. Compulsory retirement;
- iii. Removal from the University Service;
- iv. Dismissal from the University Service;

#### **9. PROCEDURE FOR IMPOSING MAJOR PENALTIES:**

- (a) No employee of the University shall be dismissed or removed or compulsorily retired or reduced in rank except after an enquiry, in which he/she has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges;

Provided that where it is proposed after such enquiry to impose upon him/her any such penalty; such penalty may be imposed on the basis of the

  
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evidence adduced during such enquiry and it shall not be necessary to give the employee any opportunity of making representation of the penalty proposed.

- (b) The Enquiry under Sub-Rule (a) shall be made by an Enquiry Officer who shall be appointed by the
- i. Executive Council, in the cases of University Employees of Class I & II status and he/she shall be a High Court Judge, in service or retired or senior advocate in service law; (OR)  
  
An eminent educationist; (OR) A senior IAS Officer or any retired IAS Officer or any person who is well-versed in University Administrative matters;
  - ii. Vice-Chancellor in the cases of other than class I and II University employees, the enquiry officer shall be any senior teacher of the University, or Administrative officer of the University or any other person having administrative experience at senior level.
- (c) The cases of the University employees shall be presented before the Enquiry Officer by such person as may be nominated by the Vice-Chancellor in such cases in which the enquiry is against a Class I & II Officer and in case of an enquiry against an employee belonging to other classes of employees, such person as may be nominated by the Registrar, JNT. University, who shall be the presenting officer.
- (d) Wherever the enquiry officer is a University employee, he/she shall ordinarily be senior in cadre to the employee against whom the enquiry is proposed.

#### **10. PENALTY TO BE IMPOSED BY EXECUTIVE COUNCIL:**

The Executive Council is empowered to impose any penalty deviating from the recommendation of the Enquiry Officer.

#### **11. SUSPENSION:**

- (a) Any employee may be placed under suspension from the service by the Vice-Chancellor pending investigation or enquiry into grave charges where such suspension is deemed to be necessary in the interest of the University.

Provided that in case of employees for whom the appointing authority is any authority subordinate to the Vice-Chancellor, such appointing authority may suspend the employee and send a 'Report of Suspension' to the Executive Council:

  
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- (b) When a teacher or an employee holding a post of or above the rank of Assistant Registrar in the University is suspended the case shall be reported within one month with a full statement regarding such suspension together with the recommendations of the Vice-Chancellor, to the Executive Council whose orders shall be final.

## **12. COMMUNICATION OF PUNISHMENTS:**

All orders of punishment shall state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

## **13. APPEAL:**

Every employee of the University shall be entitled to one appeal from an order imposing on him/her any of the penalties specified in rule 4, other than the penalty of fine, to the Executive Council if such order was passed by the Vice-Chancellor; and to the Vice-Chancellor if such order was passed by the Registrar or the Principal or the Head of an Institution, as the case may be.

## **14. ORDER ON APPEAL:**

- (a) In the case of an appeal under Rule 12, the appellate authority shall consider.
- i. whether the facts on which the order was based have been established,
  - ii. whether the facts established afford sufficient ground for taking action; and
  - iii. whether the penalty is excessive, adequate, and after such consideration, passes such order it thinks proper.
- (b) Any error or defect in procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers for reasons to be recorded in writing that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

## **15. PERIOD OF APPEAL:**

Every person preferring an appeal shall do so separately and within a period of 30 days from the date of serving of order, provided that the limitation of 30 days may be condoned if day-to-day delay in preferring appeal is satisfactorily explained.

## **16. PROCEDURE OF AN APPEAL:**

Every appeal preferred shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful language and shall be

  
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complete in all respects. Every such appeal shall be submitted through the Head of the Department / Office to which the appellant belongs to.

17. An appeal may be withheld by an authority not lower than the authority from whose order it may be preferred, if:

- (a) It is an appeal in a case in which under these Rules no appeal lies; OR
- (b) It does not comply with the provisions of Rule (14); OR
- (c) It is not preferred within thirty days from the date of service of the order appealed against and no reasonable cause is shown for the delay; OR
- (d) It is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for re-consideration of the case; OR
- (e) It contains material or documents which are confidential and to which the appellant could have come to know only as a result of the breach of Rule (13) of the University Employees Conduct Rules;

Provided in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons therefore;

Provided further that an appeal withheld on account of only failure to comply with the provisions of Rule (14) may be re-submitted at any time within one month from the date on which the appellant has been informed of the withholding of the appeal, and if re-submitted in a form which complies with these provisions, shall not be withheld.


**18. FORWARDING OF APPEAL:**

- (a) Every appeal which is not withheld under these Rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.
- (b) When an appeal is withheld under Rule (16) a copy of the order withholding the appeal shall invariably be forwarded to the Registrar for placing it before the appellate authority.

**19. CALLING FOR APPEAL WHICH HAS BEEN WITHHELD:**

An appellate authority may call for any admissible appeal under these Rules which has been withheld by a subordinate authority and may pass orders there on as it considers fit.

**20. EXCEPTIONS:**

  
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Nothing in these Rules shall operate to deprive any person of any right of appeal which he/she would have had if these Rules had not been made, in respect of any order passed before they came into force.

**21. SAVING:**

An appeal that is pending at the time when, or preferred after, these Rules came into force shall be deemed to be an appeal under these Rules, and Rule 12 shall apply as if the appeal were against an order appealable under these Rules.

APPENDIX  
(vide Rule 5)

Class of Employee	<u>Authority which may also impose the penalty of</u>		
	Censure	Fine where Admissible	Recovery from pay
1. All employees in Classes III & IV of the University service and Others holding Corresponding posts.	Registrar	Registrar	Registrar
2. All other employees	Vice-Chancellor	-	Vice-Chancellor.

**22. INSTRUCTIONS UNDER RULE 7 (A) FOR THE GUIDANCE OF ENQUIRY OFFICER:**

**(a). Oral enquiry or Personal hearing**

Where it is proposed to impose the penalties specified in items (iv), (vii) and (viii) of Rule 3(a) on an employee, on any of the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged, together with a statement of allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing order in the case. He/She shall be required within such reasonable time as may be specified (by the enquiring authority) to put in a written statement of his defense and to state whether he/she desires an oral enquiry or only to be heard in person.

**(b). Perusal of Records:**

The person charged may, if she/he so desires, request for an access to official records for the purpose of preparing his defense provided that the inquiring authority may for reasons to be recorded in writing, refuse him/her such access if such records are strictly not relevant to the case and also which are of confidential in nature.

**(c). Findings without oral enquiry or personal hearing:**

  
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If within the prescribed time or such time, as the charging authority may give, no written statement in defense is filed and no request in writing is made for an oral enquiry or for being heard in person, the authority conducting the enquiry may proceed to record the findings based on the records available without holding any further enquiry.

**(d). Oral enquiry and further written statement:**

An oral enquiry shall be held if such an enquiry is desired by the person charged. At that oral enquiry evidence shall be received and recorded as to such of the allegations as are not admitted and the person charged shall be entitled to cross examine the witnesses, if any, on the basis of whose recorded evidence the charges might have been framed to give evidence in person and to have such witnesses called as he/she may wish provided that the authority conducting enquiry may for special and sufficient reasons to be recorded in writing refuse to call a witness. After the enquiry has been completed, the person charged shall be entitled to put in, if he/she so desires; any further written statement of his/her defense.

**(e). Personal hearing:**

If the person charged desires to be heard in person without an oral enquiry a personal hearing shall be given to him/her.

**(f). Report of enquiry.**

When the oral enquiry referred to in clause (4) or the personal hearing referred to in clause (5) has been completed the proceedings of the enquiry shall be forwarded to the authority ordering the enquiry. The proceedings shall contain:-

- i. The charges framed along with the grounds of the charges;
- ii. Written statements filed in defense, if any
- iii. Record of the evidence given during the oral enquiry or a memorandum of the points urged during the personal hearing;
- iv. A Statement of the findings on the different charges and the ground thereof; and
- v. Recommendation as to the penalty that may be imposed.

**(g). Further Written Statement:**

After the authority competent to impose the penalty on perusal of the findings of the enquiry shall supply a copy of the report of the enquiring authority to the charged employee and call upon by a notice to file a further written statement, if any, within a reasonable time not ordinarily exceeding 10 days.

  
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**(h). Consideration of further representation:**

Any representation submitted by the person charged with reference to notice issued under clause 7 should be only on the basis of the evidence adduced during the oral enquiry or the points urged during the personal hearing; and such representation shall be taken into consideration before final orders are passed.

**23. DOMESTIC ENQUIRY AND INITIATING ACTION:**

- (a) Not with standing any employee under investigation in any court of law or agency, the domestic enquiry of any charge shall be conducted by the University.
- (b) Irrespective of an investigating agency or any court of law acquitting the employee under any charges, the findings of the domestic enquiry conducted by the University shall prevail or implemented.

In addition to, and independent of the clauses mentioned above, and wherever necessary, the provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, along with the Government Orders and amendments issued thereon from time to time, shall apply to all the University employees

  
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