

DEPARTMENT OF TOURISM & CULTURAL AFFAIRS, PUNJAB

(TOURISM BRANCH)

NOTIFICATION

The 28th June, 2019

Service Bye Laws

**Institute of Hotel Management Catering Technology & Applied
Nutrition, Bathinda, Punjab**

No.TM/EA/2019/2188/- In exercise of the overall powers vested in the Memorandum of Association and Rules & Regulations, of the Board of Governors of the Institute of Hotel Management Catering & Nutrition, Society, Bathinda, Punjab hereby makes the following services Bye Laws in respect of members of service in the Institute, with immediate effect.

B. Chhri
Principal/Secretary
Institute of Hotel Management Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab)-151001

Vikas Pratap, IAS
Principal Secretary to Govt. of Punjab,
Department of Tourism –cum-Chairman,
IHM, Bathinda

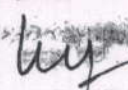
ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਦੀ ਹੈ

W
ਅਡੀਸਨਲ ਸਕਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Service Bye-Laws

Institute of Hotel Management, Catering
Technology & Applied Nutrition,
Bathinda, Punjab

ਪ੍ਰਮਾਣਿਕ ਲਿਖਤ ਸਹੀ ਹੈ



ਮਾਡੀਅਰਨ ਸੇਜਿਸਟਰੇਟਿਡ ਆਂਡ ਕੂਚਿੰਗ
ਕਾਲਜ ਫੋਰ 0164-2212951

Principal Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab)-151001

Service Bye-Laws

Institute of Hotel Management, Catering Technology & Applied Nutrition,
Bathinda, Punjab

INDEX

Sr. No.	Subject	Page No.	P
1	Short title, commencement and application, Definitions	<u>1-2</u>	
2	Number and Character of posts, Appointing Authority, Pay of Members of Service, Method of Recruitment and Promotion	<u>3-4</u>	
3	Annual Performance Appraisal Report, Debarring for consideration for promotion of an employee,	<u>4</u>	
4	General Conditions for appointment (Physical Fitness, Verification of Character and antecedents, Period of Probation, Disqualification, Liability for vaccination and re-vaccination, Knowledge of Punjabi Language, Power to relax, Superannuation, Termination of Service, Conditions of Service, Residential Accommodation, Oath of allegiance, Removal of Doubts)	<u>5-10</u>	
5	Seniority	<u>10-11</u>	
6	Discipline, Punishment and Appeal Regulation (Suspension, Penalties, Authority to institute proceedings, Procedure for imposing minor penalties, Procedure for imposing major penalties, Action on the inquiry report,	<u>11-26</u>	

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

Handwritten signature

ਅਡੀਸਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਪਰਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

8/

Institute of Hotel Management, Catering
Technology & Applied Nutrition
Bathinda (Punjab)-151001

	Procedure for imposing minor penalties, Communication of orders, Common Proceedings, Orders against which appeal lies, Punishing an Appellate Authority, Period of limitations of appeal, Form and contents of appeal, Consideration of appeal, Implementation of order in appeal/	
7	New Pension Scheme	27
8	Leave To Employees (Entitlement of leave, Grant of leave, Earned Leave, Half Pay leave , Extraordinary leave, Additional kind of leave, Maternity leave, Paternity Leave, Leave to probationers, Vacations leave	27-33
9	Appendix 'A'	34
10	Appendix 'B'	35-38

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Institute of
Technical
Industrial
Bathinda (Punjab)

**Institute of Hotel Management, Catering Technology & Applied Nutrition,
Bathinda, Punjab**

SERVICE BYE LAWS

In pursuance to the Rule 17(i) (d) of Rules and Regulations of Institute of Hotel Management, Catering & Nutrition, Bathinda, Society Punjab and the relevant Bye-Laws, Board of Governors hereby makes the following Service Bye Laws.

Service Bye Laws

1. Short title, commencement and application –

- (a) These Service Bye Laws may be called the "Institute of Hotel Management, Catering and Nutrition (IHMCN) Society, Bathinda Service Bye Laws, 2019";
- (b) These Service Bye Laws shall come into force with effect from the date these are issued;
- (c) These Service Bye Laws shall apply to the regular posts sanctioned by the Board of Governors of Institute of Hotel Management, Catering & Nutrition Society, Bathinda, Punjab;

2. Definitions-- In these Service Bye Laws, unless the context otherwise requires –

- (a) 'APAR' means the Annual Performance Appraisal Report;
- (b) 'Appointing Authority' means the authority prescribed in Service Bye Laws;
- (c) 'Appendix' means an Appendix as approved to these Service Bye Laws;
- (d) 'Appellate Authority' means an authority competent under these Service Bye Laws to initiate exercising the powers to dispose of an appeal against the orders of punishment / penalties by the punishing authority;
- (e) 'BOG' means the Board of Governors of the Society in connections with the affairs of Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab;
- (f) 'Bye Laws' means 'Bye Laws' of the Institute of Hotel Management of Bathinda, Punjab, Society;
- (g) 'Central Government' means Ministry of Tourism, Government of India in the Central Government;

(h) 'Chairman of BOG' means except where the context otherwise requires, the Chairman of the Society in connection with the affairs of Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab;

(i) 'Chairman' means, a Chairman nominated by the State Government i.e. Principal Secretary, Tourism, Punjab;

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab)-151001

- (j) 'Classification of Service' means classification of the services of the institute into Group A, Group B, Group C and Group D (if any) Services as defined in Appendix 'A' attached with the service rules.
- (k) 'Employee' means a person who is in the whole time service of the Institute but does not include a person employed by the Institute on daily wages, outsourced, contractual, temporary basis;
- (l) 'Executive Committee' means the Executive Committee of the Society as described in Rule 19 (i) of Rules and Regulations of Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab;
- (m) 'Institute' means the Institute of Hotel Management, Catering Technology and Applied Nutrition, Bathinda;
- (n) 'NCHMCT' means the National Council for Hotel Management and Catering Technology;
- (o) 'NPS' means New Pension Scheme;
- (p) 'Principal' means the Principal of Institute of Hotel Management, Catering Technology & Applied Nutrition (Bathinda) Society;
- (q) 'Punishing Authority' means an authority competent under these Service Bye Laws to initiate disciplinary action against any employee and impose penalties specified in these 'Service Bye Laws' in connection with the affairs of Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab;
- (r) 'Recruitment and Promotion Rules' means as defined in Rule 6 of these Service Rules.
- (s) 'State Government' means Department of Tourism, Government of Punjab;
- (t) 'Secretary' means the Secretary of the society of Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab;
- (u) 'Society' means the Institute of Hotel Management, Catering & Nutrition Society, Bathinda, Punjab registered under the ACT XXI OF 1860 by the Registrar of Societies (Punjab), Bathinda on 22.02.2008;
- (v) 'Service' means Group 'A', Group 'B', Group 'C' and/ or Group 'D' service the whole time service of the Society but does not include a person employed by the Institute on daily wages, outsourced, contractual, temporary service in connection with the affairs of the Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab; and
- (w) 'Service Bye Laws' means 'Service Bye Laws' of the Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab, Society;

3. Number and character of posts –

The Service shall comprise of the posts as specified in Appendix 'A'.

Provided that nothing in these rules shall affect the inherent right of the Board of Governors to increase or to decrease the number of posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

4. Appointing Authority – Appointment to the service shall be made as follows :-

Sr. No.	Description of Employees	Appointing Authority
1	Group 'A'	Chairman
2	Group 'B'	Chairman
3	Group 'C' & 'D'	Principal, Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab

5. Pay of members of Service – The members of the service shall be entitled to such scales of pay/pay band and grade pay, as may be authorised by the Board of Governors from time to time. The scales of pay/pay band and grade pay, as applicable on the date of coming into force of these Service Bye Laws in respect of the members of the service are prescribed in Appendix 'A'.

6. Method of Recruitment and Promotion

The general guiding principles for Recruitment and Promotion are prescribed in "Appendix -B"

(1) (A) Direct Recruitment

(i) Direct recruitment will be made as per eligibility criteria such as age, educational qualification and experience as per guidelines and Rules issued from time to time by National Council for Hotel Management and Catering Technology (NCHMCT).

(ii) If no suitable candidate is available for appointment then appointment to the service shall be made by transfer/deputation of a person holding a similar or identical post under the Central / State Government / Semi- Government Organizations / Public Sector / other undertakings / Universities, etc. having

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ
ਅਡੀਸ਼ਨਲ ਕਮਿਸ਼ਨਰ ਆਫ ਮੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
& Applied Nutrition
Technology Centre, Mansa Road
151001

similar qualification as prescribed in Recruitment and Promotion Rules of NCHMCT. The decision of Board of Governors, in this respect would be final.

(B) Promotion

- (i) Eligibility Criteria for promotion will be as per the general principles issued from time to time by National Council for Hotel Management and Catering Technology (NCHMCT).
- (ii) Roster for Reservation of State Govt of Punjab shall be followed for the sake of determination of vacancy.
- (iii) If, no suitable candidate is available for promotion then by direct appointment, failing which appointment to the service shall be made by transfer/deputation of a person holding a similar or identical post under the Central Government/ State Government /Semi-Government organizations/ Public Sector/ other undertakings/ Universities, etc having similar qualification as prescribed as prescribed by NCHMCT. The decision of Board of Governors, in this respect would be final.

Note : General principles governing direct recruitment shall be in accordance with such principles laid down by NCHMCT. However in case of any conflict or any difficulty being faced then the decision of BOG shall be final in this regard. Similarly, General Principles governing promotion as prescribed by NCHMCT shall apply and in case of any doubt/conflict, decision of BOG shall be final.

- (2) **Annual Performance Appraisal Report (APAR):-** Format to be adopted for teaching staff shall be as per the guidelines provided by National Council for Hotel Management and Catering Technology (NCHMCT) and/or as amended from time to time. For non-teaching staff it shall be as per the guidelines as provided by the Institute from time to time.
- (3) **Debarring for consideration for promotion of an employee who refuses to accept promotion.**—In the event of refusal to accept promotion by a member of a Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion:

Provided that in case where the appointing authority is satisfied that a member of service has refused to accept promotion under the circumstance beyond his/her control, it may exempt such a member for reasons to be recorded therefore in writing from the operation of this rule

7. General Conditions for appointment;

(A) Physical Fitness;

A candidate selected for appointment in the Institute shall be required to produce a medical certificate of fitness before appointment from the medical authorities as prescribed by the board. This condition can be relaxed in those cases where the persons already employed in Central Government /State Government/ Public Sector Undertakings including Universities who have already undergone such medical examination and apply for any posts either on direct recruitment process through proper channel or apply and get selection on deputation basis on Foreign Service terms.

(B) Verification of Character and antecedents;

Appointing Authority shall satisfy itself that the character and antecedents of the candidates selected for first appointment in the Institute are such as do not render him unsuitable for appointment. The criteria, procedure and suitability for appointment would be the same as applicable for appointment to posts / services under the rules.

(C) Period of probation:

- (1) A person appointed to any post in the service shall remain on probation for a period of two years, if recruited by direct appointment and one year if appointed otherwise:

Provided that.-

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) in the case of an appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service, may in the discretion of the appointing authority, be allowed to count towards the period of probation;
- (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation; and

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ

hij

ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ਼
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Growth Centre, Mansa Road
(Punjab)-151001

- (d) any kind of leave not exceeding six months, during or at the end of period of probation, shall be counted towards the period of probation.
- (2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or if he has failed to pass the departmental examination, if any, prescribed in Service Rules within a period not exceeding one and a half years from the date of appointment, it may,-
- (a) if such person is recruited by direct appointment, dispense with his services, or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment; and
- (b) if such person is appointed otherwise-
- revert him to his former post; or
 - deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may -
- (a) if his work and conduct has in its opinion been satisfactory -
- confirm such person, from the date of his appointment or from the date he completes his period of probation satisfactorily, if he is not already confirmed; or
 - declare that he has completed his probation satisfactorily, if he is already confirmed; or
- (b) if his work or conduct has not been in its opinion, satisfactory or if he has failed to pass the departmental examination, if any, specified in the Service Rules—
- dispense with his services, if appointed by direct appointment or if appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit;
 - extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-clause (1);

Provided that the total period of probation including extension, if any, shall not exceed three years, if recruited by direct appointment and two years of appointed otherwise.

(D) Disqualification;

(1) No person,-

Principal/Secretary
Institute of Hotel Management, Catering
& Applied Nutrition
Industrial Growth Centre, Morcha Road
Gurgaon-122001

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the Service :

Provided that the Board, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

(E) Liability for vaccination and re-vaccination;

Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order.

(F) Knowledge of Punjabi Language;

No person shall be appointed to any post in any Service by direct appointment unless he has passed Matriculation Examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi Language.

Provided a person is appointed by transfer/deputation shall have to pass an examination of Punjabi Language equivalent to Matriculation standard or he shall have to qualify a test conducted by the Language Wing of Department of Education of Punjab Government within a period of one year from the date of his/her appointment:

Provided further that where educational qualification for a post in any service are lower than the Matriculation standard, then the person so appointed shall have to pass an examination of Punjabi Language equivalent to Middle Standards:

Provided further that where a War Hero, who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his/her widow or dependent member of his/her family, is appointed the person so appointed will not be required to possess aforesaid knowledge of Punjabi Language.

Provided further that where a ward of Defence Service Personnel, who is a bonafide resident of Punjab State, is appointed by direct appointment, he shall have to pass an examination of Punjabi Language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education,

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਦੀ

ਅਡੀਸਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਸਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Ludhiana (Punjab)-151001

Government of Pujnab within a period of two years from the date of his/her appointment.

(G) Power to relax;

Where the Board is of the opinion that it is necessary or expedient so to do, it may by special order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of Service.

Provided that the provisions relating to educational qualification and experience, if any, shall not be relaxed.

(H) Superannuation;

Retirement Age

- a) All employee of Group A, B and C of the Institute shall retire on attaining the age of 58 Years
- b) All employee of group 'D' if any, of the Institute shall retire on attaining the age of 60 Years.

(I) Termination of Service;

- (a) No temporary member of 'Service' other than a person deputation from the Central Government/ State Government/ Semi-Government organisation / Public Sector /other undertakings/ Universities, etc. or an institution shall leave to discontinue his/her service in the Institute except after giving one month's notice in writing of his/her intention to do so to the 'Appointing Authority'.
- (b) Provided further that where an employee has completed the period of probation and stands confirmed, the period of such notice shall be three months.
- (c) The BOG may at any time and without any reasons terminate the service of any employee who has not completed his/her probation after giving one month's notice in writing or pay of one month in lieu thereof.

Provide that the Institute may at any time and without assigning any reasons terminate the service of a permanent employee by giving him three months' notice or pay in lieu thereof.

- (d) Nothing contained in these 'Service bye laws' shall affect the inherent right of the competent authority to retire, remove or dismiss an employee without giving any notice or pay in lieu thereof as a measure of punishment under these Service Bye Laws.

(J) Conditions of Service;

In all matters relating to service conditions such as fixation of pay-scale, Increments, counting of service for increments, Pay, ACP, House Rent Allowances, Compulsory deduction, optional deduction and other Allowances, grant of a special pay, personal pay, Honorarium and fee, dearness allowance, leave travel concession, travel and admissibility of travel allowance, compensatory allowance, children education allowance, small family allowance, festival advance, advance for purchase of conveyances, appointment on compassionate ground, Reservation Roster Points, and Gazetted Holidays, Retiral Benefits such as Gratuity, Commutation etc. will be applicable as per decision of Board of Governors. In case of any ambiguity the matter shall be referred to Board of Governors whose decision shall be final.

(K) Residential Accommodation;

- (i) Out of the residential accommodation owned by the Society may at its discretion make available such residential accommodation as it considers appropriate to the pay, rank and status of an employee.
- (ii) In deciding the suitability of such residential accommodation to an employee's pay, rank and status as well as in the determining the license fee to be recovered from the employee for such accommodation. The Institute will bear in mind the scales of accommodation and the rate of allotment of residential accommodation to its employee, but the decision of the Institute in regard to such questions shall be final.

Note:-

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

- (i) In respect of any of the above, matters concerning the Principal decision will be taken at the level of the Board of Governors.

- (ii) In respect of any matter concerning Group A, B, C and D decision will be taken by the Principal.

ਅਭੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਇੰਡੀਆ
ਬਨਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Management, Catering
& Nutrition
Industrial Centre, Mansa Road
Bathinda (Fujab)-151001

- (iii) For affecting better day to day administration, Principal may delegate his/her power to any authority subordinate to him except terminal powers and administrative powers.
- (iv) Financial powers shall be exercised as per Bye-laws of the Society.

(L) Oath of allegiance;

Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

(M) Removal of Doubts/Interpretations;

If any doubt arises as to the interpretation of any of the provisions of these Rules, and/or any rule/provision/instruction/committee, etc., if any, which is left out in these Service Bye Laws, the matter shall be referred to the Board of Governors, Institute of Hotel Management, Catering & Nutrition Society, Bathinda, Punjab, whose decision shall be final. The powers to amend these service rules are vested with the Board of Governors of Institute of Hotel Management, Catering & Nutrition Society, Bathinda, Punjab.

8. Seniority;

The seniority inter se of employees appointed to posts in each Group of Service, shall be determined by the length of their continuous service on such post in that Group of Service.

Provided that in the case of employees recruited by direct appointment who join within the period specified in the order of appointment or within such period as may be extended from time to time by the appointing authority, subject to a maximum of four months from the date of order of appointment, the order of merit determined by the competent Authority, as the case may be, shall not be disturbed:

Provided further that in case an employee is permitted to join the post after the expiry of the said period of four months in consultation with the Board of Governors, as the case may be, his/her seniority shall be determined from the date he joins the post:

Provided further that in case any employee of the next selection has joined a post in the Group of the concerned Service before the employee referred to in the preceding proviso joins, the employee so referred shall be placed below all the

employee of the next selection who join within the time specified in the first proviso:

Provided further that in the case of two or more employee appointed on the same date, their seniority shall be determined as follows :—

- (a) an employee appointed by direct appointment shall be senior to an employee appointed otherwise;
- (b) an employee appointed by promotion shall be senior to an employee appointed by transfer/deputation absorbed;
- (c) in the case of employee appointed by promotion or transfer, the seniority shall be determined according to the seniority of such employees in the appointments from which they were promoted or transferred ; and
- (d) in the case of employee appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to an employee who was drawing a higher rate of pay in his/her previous appointment; and if the rates of pay drawn are also the same, then by their length of service in these appointments and if the length of such service is also the same, an older employee shall be senior to a younger employee.

9. Discipline, Punishment and Appeal Regulations;

Guidelines and Rules issued by NCHMCT have no provisions for Discipline, Punishment and Appeal regulations for the members of the service. Therefore, the following regulations would be applicable on the members of the service.

I) These regulations may be called "The Institute of Hotel Management, Catering & Nutrition, Bathinda, Punjab Employees (Punishment and Appeal) Regulations 2019".

II) Suspension. —

(1) The appointing authority or any other authority authorised by the BOG can place an employee under suspension:-

(i) Where he/she is of the opinion that continuance of the employee on duty will interfere with the process of investigation;

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਭੀਸਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
& Applied Nutrition
Bathinda (Punjab)-151001

- (ii) where a disciplinary proceeding against him/her is contemplated or is pending; or
- (iii) Where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial.

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order of suspension was made.

- (2) An employee may be deemed to have been placed under suspension by an order of the appointing authority or the authority specified in these regulations;
- (a) If he/she is detained in custody with effect from the date of his/her detention whether on a criminal charge or otherwise for a period exceeding forty-eight hours;
- (b) With effect from the date of his/her conviction, if in the event of conviction for an offence, he/she is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation. - The period of forty-eight hours referred to in clause (b) of sub-regulation (2) 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.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in term until further orders.

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਭੀਸ਼ਨਠ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਨਿੰਦਾ ਰੋਡ 164-2212951

- (4) An order of suspension made or deemed to have been made under these regulations by any authority may at any time be modified or revoked by the authority to which that authority is subordinate.
- (5) During the period of suspension, an employee shall be paid subsistence allowance equivalent to fifty percent of his/her pay with usual allowances admissible thereon, but the appointing authority may, however, at its direction, after considering circumstances of each case and where the delay in the process of investigation is not attributable to the employee concerned, enhance the subsistence allowance up to seventy-five percent of the pay of an employee who has been under suspension for a period exceeding six months.
- (6) If an employee placed under suspension is subsequently exonerated of the charges, he shall be entitled to receive the full pay and allowances for the period of his/her suspension and such a period will be treated as duty period. If however, he/she has not been completely exonerated of the charges, the competent authority shall specify in the order of reinstatement as to how the period of suspension should be treated and payment of pay and allowance to him/her should be regulated.

III) Penalties.-

Without prejudice to such action to which an employee becomes liable under any other law for the time being in force, all the following penalties may, for good and sufficient reasons be imposed on any employee:-

(A) MINOR PENALTIES:-

- (i) Censure;
- (ii) Withholding of promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by him/her to the Authority by negligence or breach of orders and trust;
- (iv) withholding of increments of pay without cumulative effect.

(B) MAJOR PENALTIES.-

- (i) 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 increments of pay during the period of

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Growth Centre, Mansa Road
Mansa (Feroze) - 151001

such reduction, the reduction will or will not have the effect of postponing the future increments of this pay;

- (ii) reduction to lower time - scale of pay, grade, post of service, which shall 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 of restoration to the grade or post or service;
- (iii) compulsory retirement'
- (iv) removal from service which shall not be disqualification for future employment under the Institute.
- (v) Dismissal from service which shall ordinarily be a disqualification for future employment under the Institute.

In case of any dispute about interpretation, procedure with respect to imposing penalty on any employee or if no specific provision is provided under these regulations matter shall be referred to BOG, whose decision shall be final.

IV) Authority to institute proceedings. -

(1) The punishing authorities specified may-

- (a) institute disciplinary proceedings against any employee;
- (b) direct a punishing authority subordinate to him/her to institute disciplinary proceedings against any employee on whom that punishing authority is competent to impose under these regulations any of the penalties specified in regulation.

(2) A punishing authority competent under these regulations to impose any of the penalties specified in regulation may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in regulation, notwithstanding that such punishing authority is not competent under these regulations to impose any of the latter penalties.

V) Procedure for imposing minor penalties. -

(1) No order imposing a minor penalty shall be made except after -

- (a) informing the employee in writing of the proposal to take action against him/her and of the imputable or misconduct or misbehaviour

on which it is proposed to be taken and giving him/her a reasonable opportunity of making such representation as he/she may wish to make against the proposal;

- (b) holding an enquiry in the manner laid down in the regulation in every case in which the punishing authority is of the opinion that such an enquiry is necessary;
- (c) taking the representation, if any, submitted by the employee and the record of enquiry, if any, held under clause (b), into consideration; and
- (d) recording a finding on each imputation of misconduct or misbehaviour.

(2) the record of proceedings in such cases shall include –

- i) a copy of the intimation to the employee of the proposal to take action against him/her;
- ii) a copy of the statement of imputation of misconduct or misbehaviour delivered to him/her;
- iii) his/her representation, if any;
- iv) the evidence produced during the enquiry held;
- v) the findings of the punishing authority and also the report of the inquiring authority in case of an enquiry has been held; and
- vi) the orders in the case together with reasons thereof.

VI) Procedure for imposing major penalties –

- (1) No order imposing any of the penalties shall be made except after an inquiry held, as far as may be in the manner provided in these Regulations.
- (2) Whenever the punishing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint any other person or authority to inquire into the truth thereof.

Explanation—Where the punishing authority itself hold the inquiry, any reference in sub- regulation (7) to (18) and in sub- regulation (20) to the inquiring authority shall be construed as reference to the punishing authority.

- (3) Where it is proposed to hold an inquiry against an employee under this Regulation the punishing authority shall draw up or cause to be drawn up:

- (i) The substance of the imputations of misconduct or misbehaviour into definite and distinct Articles of Charges;

- (ii) A statement of imputation of misconduct or mis-behaviour in support of each Article of Charges, which shall contain-
- (a) a statement of all relevant including any admission or confession made by the employee;
 - (b) a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- (4) The Punishing authority shall deliver or cause to be delivered to the employee a copy of the Articles of Charge, the statement of the imputations of mis-conduct or misbehaviour and a list of documents and witnesses which each Articles Charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified a written statement of his/her defence and to state whether he desires to be heard in person.
- (5)(a) On receipt of the written statement of defence, the punishing authority may itself inquire into such of the Articles of Charge as are not admitted or, if it considers it necessary so do, appoint under sub-regulation (2), an inquiring authority for the purpose and where all the Articles of Charge have been admitted by the employee in his/her written statement of defence, the punishing authority shall record its findings on each charges after taking such evidence as it; may think fit and shall act in the manner laid down in rule VII.
- (b) If no written statement of defence is submitted by the employee, the punishing authority may itself inquire into the Articles of Charge or may, if it considers it necessary to do so, appoint under sub-regulation (2), inquiring authority for the purpose.
- (c) Where the punishing authority itself inquires into any Articles of Charge or appoints an inquiring authority for holding an enquiry into such charge, it may, by an order appoint a employee or a legal practitioner, to be known as the 'Presenting Officer' to present on its behalf the case in support of the Articles of Charge.
- (6) The punishing authority shall where it is not the inquiring authority, forwarded to the inquiring authority—
- (i) a copy of the Articles of Charge and the statement of the imputations of misconduct or misbehaviour;

Shahri

ਮੁਸਾਵਿਤ ਨਕਲ ਸਹੀ ਹੈ
 ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
 ਬਠਿੰਡਾ ਫੋਨ 0184-2212951

- (ii) a copy of the written statement of defence, if any submitted by the employee;
- (iii) a copy of the statements of witnesses, if any, referred to in sub-regulation(3)
- (iv) Evidence documents required to be delivered to the employee under sub-regulation (4)
- (v) a copy of the order appointing the "Presenting Officer."
- (7) The employee shall appear in person before the inquiring authority on such any and at such time within ten working days from the date of receipt by him/her of the Articles of Charge and the statement of the imputations of misconduct or misbehaviour as the inquiring authority may, by notice in writing, specify in this behalf; or within such further time not exceeding ten days, as the inquiring authority may allow.
- (8) The employee may take the assistance of any other employee to present the case on his/her behalf, but may not engage a legal practitioner for the purpose unless the Presiding Officer appointed by the punishing authority is a legal practitioner, or the punishing authority having regard to the circumstances of the case so permits.
- (9) If the employee who has not admitted any of the Articles of Charge in his/her written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him/her whether he is guilty or has any defence to make and if he pleads guilty to any of the Articles of the Charges, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.
- (10) The inquiring authority shall return a finding of guilt in respect of those Articles of Charge to which the employee pleads guilty.
- (11) The inquiring authority shall if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence which he proposes to prove the Articles of Charge.

Note. -- If the employee applies in writing for the supply of copies of the statements of witnesses, the inquiring authority shall furnish him with such copies as early as possible.

(12) On the date fixed for the inquiry, the oral and documentary evidence by which the Articles of Charge are proposed to be proved shall be produced

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ
ਅਡੀਸਨਲ ਕਮਿਸ਼ਨਰ ਆਫ ਸੁਸਾਇਟੀ

ਬਨਿਫ਼ਾ ਫੋਨ 0164-2212951

Principal/Secretary
Hotel Management, Catering
& Applied Nutrition
Central Grounds, Mansa Road
Ludhiana (Punjab)-151001

by or on behalf of the Punishing Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

- (13) If it shall appear necessary before the close of the case on behalf of the punishing authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witnesses and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the date of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring to produce new evidence it is of the opinion that the production such evidence is necessary in the interest of justice.

Note.—New evidence shall not be permitted or called for or any witness shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (14) When the case for the punishing authority is closed the employee shall be required to state defence orally or in writing as he may prefer. If the defence is made orally it shall be record and the employee shall be required to Statement defence shall be given to the Presenting Officer, if any, appointed.
- (15) The evidence on behalf of the employee shall then be produced. The employee may examine himself on his own behalf, if he/she so prefers at the first instances. Thereafter, the witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination by the inquiring authority.
- (16) The inquiring authority may, after the employee closes his/her case, generally question him on the circumstances, appearing against him/her in the employee to explain any circumstances appearing against him/her in the

evidence for the purpose of enabling employee to explain any circumstances appearing in the evidence against him/her.

- (17) The inquiring authority may, after the completion of the production of evidence hear the Presenting Officer, and the employee or permit them to file written briefs of their respective cases, if they desire.
- (18) If the employee to whom a copy of the Articles of Charge has been delivered, does not submit the written statement of defence on or before the date specified for the 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 inquiring authority may hold the inquiry ex parte.
- (19)(a) Where a punishing authority competent to impose any of the penalties specified in (i) to (iv) of Rule III (A) of regulation 9 but not competent to impose any of the penalties specified in (i) to (v) of Rule III (B) of regulation 9 has itself inquired into or caused to be inquired into the Articles of any Charge and that authority having regard to its own findings or having regard to its decision on any of the finding of any inquiring authority appointed by it, is of the opinion that the penalties specified in (i) to (v) of Rule III (B) of regulation 9 should be imposed on the employee, that authority shall forward the record of the inquiry to such punishing authority as is competent to impose the last mentioned penalties.
- (b) The punishing 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 witness is necessary in the interests of justice recall the witness and examine, cross-examine and re-examine the witness and may impose on the employees such penalty as it may deem fit in accordance with these Regulations.
- (20) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:
- (21)(i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਨਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Food Management, Catering
& Nutrition
Mansarovar Centre, Mansa Road
Bathinda (Punjab)-151001

- (a) the Articles of Charge and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the employee 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 therefore.

Explanation-- If in the opinion of the inquiring authority the proceedings of the inquiry establish any Article of Charge different from the original Articles of the Charge, it may record its findings on such Article of Charge:

Provided that the findings on such Article of Charge shall not be recorded unless the employee has either admitted the facts on which such Article of Charge is based or has had a reasonable opportunity of defending himself against such Article of Charge.

- (ii) The inquiring authority where it is not itself the punishing authority shall forward to the punishing authority the records of inquiry which shall include-
 - (a) the report prepared by it under clause (i):
 - (b) the written statement of defence if any, submitted by the employee;
 - (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 employee or both during the course of the inquiry; and
 - (e) the orders, if any, made by the punishing authority and the inquiring authority in regard to the inquiry.

VII) Action on the inquiry report-

- (1) The punishing 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 further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Regulation III as far as may be.
- (2) The punishing authority shall, if it disagrees with the findings of the inquiring authority on any Article of Charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

- (3) If the punishing authority having regard to its findings on all or any of the Articles of Charge is of the opinion that any of the penalties specified in (i) to (iv) of Rule III (A) of Regulation 9 should be imposed. Punishing authority may impose such minor penalty, without conduct any fresh inquiry.
- (4) (i) If the punishing authority having regard to its findings on all or any of the Articles of Charge, is of the opinion that any of the penalties specified in (i) to (v) of Rule III (B) should be imposed on the employee, it shall-
- (a) furnish to the employee a copy of the report of the enquiry held by it and its findings on each Article of Charge or where the inquiry had been held by an inquiring authority, appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement, if any with the findings of the inquiring authority;
- (b) give the employee a notice stating the penalty proposed to be imposed on him/her and calling upon him/her to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under Rule VI of the Regulation.
- (ii)(a) In every case in which it is necessary to consult the authority the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in pursuance of such notice, if any, shall be forwarded by the punishing authority to the authority for its advice.
- (b) The punishing authority shall after considering the representations, if any, made by the employee and the advice given by the authority determine what penalty, if any, should be imposed on the employee and make such order as it may deem fit.
- (iii) Where it is not necessary to consult the authority the punishing authority shall consider the representation, if any, made by the employee in pursuance of the notice given to him/her under

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951


Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Estate, Mansa Road
Bathinda (Punjab)-151001

clause (i) and determine what penalty, if any, should be imposed on him/her and make such order as it may deem fit.

VIII) Procedure for imposing minor penalties—

- (1) Subject to the provision of sub- clause (3) of Rule VII of regulation 9, no order imposing on a employee any of the penalties specified in (i) to (iv) of Rule III (A) of regulation 9 shall be made except after-
 - (a) informing the employee in writing of the proposal to take action against him/her and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him/her a reasonable opportunity of making such representation as he may wish to make against the proposal;
 - (b) holding an inquiry in the manner laid down in sub-rule (3) to (21) of rule VI), of Regulation 9, in every case in which the punishing authority is of the opinion that such inquiry is necessary;
 - (c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
 - (d) recording a finding on each imputation of mis-conduct or misbehaviour; and
 - (e) consulting the authority where such consultation is necessary.
- (2) The record of the proceedings in such cases shall include—
 - (i) a copy of the intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of imputations of mis-conduct or misbehaviour delivered to him;
 - (ii) his/her representation, if any;
 - (iii) the evidence produced during the inquiry;
 - (iv) the advice of the authority, if any;
 - (v) the findings on each imputation of misconduct or misbehaviour ; and
 - (vi) the orders on the case together with the reasons therefore;

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ


ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ

Principal/Secretary

Institute of Hotel Management, Catering
Technology & Applied Nutrition
Mansa Road

IX) Communication of Orders:

Orders made by the Punishing Authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the punishing authority and a copy of its findings on each Article of Charge or where the punishing authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the punishing authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the authority and where the punishing authority has not accepted the advice of the authority, a brief statement of the reasons for such non-acceptance.

X) Common Proceedings—

(1) Where two or more employees are concerned in any case the authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note—If the authorities competent to impose the penalty of dismissal on such employees 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.

XI). Orders against which appeal lies—An employee may prefer an appeal against all or any of the following orders, namely:-

- (i) an order of suspension made or deemed to have been made under rule II.
- (ii) an order imposing any of the penalties specified in rule III whether made by the punishing authority or by any appellate or reviewing authority.
- (iii) an order enhancing any penalty imposed under rule III ;
- (iv) an order which—
 - (a) denies or varies to his/her disadvantage his/her pay, allowances, Retiral Benefits or other conditions of service as regulated by rules or by agreement;
 - (b) interprets to his/her disadvantage the provisions of any such rule or agreement;

(v) an order—

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਡੀਸਨਲ. ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institution of Hotel Management Catering
and Allied Courses
Bathinda (Punjab)

- (a) stopping him at the efficiency bar in the time-scale of pay on the ground of his/her unfitness to cross the bar;
- (b) reverting him while officiating in a higher service grade or post, otherwise than as a penalty;
- (c) reducing or withholding the Retiral Benefits or denying the maximum Retiral Benefits admissible to him under the rules;
- (d) determining the subsistence and other allowance to be 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 thereof; or
- (e) determining his/her pay and allowances—
- (i) for the period of suspension ; or
- (ii) for the period from the date of his/her dismissal, removal or compulsory retirement from service, or from the date of his/her reduction to a lower service, grade, post, time scale or stage in a time-scale of pay to the date of his/her retirement or restoration to his/her service, grade or post, or
- (f) determining whether or not the period from the date of his/her suspension or from the date of his/her dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time scale of pay to the date of his/her reinstatement or restoration to his/her service, grade or post shall be treated as a period spent on duty for any purpose

Explanation- In this rule-

- (i) The expression 'employee' includes a person who has ceased to be in Service;

XII) Punishing and Appellate Authority

S.No	Description of Employee	Punishing Authority competent to impose penalty	Nature of Penalty	Appellate Authority
1	Group A	Chairman	Major and Minor Penalty	Board of Governors
2	Group B	Chairman	Major and Minor Penalty	Board of Governors
3	Group C	Principal	Major and Minor Penalty	Chairman
4	Group D	Principal	Major and Minor Penalty	Chairman

Principal/Secretary

XIII) Period of limitations of appeal-

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of thirty days from the date on which a copy of 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.

XIV) Form and contents of appeal.-

- (1) Every person preferring an appeal shall do so separately and in his/her own name.
- (2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.
- (3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant record to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

XV) 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 rule II of Regulation 9 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in rule III or enhancing any penalty imposed under the said rule, the appellate authority shall consider-
 - (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provision of the Constitution of India or in the failure of justice;

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ
 ਅਡੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
 ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Secretary
 Institute of Labour & Industrial Relations
 Centre, Mansa Road
 Bathinda (Punjab)-151001

- (b) whether the findings of the punishing authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or server;

and pass orders-

- (i) confirming, enhancing, reducing or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that-

- (i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause III of Regulation 9 and an inquiry under Regulation 9 has not already been held in the case, the appellate authority, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Regulation 9 and thereafter, on a considerations of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of Regulation 9 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry make such orders as it may deem fit;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in Clause III of Regulation 9 and an inquiry under Regulation 9 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions in Regulation 9 making a representation against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit, and
- (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions in Regulation 9 of making a representation against such enhanced penalty.

XVI) Implementation of order in appeal :-

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

10. New Pension Scheme:-

- i) New Pension Scheme shall be applicable on all employees of the Institute as approved in the fifth meeting of BOG.

11. LEAVE TO EMPLOYEES

A) Entitlement of Leaves per annum for the Employees of Institute w.e.f 1st July 2019

Types of leave	Vacation Staff	Non-Vacation Staff
Casual Leave	10	10
Earned Leave	8	20
Half Pay Leave	-	20

Note:-

- (i) Vacation Staff includes all teaching faculty of Institute including Principal and HOD.
Non Vacation Staff includes all other employees of the Institute except the teaching staff.
- (ii) Casual leave cannot be availed by any employee for more than 5 days in a one spell as a matter of right. Casual Leave for more than 5 days shall be granted by the competent authority as per exigencies or requirement of the institute at its discretion, whose decision shall be final.
- (iii) If a vacation staff is prevented from availing his/her full or any part thereof vacations, such employee shall be granted compensatory leave, which shall be availed by such employee within a period of one month from the last day of such vacation.
- (iv) For the purpose of counting compensatory Leave, an employee shall be entitled for 50% of the vacation leave period.
- (v) Vacation staff to whom leave is not granted during vacation period shall not be entitled for any extra pay for the number of days he/she is working during vacation period. Further such vacation employee shall not be entitled for any extra pay and his/her period of duty spent during vacation period shall not be counted towards earned leave.

ਪ੍ਰਿੰਸੀਪਲ ਸਕੂਲ
ਅੰਮ੍ਰਿਤਸਰ
ਬੰਨੀਤਾ ਫੋਨ 0164-2212951

Principal Secretary
Catering

Explanation:-

- (i) If vacation staff is prevented from availing vacation period of 6 weeks, then such employees is entitled to avail compensatory leave for 3 weeks.
- (ii) If vacation staff is prevented from availing part of the vacation period for instances for period of 11 days such employees entitled to avail compensatory leave for 6 days.

B) GRANT OF LEAVE;**General**

- (i) Leave cannot be claimed as of right. When the exigencies of the services so require, discretion to refuse or revoke leave of any description is reserved to Principal of the Institute empowered to grant it. The nature of leave due and applied for employee cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave.
- (ii) The sanctioning authority for grant of leaves for all groups of employees will be "Principal" , whereas the sanctioning authority for leaves to the principal will be the "Chairperson".
- (iii) In case an employee is seeking leave on medical grounds for more than three days, same will be accompanied by a medical certificate issued by a Registered Medical Practitioner, wherein it should mention the reasons for inability to join duty.

Note:- Provided that the authority competent to sanction leave may, at its discretion, waive the condition of producing a medical certificate in the case of a member(s) of 'Service' if the leave applied for does not exceed three days at a time and such leave shall not be treated as leave on medical ground and shall be debited against leave due other than the leave on medical grounds.

The authority competent to sanction leave may at its discretion, secure a second medical opinion by requesting the Principal Medical Officer or Assistant to the Civil Surgeon to have the applicant examined. If it decides to do so, it must arrange for the second examination to be made at the earliest possible date after the date on which the first medical opinion was given.

- iv) In cases where all applications for leave cannot, in the interests of the Institute be granted, an authority competent to grant leave should, in

deciding which application should be granted, take into account following considerations:-

- (a) The employee who can, for the time being, best be spared.
- (b) The amount of leave due to the various employee.
- (c) The amount and character of the service rendered by each employee since the last returned from leave.
- (d) The fact that any such employee was compulsorily recalled from his last leave.
- (e) The fact that any such employee has been refused leave in the public interest.
- v) Leave shall not be granted to an employee, whom a competent authority has decided to dismiss, remove or compulsorily retire from service.
- vi) Leave should be sanctioned to an employee after due verification by the authority maintaining the leave account and a modified sanction for the period of leave can be issued, where necessary.

D) Earned Leave

The earned leave admissible to a permanent employee is 20 days for a year of completed service for Non-Vacation Staff. Vacation staff is entitled for 8 days earned leave for every year of completed service.

Note 1. - The period spent on duty shall include all kinds of leave, except extraordinary leave, for the purpose of calculation of earned leave”;

- (i) Accumulation of earned leave is permissible upto 300 days.
- (ii) Leave preparatory to retirement may be allowed upto 200 days on full pay, provided it is due.
- (iii) The leave granted as leave preparatory to retirement shall not include extraordinary leave.

Note 2.- In a case, where a employee who is required to retire, or who himself/herself chooses to be retired before the age of superannuation, he may be allowed the leave due as admissible to him/her as indicated above, provided it does not extend beyond the date on which he attains the age of superannuation.

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ
 ਅਭੀਲਾਸ਼ਨਲ ਟੈਕਨੋਲੋਜੀ ਆਫ ਸੁਸਾਇਟੀ
 ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
 Institute of Hotel Management, Catering
 Technology & Applied Nutrition
 Industrial Area, Alansa Road
 Bathinda, Punjab - 151001

- 2(a) If a vacation staff is prevented from availing himself of the full vacation, earned leave shall be admissible in respect of that year in accordance with the provisions of Earned Leave as entitled to Non-Vacation Staff.
- 2(b) If in any year, vacation staff is prevented from availing himself of a part of vacation, the earned leave proportionately admissible to him/her under sub-rule (b).

E) Half pay leave and Leave not due

- (a) The half pay leave admissible to an employee in permanent non-vacation employee in respect of each completed year of service is 20.
- (b) The half pay leave due may be granted to a non-vacation employee on medical certificate or on private affairs.
- (c) Save in the case of leave preparatory to retirement 'leave not due' may be granted to a employee in permanent employ for a period not exceeding 180 days during his/her entire service, out of which not more than 45 days at a time and 90 days in all, may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the employee may earn subsequently.

Note 1.—Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is reasonable prospect of the employee returning to duty on the expiry of the leave and should be limited to the half pay leave he is likely to earn thereafter.

F) Extraordinary Leave.

Extraordinary leave may be granted to any employee in special circumstances

- (a) when no other leave is admissible, or
- (b) when other leave is admissible, but employee concerned applies in writing for the grant of extraordinary leave.
- (c) The authority empowered to grant leave may commute retrospectively:—
- (i) period of absence without leave into extraordinary leave.
- (ii) extra ordinary leave granted into leave of a different kind if the latter type of leave was admissible at the time extraordinary leave was granted.

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਲਈ ਹੈ

ਬੰਨਿਤ ਕੋਲ 0164-2212951

- (d) Extra ordinary leave shall be granted to an employee without pay for such number of days. Extra ordinary leave is availed by an employee or when under any circumstances any other leave is treated as extra ordinary leave by competent authority in writing.
- (e) Grant of extra ordinary leave or commutation of period of absence without leave into EOL cannot be claimed by an employee as a matter of right.

G) ADDITIONAL KIND OF LEAVE IN SPECIAL CIRCUMSTANCES

(i) Study Leave

Leave may be granted to employees on such terms as may be prescribed by general or special orders of the competent authority to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. However the leave shall be treated as leave without pay and no salary will be paid for during this leave.

(ii) Maternity Leave

- (a) The competent authority under Rules may grant to a female employee maternity leave on full pay for a period not exceeding 180 days without the necessity of production of a medical certificate and the grant of such a leave, shall be so regulated that the date of confinement falls within the period of this leave and the leave so granted shall not be debited against the leave account of the female employee:

Provided that no leave under this sub-rule shall be granted to a female employee who has two or more living children.

Note.— Extension in leave, if any, on the expiry of maximum period of 180 days maternity leave, shall be permissible by the grant of leave of the kind due.

Note 1.— During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. The term "pay" in this rule includes officiating pay: provided the authority sanctioning the leave certifies that the employee would have continued to officiate had she not proceeded on leave.

Note 2.— Where a female employee has less than two living children, maternity leave under this rule may also be granted in cases of miscarriages and abortion, subject to the conditions that the leave does not exceed six weeks and the

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਭੀਸ਼ਨਲ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਸਟਿੱਛਾ ਫੋਨ 0164-2212951

Principal/Secretary
Mansarovar
Mansarovar, Mansa Road
151001

application for leave is supported by a certificate from a registered medical practitioner and, in case of doubt, certificate of a Principal Medical Officer or Assistant to a Civil Surgeon or Senior Medical Officer may be called for:

- (b) Provided that a female employee having two or more children shall not be entitled to avail of this concession, but if required, can be sanctioned leave of the kind due, on the production of a medical certificate.
- (c) Any other kind of leave may be permitted to be prefixed in maternity leave without insisting on a medical certificate. But any leave applied for in continuation of maternity leave may be granted only if the request is supported by a medical certificate.

Note 1.—This rule does not preclude the grant of maternity leave in continuation of leave of any kind.

Note 2.—Regular leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female employee producing a medical certificate from the authorised medical attendant to the effect that the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

(iii) Paternity Leave

- (a) A male employee having less than two surviving children, may be granted Paternity Leave upto a maximum of 15 days (after commuting half pay leave of 30 days).
- (b) Such leave shall be admissible during the confinement of his wife for childbirth, i.e. upto 15 days before or upto 15 days after the date of delivery of the child.
- (c) During the period of such leave, the employee shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

Note. — Paternity leave shall not normally be refused.

H) LEAVE TO PROBATIONERS

During the period of probation, a probationer is entitled to leave as follows:—

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab) - 151001

ਪ੍ਰਮਾਣਿਤ ਠਕਣ ਸਹੀ ਹੈ

ਅਭੀਸ਼ਨਣ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0184-2212951

- (1) If appointed under contract, to such leave as is prescribed in his/her contract ;
or
- (2) (i) if there be no such prescription in the contract or
- (ii) if appointed otherwise, to such leave as would be admissible to him under the leave rules which would be applicable to him if he held his/her post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his/her services are terminated by the order of an authority competent to appoint him.

D) VACATIONS LEAVE

The period of vacation for vacation staff will be 6 weeks in summer and 2 weeks in winter in a year or as decided by BOG, whose decision shall be final.

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

LCY
ਅਡੀਸ਼ਨਲ ਗਰਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0164-2212951

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Group Centre, Mansa Road
Bathinda (Punjab)-151001

Appendix 'A'

The Institute of Hotel Management, Catering Technology & Applied Nutrition,
Bathinda Service RulesList of Regular Approved Posts (See Rule -3)

S. No	Designation of Post	No. Of Approved Post	Pay Scale	Grade Pay	Classification of Post
1	Principal	1	37400-67000	8700	Group A
2	Head Of Department	1	15600-39100	6600	Group A
3	Senior Lecturer- Cum – Senior Instructor	2	15600-39100	5400	Group A
4	Administrative Officer	1	15600-39100	5400	Group A
5	Lecturer – cum – Instructor	4	10300-34800	4600	Group B
6	Assistant Lecturer – cum – Assistant Instructor	8	10300-34800	4200	Group B
7	Accountant	1	10300-34800	3600	Group C
8	U.D.C	2	10300-34800	3200	Group C
9	Librarian	1	10300-34800	3200	Group C
10	Stenographer	1	10300-34800	3200	Group C
11	L.D.C	2	5910-20200	2800	Group C
12	Driver-cum- Mechanic	1	5910-20200	2400	Group C

Note:- The approved number of posts are as per norms fixed by National Council for Hotel Management, Catering and Technology and are subject to change addition reduction as per the decision of Board of Governors in terms of Rule -3 of these Service Rules.

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Mansa Road
Bathinda (Punjab)-151001

Appendix 'B'**RECRUITMENT AND PROMOTION (See Rule -6)****1. Scope;**

These Rules shall apply for recruitment and promotions to whole time regular employees and all persons appointed or promoted to any post in the Institute.

2. Classification of Posts;

S.No.	Description of Posts	Classification of Posts
4.1	Posts in Pay Scale PCS (Revised Pay) Rules 2016 in the scale of pay of Rs. 37400-67000+8700, 15600-39100+6600, 15600-39100+5400	Group A
4.2	Posts in Pay Scale PCS (Revised Pay) Rules 2016 in the scale of pay of Rs. 10300-34800+4600, 10300-34800+4200	Group B
4.3	Posts in Pay Scale PCS (Revised Pay) Rules 2016 in the scale of pay of Rs. 10300-34800+3600, 10300-34800+3200, 5910-20200+2800, 5910-20200+2400	Group C

3. Filling up of Vacancies ;

3.1 Vacancies shall be filled up by one or more of the following methods as prescribed in the Appendix-" A" for each category of posts;

- Direct recruitment;
- Promotion by seniority-cum merit ;
- Deputation of a person from the Central Government/ State Government/Semi-Government Organization/ Public Sector/other Undertakings/ Universities, etc.

3.2 Vacancies against posts normally required to be filled up by promotions may be filled by direct recruitment/Deputation/Transfer when no employee is eligible or available or found suitable for promotion.

ਪ੍ਰਿੰਸੀਪਲ ਸਕਰਟਰੀ

C. S.

ਮੁੱਖ ਮੰਤਰੀ, ਸਰਕਾਰ ਪੰਜਾਬ

ਚੌਕੀ ਨੰਬਰ 11/27/191

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Mansa Road
Ludhiana (Punjab)-151001

4. Selection Committee :

4.1 Appointing authority would be as prescribed in rule 4 of these rules. It shall be assisted by a staff selection committee as given below:

(a) For the post of Principal , the selection committee will consist of:

I	Director, Department of Tourism, Government of Punjab	Chairman
II	Director, Department of Technical Education, Government of Punjab of his/her nominee	Member
III	Representative of Government of India, Ministry of Tourism	Member
IV	Deputy Commissioner, Bathinda	Member
V	Representative, Department of Social Welfare, Punjab	Member
VI	Principal IHM Bathinda	Member/ Secretary

(b) Selection Committee for other posts of Group 'A', and 'B'

I	Director, Department of Tourism, Government of Punjab	Chairman
II	Director, Department of Technical Education, Government of Punjab of his/her nominee	Member
III	Catering Expert on the BOG's	Member
IV	Representative, Department of Social Welfare, Punjab	Member
V	Principal IHM Bathinda	Member/ Secretary

(c) For Group C:

I	Director, Department of Tourism, Government of Punjab or nominee	Chairman
II	Principal, IHM Bathinda	Member
III	Representative, Department of Social Welfare, Punjab	Member
IV	Head of Department, IHM Bathinda	Member
V	Administrative Officer, IHM Bathinda	Member/ Secretary

4.2 In making promotions to Group 'A', 'B' and 'C' the Department Promotion Committee will consist of ;

I	Special Secretary, Department of Tourism, Government of Punjab	Chairman
II	Deputy Secretary / Director / Joint Director, Department of Tourism, Government of Punjab	Member
III	Secretary of Personal Department or any Nominee appointed by his/her as special invitee	Member
IV	Director Technical Education or any Nominee appointed by his/her as special invitee	Member
V	One officer from the Department of Welfare of Scheduled Castes & Backward Classes, Punjab	Member
VI	Principal IHM, Bathinda	Member/ Secretary

4.3 The Chairman of a Selection Committee may co-opt one/two subject specialists to assist the committee

4.4 The recommendations of the Selection Committee shall be submitted to the Appointing Authority for approval and shall normally be valid for one year.

4.5 If any relative of any of the member of the Selection/Promotion Committee is a candidate for the post, such member will withdraw from the Selection/Promotion Committee to maintain impartiality and clear transparency in the selection process.

4.6 The Selection/Promotion Committee would recommend parcel of names and rank in order of merit based on interview and/or test.

5. The Screening Committee for the post of Principal shall consist of ;

I	Special Secretary / Deputy Secretary / Joint Director, Department of Tourism, Government of Punjab	Chairman
II	Deputy Director, Department of Tourism, Government of Punjab	Member
III	Head of the Department, IHM Bathinda	Member
IV	Administrative Officer, IHM Bathinda	Member/ Secretary

ਪ੍ਰਮਾਣਿਤ ਨਕਲ ਸਹੀ ਹੈ

ਅਧਿਕਾਰਤ ਰਜਿਸਟਰਾਰ ਆਫ ਸੁਸਾਇਟੀ
ਬਠਿੰਡਾ ਫੋਨ 0184-2212951

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Growth Centre, Mansa Road
Bathinda (Punjab)-151001

The Screening Committee for all posts except the post of Principal shall consist:

I	Deputy Director, Department of Tourism, Government of Punjab	Chairman
II	Principal, IHM Bathinda	Member
III	Head of the Department, IHM Bathinda	Member/ Secretary

Short listed candidates shall be required to appear in the prescribed test (s) and /or interview. On an average for one post, three candidates may be selected and placed in a panel in order of merit. Provided the number of candidates appeared for the post is more than ten. In case the first candidates does not join the post within the stipulated joining time, the offer of appointment shall be made to the second candidates and if the second candidate also does not join, the offer of appointment shall be made to the third candidate. The panel of selected candidates shall be valid for one year. However. The selection committee has the discretion in the regard.

1. A candidate below the age of 18 years shall not be considered for appointment to any post in the institute.
2. **General Principles For All Committees.** In case of any member of the committee not being available on account of the post being vacant or otherwise the Chairman BOG may nominate any other officer not below the rank of Deputy Secretary in the Government of Punjab or not below the post of Deputy Director in Punjab.

Note:-1. If there is no Principal, IHM, Bathinda then Principal IHM, Gurdaspur shall substitute him/her in all the above Committees.

2. Three members of the Selection Committee and Screening Committee including Chairman shall constitute a quorum.

6. Deputation on Foreign Service Terms :

The provisions as regarding deputation by the State Government from time to time shall be applicable for taking officials on deputation to the Institute.

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab)-151001

Principal/Secretary
Institute of Hotel Management, Catering
Technology & Applied Nutrition
Industrial Growth Centre, Mansa Road
Bathinda (Punjab)-151001