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GOVERNMENT OF KERALA

Higher Education (C) Department

NOTIFICATION

No.24869/C3/80/H.Edn.

Dated, Trivandrum, 20th November, 1982

S.R.O. No.1430/82 – In exercise of powers conferred by subsection (1) of section 31 of the Cochin University Act, 1971 (30 of 1971), the Government of Kerala hereby make the following First Statutes on service conditions of teachers and other staff of the University, namely:-

THE COCHIN UNIVERSITY FIRST STATUTES, 1981

CHAPTER 1

PRELIMINARY

1. *Short title and commencement.* -(1). These Statutes may be called the Cochin University First Statutes on services conditions of teachers and other staff of the University.
(2) They shall come in force at once.
2. *Definitions.* -(1) In these Statutes, unless the context otherwise requires, -
 - (a) “Act” means the Cochin University Act, 1971 (30 of 1971)
 - (b) “Department” means a Cochin University Department of study and/or Research or a Department functioning for a specific purpose main at the cost of the Cochin University Fund;
 - (c) “Head of Department “ means the Officer in charge of a Department, responsible for its administration, including its day-to-day work.
 - (d)“Selection Post” means a post in the University service to appointment is made on the basis of merit-cum-seniority;
 - (e)“University employee” means every person other than a teacher of the University in the whole time employment of the University

(other a person so employed in the contingent or work establishment or on the basis or provisionally) and remunerated from the Cochin University

(f)“University Service” means service under the Cochin University.

Chapter 11

TEACHERS OF THE UNIVERSITY

1. *Institution of posts.* - The Senate shall be competent to institute professorships, Readerships, Lecturerships and such other teaching and research post required by the University in each Department on the motion of the syndicate and/or on the proposals of the Academic Council therefore endorsed by the syndicate.
2. *Abolition or suspension of posts.* -On the motion of the Syndicate and after report from the Academic Council thereon, the Senate may suspend or abolish any Professorship, Readerships, Lecturership or other teaching ships provided however, that no such suspension or abolition shall be made in the case of a post which is not permanently vacant at that time.
3. *Appointment of teachers.* -Teachers of the University Shall be appointed by the Syndicate after advertisement inviting applications. It shall however be competent for the Syndicate to appoint in exceptional cases Professors and Readers without advertisement, if it is satisfied that persons already in the services are suitable for the post. Teachers of the university shall be promoted by up gradation of their posts by applying the norms of upgradation laid down by the Academic Council.
4. *Qualification.* -No teacher shall be eligible for appointment as such in the University, unless he possesses such qualifications as may be prescribed by the Regulations made by the Academic Council.
5. *Mode of appointment of teacher.* -(1) Every teacher of the University shall be appointed by a written order.
 - (2) A copy of the written order shall be lodged with the Registrar and the other delivered to the teacher concerned and his acknowledgement obtained.
 - (3) The teachers of the University may be assigned work in their areas of specialization in any Department or institution in the University as and when required.
6. *Certain lapses of University Teachers to be punishable.* -The following lapses on the part of the teachers in the University shall constitute improper conduct inviting disciplinary action.-

- (1) Failure to perform his academic duties, such as, coming to the class without preparation for conducting lecture classes, demonstration, assessment, guidance, invigilation, etc.
- (2) Gross partiality in the assessment of student such as over-marking /under-marking or attempt at victimization on any ground whatsoever.
- (3) Inciting students against other students, colleagues or against the University or the State Government or the Central Government:

Provided that a teacher may express his difference on principles in seminars or other places, where students are present;

- (4) Raising questions of caste, creed, religion, race or sex in his relationship with his colleagues and trying to use the above consideration for the improvement of his prospects;
- (5) Refusal to carry out the decisions taken by appropriate Administrative and academic bodies and/or functionaries Of the university, subject to the condition that they are not against the provisions of any law for the time being in force;

7. *Emoluments of University Teachers.* -The teachers of the University shall receive such emoluments as may be prescribed by the Ordinances.
8. *Disciplinary Control of the syndicate.* - All teachers of the university shall be subject to the disciplinary control of the syndicate.
9. *Applicability of certain Rules to University Teachers.* -Subject to the provisions of the Act, and the Statutes issued thereunder, the Kerala Service Rules the Kerala State and Subordinate Service Rules and the Kerala Government Servants Conduct Rules for the time being in force as amended from time to time shall mulatis mulandis apply to the teachers of the University with such modifications, as any, of the authorities of the University may make, and the expression "Government" in those Rules shall be constructed as a reference to the "University":

Provided that the age of retirement of teachers of the university shall be 60.

10. *Pension, Insurance, etc .to University Teachers.* -The teachers of the University shall be eligible for pension; insurance provident fund and such other benefit as may be prescribed by the Ordinances under the Act.
11. *Starting pay of University Teachers.* -The Syndicate may fix the starting pay of a teacher on appointment at any stage in the scale of pay applicable to that post.
12. *Honorary appointments.* -The Syndicate shall have the power to appoint competent persons as Visiting Professors or Honorary Professors on payment of such honorarium as it may fix for participating in University work in their respective subjects.
13. *Probation and confirmation.* -(1) Every teacher of the University shall in the first instance be appointed on probation. He shall, from the date on which he joins duty be on probation for a total period of one year on duty within a continuous period of two years:

Provided that it shall be competent for the Syndicate to extend the period of probation for a period not exceeding one year.

- (2) On satisfactory completion of probation, a teacher holding a substantive post shall be confirmed in service by a written order.
- (3) If on the expiry of the prescribed period or extended period of probation, the Syndicate decides that the teacher is not suitable for continuance in the post to which he has been appointed, it shall discharge him from service.

14. *Leave.* -(1) Subject to the modifications here after contained, the provisions relating to the various kinds of leave in the Kerala Service Rules shall apply to the teacher of the University.

- (2) The authority competent to sanction casual leave to the Head of Department shall be the Vice-chancellor and to other teachers the Head of the concerned Department. Casual leave may be sanctioned to a teacher, if he has such leave to his credit.
- (3) Leave other than casual leave for a period not exceeding 30 days may be sanctioned to the teachers by the Vice-Chancellor and for longer periods by the Syndicate.

15. *Disciplinary procedure.* -The provisions relating to disciplinary procedure contained in part II of Chapter III shall mutatis mutandis apply in the case of disciplinary action against the teachers of the University:

Provided that the disciplinary authority for imposing minor penalties on teachers of the University shall be the Vice-Chancellor, and for imposing major penalties, the Syndicate.

16. *Duties of a teacher of the University.* -(1) It shall be the duty of a teacher of the University as the Syndicate may direct. -

- i) To deliver lectures, conduct classes, engage in research and do such other academic work as relates to his subject;
- ii) To direct and supervise the work of research students in branches of knowledge relating to his subject working under him; and
- iii) To advice the Syndicate, the Academic Council and the Faculties with respect to any course of study or examination or any other matter relating to his subject.

17. *Head of Department.* -The Professor in charge of a department shall be the Head of the Department. The Syndicate shall nominate the senior most Professor as the Professor in charge of a Department. It shall however be open to the senior most Professor who has been nominated as such, to make a request that he shall be relieved of such a responsibility for academic reasons. In such a case, the next senior most Professor shall be the Professor in charge. The Readers, Lecturers and other members of the teaching staff shall work under the direction of the Professor .If there are more than one Professor, they shall work under the senior Professor and assist him in the performance of his duties, In department which have no Professor, the Reader or the Senior Reader, if there are more readers than one, shall be the Head of the Department and the other members of the teaching staff, if any, shall work under his direction and assist him in the performance of his duties.

18. *Confidential reports of the Head of Department.*
-The Vice-Chancellor shall write the confidential report of the Head of the Departments in form II before the 31st January of each year and keep them in his personal custody. The confidential report should be shown to the officer concerned and his acknowledgement obtained to the report itself. The officer concerned shall have a right to make representation against the adverse remarks, if any.

*19. *Vacation.* -Teachers of the University shall be entitled to a summer vacation of one month between the 15th day of April and the 15th day of June and all gazetted holidays in addition to those fixed by the Syndicate .The Vice Chancellor may require any teacher to do such work as he may specify other than the normal work during the vacation without any claim for compensation leave, unless the period of leave permitted to be availed of by them is less than a month.

*Amended

Chapter III
**TERMS AND CONDITIONS OF SERVICE OF
 STAFF OF THE COCHIN UNIVERSITY OTHER
 THAN UNIVERSITY TEACHERS**

Part I

Application. –Subject to the provisions of the Act, this chapter shall apply to all University employees other than teachers of the University.

2. *Application of entire works to University employees.* -(a) Subject to the provisions of the Act and these Statutes, the Kerala Service Rules, 1959, the Kerala State Subordinate Service Rules, 1958, the Government Servants' conduct Rules, 1960 and the General Provident fund (Kerala Rules) as amended from time to time, except to the extent expressly provided in these Statutes, shall *mulatis mulandis* apply to all the University employees:

Provided that the said rules shall, in their application to the members of the University service, be construed as if the employer were the Cochin University instead of the Kerala Government.

3 *Leave.* –The authority competent to sanction leave and cognate matters shall be as provided in part III.

4. *Constitution of the Cochin University service.* - (1) There shall be a service called the Cochin University Service which shall consist of the following cases of posts namely: -

Class I- Posts on scales of pay with a minimum of Rs.975 per mensem and above.

Class II -Posts on scales of pay with a minimum of Rs.600 and above but Less than Rs. 975 per mensem.

Class III-Posts on scales of pay with a minimum of Rs.270 and above but Less than Rs.600 per mensem

Class IV-Posts on scales of pay with a minimum of less than Rs.290 per Mensem.]

(2) The employees on a scale of pay with their minimum as Rs.650 per mensem and above shall have the Statutes of Gazetted Officers of the Kerala Govt. Service.

5. Scales of pay, qualification, method of recruitment, etc.-The scales of pay, qualification, age and method of recruitment for each post in the University service shall be as prescribed in the Ordinances.

****6.** *Recruitment to posts.* – (1) Recruitment to posts shall be made on the basis of the recommendation made by a Selection Board consisting of the Vice Chancellor as Chairman, and two Syndicate members nominated by the Vice-Chancellor from time to time. The Registrar shall be the Secretary to the Board. The Board may conduct such tests and /or arrange interview as are deemed necessary to determine the suitability of candidates for appointment. It may fix the rate of fee to be paid by the candidates for admission to the test. A rank list shall be drawn up by the Selection board in the order of priority by merit. From these rank lists, appointment shall be made subject to the provision of subsection (2) of section 6 of the Act.

(2) The Selection Board shall also act as the Departmental Promotion Council for purpose of selection from the University employee for appointment to the “Selection Posts”.

***7.** *Probation.* -Every person appointed in the University service shall, from the date on which he joins duty, be on probation for period of two years on duty within a period of three years, in the case of posts under Class I, Class II, or Class III, and one year on duty within a period of two years in the case of posts under Class IV:

Provided that the period of probation in the case of promotees to the posts under Class I or Class II shall be one year on duty within a period of two years:

Provided that it shall be competent for the Syndicate to extend the period of probation for a period not exceeding one year for good and sufficient reasons.

8. *Service Contract.* _Every salaried officer appointed by the University after the coming in to force of the Act shall enter in to a written contract with the University as required under section 46 of the Act. The contract shall be executed in Form I.

* Amended

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****9. Tests or examination.** -(1) The Assistants Grade II in the University service shall be required to pass the Secretariat Manual Test for purpose of drawing their first increment and Account Test (Lower) for purpose of promotion as Assistant Grade I.

(2) The officers in the grade of Senior Grade Assistants and above shall be eligible for promotion to higher posts only after passing a written test in the laws of the University conducted by the University.

(3) The posts of the Section Officers, Assistant Registrars, Private Secretary to the Vice-Chancellor and the Personal Assistants and such other posts as may be decided by the Syndicate from time to time, shall be "Selection Posts".

10. *Posting and Transfers*- University employees are bound to serve throughout the University area.

11. *Confidential Report.* -(i) University Employees other than Deputy Registrars, Development and Planning Officer, Public Relation Officer Security Officer, Assistant Registrars ,Registrar and Finance Officer.

Every University employee in the class I and II service shall report on the 15th January of each year in form II on the work and conduct of the employees who had served under him for a period of not less than four months in the calendar year immediately preceding. The report shall be countersigned by his immediate official superior or superiors who shall record there on such observations as he/they would deem it necessary to record, and forward to the Registrar not later than 31st January.

The confidential report shall be shown to the officer concerned and his acknowledgement recorded in the report it self. The officer concerned shall have a right to make a representation against adverse remarks, if any.

(ii) Deputy Registrars, Development and Planning Officer, Public Relations Officer, Security Officer, Assistant Registrars.

The provision in clause (i) shall apply mutatis mutandis except that the Registrar shall write the confidential reports in Form II and keep them in personal custody after their perusal by the Vice-Chancellor.

(iii) Registrar and the Finance Officers. - The provision in clause (I) apply mutatis mutandis to the Registrar and the Finance Officer except that the Vice-Chancellor shall write the confidential reports in Form II and keep them in his personal custody.

12. *Relinquishment of rights by members.* – Any person may, in Writing, relinquish any right or privilege to which he may be entitled to under these Statutes if, in the opinion of the appointing authority such relinquishment is not opposite to the Interest of the University and nothing contained in these Statutes shall be deemed to require the recognition of any right or privilege to the extent which it has been so relinquished

Part II

DISCIPLINARY PROCEDURE

13. *Definition.* -In this part, unless the context otherwise requires,-

(a) “Appointing authority means the authority empowered to make appointments to the post which the University employee for the time being holds.

(b) “Disciplinary authority” in relation to the imposition of a penalty on a University employee, means the authority competent under these Statutes to impose on him that penalty.

14 *Suspension.* -(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Syndicate in that behalf may, at any time, place University employee under suspension.

(a) Where a disciplinary proceeding against him is contemplated or is pending; or

(b) Where a case against him in respect of any criminal offence is under investigation or trial ; or

(c) Where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest of the University; or

(d) Where final orders are pending in the disciplinary proceedings, if the appropriate authority considers that in the then prevailing circumstances it is necessary, in the interest of the University that the University employee should be suspended from service of the University.

(2) A University employee shall be deemed to have been placed under suspension by an order of the appointing authority.

(a) With effect from the date of his detention, if he is detained in custody, whether on criminal charge or otherwise for a period exceeding forty eight hours.

(b) With effect the date of his conviction, for an offence, if he is sentenced to 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 sub clause (b) of Clause 2 shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent periods of suspension, if any ,shall be taken into account.

(a) An order of suspension made or deemed to have been made this Statute shall continue to remain in force until it is modified or by the authority competent to do so.

(b) Where a University employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension, may, for reasons to be recorded by him in writing direct that the University employee shall continue to be under suspension until the termination of all or any of such proceeding.

15. Report of suspension

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 under which the order was made.

16. Continuance of suspension in case of further enquiry:

Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a University employee under suspension is set aside in appeal or on revision under these Statutes and the case is remitted for further enquiry or action or with any other direction, the order of his 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 force until further orders.

17. Continuance of suspension in certain other cases:

Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a University employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case decides, to hold a further enquiry against

him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the University employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension, until further orders.

18. Modification or revocation of suspension:

An order of suspension made or deemed to have been made under these Statutes may, at any time be modified or revoked by the authority which made or is deemed to have made ordered or by any authority to which that authority is subordinate.

19. Subsistence allowance:

(1) Whenever a University employee is placed under suspension, he shall be paid such subsistence and other allowance admissible under the rules for the time being in force regulating such matters.

Provided that where the period of suspension exceeds twelve months it shall be within the competence of the suspending authority to increase or reduce the amount of subsistence allowance for any period subsequent to the period of first twelve months subject to the following conditions, namely: -

i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance drawn during the period of the first twelve months, if in the opinion of the suspending authority, the period of suspension has been prolonged for reasons not directly attributable to the member of service;

ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance drawn during the period of the first twelve months, if in the opinion of the suspending authority the prolongation of the period of the suspension has been due to reasons directly attributable to the member of service.

2) No member of the service shall be entitled to receive payment under clause (1) unless he furnishes a certificate to the effect that he is not engaged in any other employment, business, profession or vocation.

20. Imposition of penalties:

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a university employee, namely: -

A. MINOR PENALTIES

- i) Censure;
- ii) Fine (in the case of persons on whom such penalty may be imposed under these Statutes);
- iii) With-holding of increments or promotion;
- iv) a) Recovery from pay of the whole or part of any pecuniary loss caused to the University or a State Government or Central Government or to a local authority or any legally constituted body, by negligence or breach of orders;
- b) Recovery from pay to the extent necessary, of the monetary value equivalent to the amount of increments ordered to be with-held where such an order cannot be given effect to:

Explanation: In case of stoppage of increments with cumulative effect, the monetary Value equivalent to three times the amount of increments ordered to-be with held may be recovered.

B.MAJOR PENALTIES

- (v) Reduction to a lower rank in the seniority list or to a lower grade or post or time-scale ;

Note 1 - The period of reduction shall not be less than six months and not more than five years. If the period is not specified in the order, the period of reduction shall be deemed to be six Months;

Note 2 - Reduction to lower stage in the time scale can be with or without the effect of Postponing future increments. If no mention is made about this in the order, the reduction shall be deemed to be without the effect of postponing future increments.

- (vi) Compulsory retirement
- (vii) Removal from the University service, which shall not be a dis-qualification for future employment.
- (viii) Dismissal from University service, which shall be a disqualification for future employment unless otherwise directed specifically.

Explanation - The following shall not amount to a penalty within the meaning of this Statute.

- (i) With-holding of increments of a University employee for failure to pass a Departmental examination or consequential to the extension of probation in accordance with the Statutes or orders governing the services or post or the terms of his appointment.

- (ii) Stoppage of a University employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar.
- (iii) Non-promotion whether in an officiating or substantive capacity of a University. Employee after consideration of his case, to a higher grade or post , for promotion to which he is eligible.
- (iv) Reversion to a lower service, category, class, grade or post of University Employee officiating in a higher service, category, class, grade or post on the ground that he is considered, after trail, to be unsuitable for such higher Service, category, class, grade or post or on administrative ground Unconnected with his conduct.
- (v) Reversion to his previous service, category, class, grade or post of a University Employee appointed on probation to another service, category, class, grade or Post during or at the end of the period of probation in accordance with the terms of appointment or the Statutes governing Probation.
- (vi) Replacement of the service of a person whose service has been borrowed from the Central Government or State Government or a local authority at the disposal of the authority which had lent his services.
- (vii) Compulsory retirement of a University employee in accordance with the Provisions relating to his superannuation or retirement.
- (viii) Termination of service of a University Employee during or at the end of the Period of his probation in accordance with the terms of the appointment or the laws of the University.

21. *Fine* – The penalty of fine as such shall be imposed only On University Employees holding class IV posts.

22. *Disciplinary authority* – (a) The penalties specified in items (i), (ii), (iii) and (iv) of Statute 20 may be imposed on a University employee by the Registrar or the Head of the Department.

(b) The penalties specified in items (i) to (viii) of Statutes 20 may be imposed on any of the members of the establishment of the University office whose pay or maximum pay does not exceed Rs, 560 per mensem by the Registrar.

(c) The penalties specified in items (v) to (viii) of Statute 20 may be imposed on a member of the Establishment of the University below the rank of Deputy Registrar, by the Vice-Chancellor.

(d) The penalties specified in items (i) to (viii) of Statute 20 may be imposed on a University Employee of and above the rank of Deputy Registrar, By the Syndicate.

23. *Powers of higher authorities* – The powers which an authority may exercise under Statute 22 shall be exercisable by the higher authorities also.

24. *Bar of jurisdiction* – where in any case a higher authority has imposed or declined to impose a penalty under these Statutes, a lower authority shall have no jurisdiction to proceed under these Statutes in respect of the same case.

25. *Super session* – The order of a higher authority imposing or declining to impose in any case a penalty under these Statute shall supersede any order passed by a lower authority in respect of the same case.

PROCEDURE FOR IMPOSING MAJOR PENALTIES

26. *Inquiry* – Without prejudice to the provisions of the Kerala Public Servants (Inquiry) Act, 1963 no order imposing on a University Employee any of the penalties specified in items (v) to (viii) of Statute 20 shall be passed except after an inquiry held as far as may be, in the manner provided in Statutes 27 to 40.

27. *Formal inquiry how and when ordered* – whenever a complaint received or on consideration of the report of a investigation, or otherwise the disciplinary authority or the appointing authority or any other authority empowered by the Syndicate in this behalf is satisfied that there is prima facie case for taking action against a University employee, such authority shall frame definite charge or charges which shall be communicated to the University Employee, together with statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take in to consideration in passing orders on the case.

The accused University employee shall be required to submit within a reasonable time to be specified in that behalf, a written statement of his defence and also to state whether he desires to be heard in person. The University employee, may, on his request be permitted to peruse or take extracts from the records pertaining of the case for the purpose of preparing his written statement provided that the disciplinary or other authority referred to above may, for reasons to be recorded in writing refuse him such access if in its opinion such records are not strictly relevant to the case or it is not desirable in the interest of the University to allow such access. After the written statement is received within the time allowed, the authority referred to above may, if it is satisfied that a formal enquiry should held in to the conduct of the University employee, hold the formal enquiry itself or forward the record of the case to the authority or officer referred to in clause (b) and order that a formal enquiry may be conducted.

(b) *The formal inquiry may conducted by -*

i) The syndicate; or

- ii) An officer authorized by the syndicate; or
- iii) An officer authorized by the appointing authority.

28. *Amendment of charges:*

The authority or officer conducting the inquiry (here-in after referred to as the Inquiry Authority) may during the course of the inquiry, if it deems necessary, add to amend, alter, or modify the charges framed against the accused University employee, in which case the accused shall be required to submit within a reasonable time to be specified in that behalf, any further written statement of his defence.

29. *Access to records:*

The University employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if for reasons to be recorded in writing in the opinion of the Inquiring Authority such records are not relevant for the purpose or it is against the interest of the University to allow him access there to.

30. *Inquiry in to charges not admitted:*

On receipt of the further written statement of defence under Statutes 28 or if no such statement is received within the time specified there of or in cases where the accused is not required to file written statement under said Statutes, the inquiring Authority may inquire in to such of the charges as are not admitted.

31. *Presentation of case:*

The disciplinary authority, if it is not the Inquiring Authority, may nominate any person to present the case in support of the charge before the Inquiry Authority. The University employee shall not engage a legal practitioner unless the person nominated by the disciplinary authority is a legal practitioner or unless the inquiring authority, having regard to the circumstances of the case, so permits.

32. *Adducing of evidence:*

Inquiring authority, shall in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The University employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person and to have such witness as may be produced, examined in his defence. The person presenting the case in support of the charges shall be entitled to cross-examine the University employee and the witnesses examined in his defence. If the Enquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record the reasons in writing.

Explanation: If the Inquiring Authority proposes to rely on the oral evidence of any Witness, the Authority shall examine such witness and give an opportunity to the accused University Employee to cross-examine the witness. Any previous written record of a statement made by a witness shall not be used or relied on and shall not form part of the record of the inquiry except where the University Employee agrees in writing to treat it as such.

33. *Witnesses:*

The University employee may present to the inquiring Authority a list of witnesses whom he desires to examine in his defence. Where the witness to be examined is a University employee the enquiring Authority himself shall normally try to secure the presence of the witness, unless he is of the view that the witnesses' evidence is irrelevant or not material to the case under inquiry.

Where the witness proposed to be examined by the University employee is one other than a University employee, the Inquiring Authority will be under no obligation to summon and examine him, unless the University employee himself produces him for examination.

34. *Report of Inquiry:*

At the conclusion of the Inquiry, the Inquiring Authority shall prepare a report of the inquiry recording the findings on each of the charges together reasons thereof. If, In the opinion of such Authority, the proceedings of the inquiry establish charges different from those originally framed, he may record findings on such charges, provided that findings on such charges shall not be recorded unless the University employee has admitted the facts constituting them or has had an opportunity for defending himself against him.

35. *Record of Inquiry:*

The records of inquiry shall include:

- i) The charges framed against the University employee and the statement of allegations furnished to him;
- ii) His written statement of defence, if any;
- iii) A summary of the oral evidence considered in the course of the inquiry;
- iv) The documentary evidence considered in the course of the inquiry;
- v) The orders, if any, made by the disciplinary authority and the inquiring Authority in regard to the inquiry; and

vi) A report setting out of the findings on each charges and the reasons thereof.

36. Findings of disciplinary authority:

The disciplinary authority shall, where it is not the Inquiring Authority, consider the records of the inquiry and where it is considered necessary to depart from the findings of the Inquiring Authority record its findings on each charge with reasons thereof.

37. *Imposition of major penalty:*

(1) If the disciplinary Authority, having regard to the findings on the charges, is of the opinion that any of the penalties specified in items (v) to (viii) of Statute 20 shall be imposed, it shall, -

(a) Furnish to the University employee a copy of the report of the Inquiring Authority and where the disciplinary authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and

(b) Give a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time, which may not generally exceed one month, such representation as he wish to make against the proposed action.

(2) The disciplinary authority shall consider the representation, if any , made by the University employee in response to the notice under sub-clause (b) and determine what penalty, if any, shall be imposed on the University employee and pass appropriate orders thereon.

38. *In position of minor penalty:*

If the disciplinary authority having regard to its to findings is of the opinion that any of the penalties specified in items (i) to (iv) of Statute 20 shall be imposed , he shall pass appropriate orders in the case.

39. *Communication of orders:*

Orders passed by the disciplinary authority shall be communicated to the University employee who shall also be supplied with a copy of the report of the Inquiring Authority, and where the disciplinary authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if , any , with the findings of the Inquiring Authority , unless they have already been supplied to him.

40. Inquiry to be expeditious:

The enquiry shall be conducted as expeditiously as the circumstances of the case may permit particularly one against an officer under suspension.

PROCEDURE FOR IMPOSING MINOR PENALTIES

41. *Inquiry* – No order imposing any of the penalties specified in items (i) to (iv) of Statute 20 shall be passed except after, -

(a) The University employee is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given opportunity to make any representation he may wish to make;

(b) Such representation if any, is taken in to consideration by the disciplinary authority.

42. *Record of proceedings in respect of minor penalties* - The record of proceedings under Statutes 42 shall include -

(i) a copy of the intimation to the University employee of the proposals to take action against him;

(ii) a copy of the statement of allegations communicated to him

(iii) his representation if any;

(iv) the orders of the case together with the reasons thereof.

43. *Joint inquiry in respect of two or more employees* - Where two or more University employees are concerned in any case, the authority competent to impose the penalty of the dismissal from service on all such University employees or a higher authority may make an order directing that disciplinary action against all of them may be taken in common proceedings and specifying the authority which may function as the Inquiring Authority for the purpose of such common proceedings

44. *Special procedure in certain cases* - Notwithstanding anything contained in Statutes 26 to 39 and 41 to 43.

(i) Where a penalty is imposed on a University employee on the ground of Conduct which had led to his conviction on a criminal charge; or

(ii) Where the disciplinary authority is satisfied for reasons to be recorded In writing that it is not reasonably practicable to follow the procedure Prescribed in the said Statutes; or

- (iii) Where the syndicate, for reasons to be recorded in writing is satisfied that in the interests of the University, it is not expedient to follow such procedure,

The disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

45. Order not appeal able – There shall be no appeal against an order passed under the provisions of these Statutes, except as expressly provided in the Act or in these Statutes.

46. Appeals against orders of suspension – A University employee may appeal against an order of suspension to the Authority to which the Authority, which made or is deemed to have made the order, is immediately subordinate.

47. Appeal against penalties - (a) An appeal from an order imposing a penalty by the Registrar or Head of the department shall lie to Vice-Chancellor;

(b) An appeal from the order imposing a penalty by the Vice-Chancellor or Syndicate shall lie to the Chancellor.

48. Appeal against other orders:- (1) A University Employee may appeal against an order which, -

(a) Denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by the laws of the University;

(b) Interprets to his disadvantage the provisions of any such laws; to any authority, which made such laws.

(2) An appeal against an order –

(a) Stopping a University Employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;

(b) Reverting to a lower service, grade or post, a University employee officiating in a higher service, grade or post, otherwise than as a penalty; and

(c) Determining the pay and allowances for the period of suspension to be paid to a University Employee on his reinstatement or determining whether or not such period shall be treated as period spent on duty for any purpose.

Shall lie in respect of a University employee, to the authority to whom the authority imposing the penalty is immediately subordinate.

Explanation – In this Statute, the expression ‘University employee ’includes a person who has ceased to be in University service.

49. Limitation- No appeal under this part shall be entertained unless it is submitted within a period of sixty days of the receipt of the order appealed against.

50. Form and contents of appeal – Every person submitting an appeal shall do so separately and in his own name. The appeal shall be addressed to the Authority to whom the appeal lies, shall contain all material statements and arguments on which the appellants relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

51. Submission of appeals – Every appeal shall be submitted to the Authority, which made the order appealed against.

Provided that if such authority is not the head of the office in which the appellant may be serving or, if he is not in service, the head of the office in which he was last serving or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said Authority.

Provided further that a copy of the appeal may be submitted direct to the appellate Authority.

52. Withholding of appeals.- The authority which made the order appealed against may withhold the appeal, if-

- (i) It is an appeal against an order from which no appeal lies; or
- (ii) It does not comply with any of the provisions of Statutes 50 and 51, or
- (iii) It is not submitted within the period specified in Statute 49, or
- (iv) It is repetition of an appeal already decided and no new facts or Circumstances are adduced, or
- (v) It is addressed to an Authority to which no appeal lies under these Statutes:

Provided that an appeal withheld on the only ground that it does not comply with the provisions of Statutes 51 & 52 shall be returned to the appellant and, if re-submitted within one month thereof after compliance with the said provisions shall not be withheld.

53. Withholding of appeal to be communicated. - Where an appeal is withheld, the appellant shall be informed of the fact and the reasons thereof. When the

appeal is withheld, the Authority with holding the appeal shall forward a copy of the order communicated to the University, employee to the appellate Authority also.

54. *Transmission of appeals.* - The Authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under Statute 52 with his comments thereon and the relevant records.

55. *Appellate Authority's power to call for appeals withheld* - The Authority to which the appeal lies may direct transmission to him of an appeal with held under Statute 52 and there upon such appeal shall be transmitted to that authority together with the comments of the Authority withholding the appeal and the relevant records.

56. *No appeal from an order withholding an appeal* - No appeal shall lie against the with holding of an appeal by a competent Authority.

57. *Appeal against suspension.* - In the case of an appeal against an order of suspension, the appellant authority shall consider whether in the light of the provision of Statutes and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

58. *Appeal against penalties* - (1) In the case of an appeal against an order imposing any of the penalties specified in Statute 20 the appellate authority shall consider –

- (a) Whether the facts on which the order was based have been established;
- (b) Whether the facts established afford sufficient grounds for taking Action;
- (c) Whether the procedure prescribed in these Statute have been complied with, and if not, whether such non-compliance has resulted in violation of any laws of the University or in failure of justice;
- (d) Whether the findings are justified; and
- (e) Whether the penalty imposed is excessive, adequate or inadequate; and pass orders –
 - (i) Setting aside, reducing, confirming or enhancing the penalty;

- (ii) Remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that –

- (i) The appellate authority shall not impose any enhanced , penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) No order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such an enhanced penalty ; and
- (iii) If the enhanced penalty which the appellate authority propose to impose is one of the penalties specified in items (v) to (viii) of Statute 20 and an inquiry under Statutes 27 to 39 has not already been held in the case, the appellate authority shall, subject to the provisions of Statute 44 itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(2) In the case of an appeal against an order specified in Statute 48 the appellate authority shall consider all the circumstances of the case and pass such orders as it may deem just and equitable.

59. *Implementation of orders on appeal.*- The authority, which made the order appealed against, shall give effect to the orders passed by the appellate authority.

60. *Procedure when the authority who imposed penalty becomes the appellate authority.*- Notwithstanding anything contained in this part , where the person who made the order appealed against becomes , by virtue of his subsequent appointment or otherwise the appellate authority under Statutes 44 to 48 in respect of the appeal against such order , such person shall forward the appeal to the authority to which he is immediately subordinate , and such authority shall in relation to that appeal , be deemed to be the appellate authority for the purpose of Statutes 58 and 59.

61. *Revision* - Notwithstanding anything contained in these Statutes, where there is a grave miscarriage of justice or a patent error on the facts in the record of the case of a subordinate authority, it shall be open to the Syndicate at any time to call for the records and after examining them pass such orders as it may consider necessary.

62. Time limit for revision - An application for revision of the order, appealed against by the aggrieved party may be entertained only if preferred before the expiry of a period of two months from the date of receipt of the order.

63. Submission of report .- Every authority other than the Syndicate empowered to impose any of the penalties specified in Statute 20 shall submit to the Syndicate a quarterly statement of cases where any of the aforesaid penalties have been imposed or where a university employee is suspended under Statute 14. Every appellate authority other than the Syndicate shall likewise submit to the Syndicate a quarterly statement of cases disposed of.

64. Extension of the jurisdiction of the Director of the Vigilance Investigation to the University .- (1) The Director of Vigilance Investigation, Kerala shall be competent to inquire into cases of misconduct, corruption, etc. against the officers (other than the Vice-Chancellor, pro-Vice-Chancellor, the Registrar and the Finance Officer), teachers and the members of the non-teaching staff of the University in respect of the various types of cases, specified in G.O. (P) No. 26/71/Vigilance dated 28.12.1971 issued by the Vigilance Department of the Government of Kerala as modified from time to time or in accordance with such other orders as may from time to time be issued by the Government of Kerala on receipt of a request from the Registrar, University of Cochin.

(2) In the case of allegations against the Vice-Chancellor, the Pro-Vice-Chancellor, the Controller of Examinations, The Registrar, and the Finance officer, the Director of Vigilance Investigation shall take up investigation only on the specific request of the Chancellor and submit his enquiry report to the Chancellor.

(3) On receipt of such a request from the Registrar, University of Cochin under clause (1) the Director of Vigilance Investigation shall conduct the enquiry in the manner laid down in G.O. (P) No. 26/71/Vigilance dated 28.12.1971, and forward the enquiry report to the Registrar, University of Cochin for suitable action.

(4) Upon receipt of the enquiry report, it shall be competent for the Disciplinary Authority to initiate disciplinary action in accordance with the procedure laid down in this Chapter.

*Part III**LEAVE*

65. Leave other than casual leave - The authorities competent to sanction all leave other than casual leave shall be as specified below: -

Post held by the Employees	Name of leave	Sanctioning authority
1. All post under Class I Class II services	All kinds of leave other than leave without allowances for more than three months.	Vice-Chancellor
2. Posts under Class III and IV services.	- Do -	Registrar or the Head of the Department Concerned.
3. Posts under Class I, II, III and IV Services.	Leave without allowances for more than three months.	Syndicate

Note – No leave shall be sanctioned without ascertaining the eligibility there to of the applicant from the accounts maintained for the purpose.

Casual leave – The authorities competent to sanction casual leave shall be as Specifying below:

Post	Sanctioning authority	Remarks
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I. *Registrar's Office*

- (1) Deputy Registrar) Registrar
- (2) Asst. Registrar) Deputy Registrar or Asst.
- (3) Section Officers) Registrar under whom
- (4) Assistance) they are working

II. *Officers of the Department*

- (a) Head of Department (not being a teacher) Head of the Department (not being a teacher) may avail himself.
2. Officers and Subordinates Working under the Head Of the Department. The Head of Department concerned.

The casual leave proposed to be taken should be reported to the Registrar before the leave is availed of. If the casual leave involves absence from Head quarters, he should make arrangements for his work being carried out during his absence and report the arrangements to the Registrar. He should not leave head quarters on casual leave before enquiring himself that his report has reached the Registrar.

FORM I

AGREEMENT OF SERVICE

(See Statutes 8 of Chapter III part I)

ARTICLES OF AGREEMENT entered into this theday of19.....between Shri/Smt.....(here in after referred to as 'The employee') of the first part and the Cochin University a body corporate under the Cochin University Act, 1971 (30 of 1971) (here in after referred to as the University) of the other part.

WHEREAS the University has agreed to engage the employee, to serve the University from..... Subject to the terms and conditions contained in the University Statutes as amended from time to time and also subject to the terms and conditions hereinafter appearing.

NOW THESE PRESENTS WITNESS AS FOLLOWS: -

1. The University shall employ the said Shri./Smt.....and the employment of the said Shri/Smt.....in the service of the University shall be subject to the terms and conditions contained in the Cochin University Statutes as amended from time to time hereinafter referred as the Statutes and those hereinafter appearing.

2. The employee shall submit himself in the performance of all such duties as are or may from time to time be assigned to his post by the officers and authorities of the University empowered in this behalf under the Cochin University Act, 1971 and the Statutes, Ordinances, Regulations and Rules issued there under and shall be bound by the provisions of the said Statutes, Ordinances, Regulations, Rules for the time being in force and shall submit himself to all directions and orders that may be made from time to time by the officers and authorities of the University

3. The employee shall not engage himself directly or indirectly in any trade, business or occupation or is any work other than that of his office, and he shall not except in case of accident or sickness certified by competent medical authority and exempt of leave sanctioned in accordance with the Statutes absent himself from the said duties without the previous permission in writing of the officer authorized in this behalf by the Vice-Chancellor.

4. The employee's services are liable for termination in accordance with the provisions of the Statutes.

5. The employee shall from thebe granted pay at the prescribed in the Ordinance and shall received pay in the succeeding stages provided for in that scale in accordance with the provisions thereof from time to time in force and applicable to his case, service in the stage reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties commencing from the aforesaid date and censing on the date of his quitting service or on the day of his discharge there from or on the day of his death if shall die whilst in service. If at any time the employee proceeds on deputation on Foreign Service his pay during deputation shall be regulated by the provisions regarding deputation on Foreign Service.

6. The employee shall be eligible for leave and leave salary and pension as in force from time to time.

7. The employee, if required to travel in the interests of the University service, shall be entitled to traveling allowances at the rates in force from time and applicable to the class of State Government officers serving in the same station to which the University may declare him to correspond in Statutes or condition of service;.

8. The employee shall be eligible for any concession in relation to medical attendance and treatment that may be prescribed for the class of Government officers serving in the same station to which the University may declare the employee to correspond in status or conditions of service.

9. The employee on confirmation in accordance with the Statutes will continue in the service of the University till he attains the age of superannuation.

10. Notwithstanding anything herein before contained, the employee shall be entitled to the benefit of or be subject to, in whole or in part, to any modification that may be effected subsequent to the date of these presents in the terms and conditions of the service to which he may , for the time being belong and such modification in the terms and conditions of service of the employment shall operate , so as to modify to that extent the provisions of these presents.

11. In respect of any matter in regard to which no provision has been made in this agreement, the provisions in Cochin University Act, 1971 and the Statutes, Ordinance, Regulations, Rules and Bye-laws issued there under shall apply to the extent to which they are applicable to the service here by provided for.

12. On the termination of this agreement for whatever cause, the employee shall deliver to or pay to the University in case of loss of damage the assessed cost of all books, apparatus, records and such other articles as are property belonging to the University, as may be in his possession and shall not absent himself from duties until duly relieved of his duties by the University.

13. IN WITNESS WHEREOF, the parties hereunto affix their hand and seal.

Signed and delivered by Shri.....(employee)

In the presence of witness

- 1.
- 2.

In the presence of witness signed by Registrar

- 1.
- 2.

Seal of University

FORM II

(See Statutes II of chapter III)

UNIVERSITY OF COCHIN

Annual Confidential Report for the year 19...

1. Name of Officer

Date of birth

2. Appointment held during the year (with dates) and pay and scale of pay.
3. Total period including the period under report, that the officer has worked under the reporting officer.
4. General qualifications for post held including any special or technical and Professional attainments
- 5 (i) Health and physical capacity
- (ii) Conduct
- (iii) Personality and bearing
- (iv) Intelligence
- (v) Promptness, enthusiasm and initiative
- (vi) Application
- (vii) Aptitude
- (viii) Knowledge of work (special reference should be made to note and draft)
- (ix) Impartiality
- (x) Integrity
- (xi) Judgment
- (xii) Self-reliance-whether opinion –ated confident of ability and receptive to ideas
- (xiii) Willingness to assume responsibility
- (xiv) Capacity for decision-making
- (xv) (a) patience; (b) tact and (c) courtesy
- (xvi) Control of staff (power of commanding respect and discipline enforcing)
- (xvii) Matters of official and public interest in which the officer has specialized himself or taken special interest
- (xviii) Manner in which the officer discharged the duties of his office during the year
- (xix) Any other qualities having a bearing on the duties of the officer
- (xx) General remarks

]

6. Has the officer any special characteristics and/or any outstanding merit or abilities, which would justify his advancement and special selection for higher appointments in the service.

7. Indebtedness

Signature

General

OPINION OF HEAD OF DEPARTMENT (WHEN NOT REPORTING OFFICER ON CONDUCT AND EFFICIENCY OF OFFICER REPORTED ON

Head of the Department

.....

The reporting officer should give his opinion and impressions in a concise narrative from so as to cover the officer's knowledge of procedure and departmental technique, his habits, integrity, fidelity and moral standards and on any matter bearing on his efficiency and usefulness as an officer. In particular, the reporting officer should say whenever defects are reported, if the officers attention had been drawn to the defects during the course of the reporting period and if so with what results.

Note-The entries in regard to the various qualities reported on should be descriptive.

Shown to.....

Reporting Officer

Seen:

Reported Officer
By Order of the Governor.
K.SRINIVASAN

Special Secretary, Higher Education Department

(This does not form part of the notification but is intended to give its general purport)

Section 31 (1) of the Cochin University Act, 1971 (30 of 1971) confers power on the Government to make the first Statutes of the University of Cochin. The Government has published the Statutes on various matters provided in the Act. It is considered that the first Statutes on the conditions of service of teachers and other staff of the University should now be published. The above notification is intended to achieve this object.