

Preamble:

The Governing Body of the Shillong Law College has considered it expedient to have rules to regulate the service conditions of the staff and employees of the College as mandated by Article 7(2) (ii) read with Article 7(2) (xvi) of the Constitution of the College. The Governing Body had accordingly adopted a resolution framing the following rules governing the conditions of service including recruitment/appointment and promotion, leave and all service-related matters like discipline, control and penalties, for the ministerial and **non-teaching staff/employees of the College.**

Short Title & Commencement:

1. (1) These Rules shall be called the Shillong Law College Employees' (Ministerial & Non-Teaching) Service Rules, 2009.

(2) They shall come into force on and from such date as the Governing Body may, by notification, direct.

Extend of application:

2. These Rules shall apply to all persons recruited to the service and also to persons already in service on the establishment of the College on the date of the commencement of these rules.

Definitions:

3. In these Rules unless there is anything repugnant in the subject or context, the terms herein defined are used in the rules in the sense here explained:-

- (a) "Appointing Authority" means the Appointing Authority under these rules;
- (b) "College" means the Shillong Law College;
- (c) "Committee" means the Selection Committee including Sub-Committee(s) as may be constituted under these rules;
- (d) "Government" means the Government of the State of Meghalaya;
- (e) "Governing Body" means the Governing Body of the Shillong Law College; hereinafter referred to as the GB
- (f) "President" means the President of the Governing Body of the College;
- (g) "Principal" means the Principal of the College;
- (h) "Secretary" means the Secretary to the Governing Body of the College;
- (i) "Service" means the Shillong Law College Ministerial and Non-Teaching Employees service; and,
- (j) "Year" means the calendar year.

Composition & Strength of the Service:

4.(1). The composition and the strength of the service and the classification of the posts/grades shall be as may be determined and sanctioned by the Governing Body from time to time.

4.(2). At the commencement of these rules, the composition and the strength of the service and the categories of posts/grades and the structure of pay shall be as shown in Schedule-I hereto annexed.

Method of Recruitment:

5. (1). There shall be a Selection Committee consisting of the following, viz:-

- (i) President of the Governing Body : Chairman
- (ii) Members: : (1) Secretary, G.B.
(2) One nominee of the President
(3) One nominee of the G.B.
- (iii) Member Secretary : Principal.

5.(2). All recruitments and appointments to different categories of posts/grades shall be made on the basis of advertisement published in at least two dailies, namely one English and one vernacular. The conditions of appointment including the scale of pay and allowances, minimum and maximum age limit, essential educational qualification and experience shall form part of such advertisement and shall normally be binding on both parties unless otherwise specified.

5.(3). The applications including the supporting documents so received shall be scrutinized by a Screening Committee headed by the G.B. Secretary and consisting of not less than 3 person nominated by the G.B, and the statement showing the particulars of the candidates, i.e., names, age (date of birth), educational qualifications, experience with special qualification, if any, and addresses shall be forwarded to the Selection Committee.

5.(4). The Selection Committee after scrutiny of the particulars of the candidates and based on test and/or interview, shall prepare the Select List of the candidates in order of preference and shall forward the said List under a sealed cover and shall be placed before the Governing Body for consideration, which shall approve and/or reject the recommendation of the said Committee, reasons thereof being placed on record.

5.(5). The Select List of the candidate(s) finally approved by the Governing Body shall ordinarily be valid for one years from the date of selection.

Provided that the Governing Body shall for reasons to be recorded in writing, may extend the period of validity for a further period not exceeding six months at a time, limiting to twelve months.

5.(6). The Governing Body shall make the appointment after necessary verification of character and antecedents of the selected candidate(s) and subject to production of Medical Certificate of Fitness of the Authorised Medical Attendant. The order of appointment shall be issued by the Secretary stating therein the terms and conditions of employment and setting forth the terms and conditions, duties and responsibility and also the admissible scale of pay and allowances. On acceptance of the appointment, the candidate(s) shall join the service under the College within a period of thirty days or such time as may be specified. Unless otherwise considered and allowed by the Appointing Authority, failure to report to duties within the aforesaid period, shall forfeit the concern candidate the right to join the service.

5.(7). All employees of the College shall enter into a Service Contract with the Governing Body on joining the service and upon which the services of the concerned person(s) shall be considered for regularization.

- Probation: 6. Person(s) appointed to the service shall remain on probation for a period of two years.
Provided that in the event of unsatisfactory work-performance and/or conduct during the period of probation for which written warning was given to the probationer(s), the period of probation may be extended by another year.
- Discharge of Probationers: 7. A probationer shall be liable to be discharged from the service:-
(a) If he/she fails to give satisfactory service during the period or at the end of the probation.
(b) If on information received relating to his/her nationality, age, health, character and antecedents and/or qualification that the said probationer is/was ineligible or otherwise unfit for holding the appointment of the post.
- Confirmation: 8. Where the probationer has completed his/her period of probation to the satisfaction of the Appointing Authority, he/she shall be confirmed in the post/grade of the service on completion of the two years' probation and/or such extended period, as the case may be.
- Annual Confidential Report/Character Roll: 9. The Annual Confidential Report in respect of each person shall be maintained in the prescribed form. The competent designated authority for recording, review and the acceptance of the Annual Confidential Report(s) in respect of the different categories of post/grades shall be specified by the Governing Body.
- Pay and Allowances: 10.(1) The time scale of pay admissible to a member of the service shall be as may be prescribed/sanctioned by the Governing Body and so specified in the Schedule-I hereto annexed and/or as may be sanctioned by the Governing Body, from time to time.
10.(2) The Allowances including Compensatory Allowances shall be admissible to the members of the service and as may be sanctioned by the Governing Body, from time to time.
10.(3) On promotion of the member of the service to higher post/grade, the initial pay shall be regulated and fixed in accordance with the principles governing such fixation of pay provided in the Fundamental Rules & Subsidiary Rules of the State Government of Meghalaya and/or with such principles or procedure as may be adopted by the Governing Body.
10.(4) The first increment admissible to the member of the service in the time scale of pay shall accrue on the expiry of twelve months from the date of his/her joining the service and/or the date of promotion, as the case may be. In the case of person(s) on probation, increment(s) shall be allowed only on his/her successful completion of the probation and confirmation in the service.
- Explanation: 1. In the cases where the probationary period is more than twelve months, on confirmation, the employee shall be given the increment(s) which he/she would have earned and drawn but for his/her probation and the arrears, if any, in this regard shall also be allowed.

2. On the other hand, in the cases where the period of probation is/was extended on account of his/her unsatisfactory work performance or unsatisfaction service, while there is no objection to regulate the pay and increment(s) on confirmation at the end of the extended probationary period on the basis of what the employee would have drawn but for his/her probation, no arrears on this account should be allowed to him/her for the period prior to the date of confirmation. This would thus mean that the increment(s) of the employee is withheld without cumulative effect.

3. Date of increment:- Wherever the date of increment falls on any day other than the 1st day of the month, the first of that month shall be deemed to be the date of increment. However, in the following cases, the increment shall not be granted on the 1st day of the month:

(i) If the employee happens to be on leave on the 1st day of the month, the increment in such a case shall be drawn from the date of resumption of duty on return from leave.

(ii) When the normal increment is withheld for specified period and the period for such penalty expired after the 1st day of the month, increment in such cases shall be granted/restored from the date the penalty cases.

(iii) If an employee is granted advance/enhanced increment(s) as a special case and in public interest, the date of such increment(s), shall take effect from the date of such order issued in this regard.

Promotion to Post/
Grade:

11.(1). A member of the service shall be eligible for promotion to higher post/grade. However, no member of the service shall be so promoted unless he/she has served in the respective post/grade for the minimum period so specified by the Governing Body.

11.(2) The appointment/promotion to the post/grade shall be made by the Appointing Authority from the Select List as prepared from time to time and reviewed, as and when necessary, by the Selection Committee.

NOTE:- The Selection Committee referred to in Rule 5.1 shall also function as such in the matter of promotion of Ministerial and other non-teaching categories of employees.

11.(3) The Selection Committee shall also take into consideration, besides seniority, the Annual Confidential Reports and other service dossiers and formulate their recommendations.

Inter se seniority:

12.(1) Member of the service appointed/promoted in order in which their names appear in the Select List shall be deemed as valid for the purpose of inter se seniority of members in the respective posts/grades.

12.(2) If confirmation of a member of the service in the post/grade is delayed on account of **his/her** failure to qualify for such confirmation, **he/she** shall lose **his/her** position in the order of the seniority in the post/grade vis-à-vis his/her junior(s) as may be confirmed earlier than **him/her**. **His/Her** original position in that particular post/grade shall, however, be restored on his/her being confirmed.

Leave

13.(1) A member of the service is supposed to be on college duty for all twenty four hours of a day. Leave is earned by actual duty. Any unauthorized leave of absence on any day shall be treated as dies non.

13.(2) Leave cannot be claimed as a matter of right. When the exigencies of the service so require, discretion to refuse or revoke leave of any kind shall be reserved to the authority empowered to grant it. It shall not be opened to the said authority, however, to alter the kind of leave one has applied for.

Earned Leave:

14.(1) The member of the service shall be eligible and earned 30 days of earned leave for each completed year of service.

14.(2) The Leave Account for every member of the service shall be maintained in the prescribed form. The leave at credit of a member at the close of the previous year shall be carried forward to the next year, subject to the condition that the earned leave so carried over shall not exceed the maximum limit of 300 days. Subject to the aforesaid provision, the maximum earned leave that may be granted to an employee shall be 120 days at a time.

14. (3) Earned Leave shall be credited to the Leave Account at the rate of 2½ days for each completed calendar month.

14.(4) When a member of the service retires from service or dies while in service, all leave at his/her credit shall stand lapsed.

Half Pay Leave:

15. (1) A member of the service shall be entitled to Half Pay leave of 10 days in respect of each completed year of service.

15. (2) The leave under sub-rule(1) above may be granted on medical certificate or on private affairs.

PROVIDED that in the case of a member of the service not on substantive appointment, no Half Pay leave shall be granted unless the competent authority has reason to believe that the said member of the service will return to duty on expiry of the leave.

Commutated Leave

16.(1) Commuted leave not exceeding half the amount of Half Pay leave may be granted to a member of the service subject to the following:-

- (i) When commuted leave is granted, twice the amount of such leave shall be debited against the Half Pay leave at credit of the member.
- (ii) That the total of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time.
- (iii) That while granting the leave, the authority is satisfied that there is every prospect of the member returning to duty on its expiry.
- (iv) The authority granting the leave obtains an undertaking that in the event of his/her resignation or retiring voluntarily from the service, he/she shall refund the difference between the leave salary drawn during commuted leave and that would be admissible during Half Pay Leave. 17.1. Under exceptional circumstances where an employee has no other leave, the Governing Body may, as a special case, grant Extra-Ordinary Leave (Without pay) upto the maximum of 180 days.

Extra-Ordinary Leave

17. (2) Where a member of the service fails to resume duty on the expiry of the maximum period of Extra-Ordinary leave or who has been granted lesser amount of Extra-Ordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the Extra-Ordinary leave granted exceeds the limit upto which he/she could have been granted under these rules, he/she shall, unless the Governing Body in view of exceptional circumstances of the case otherwise determines, be removed from the service after following the normal procedures in this regard.

17.(3) The Governing Body may sanction Extra-Ordinary leave in combination with or in continuation of any other kind of leave that is admissible and shall also be competent to commute retrospectively the period of absence without leave into Extra-Ordinary leave.

17.(4) Two spells of Extra-Ordinary leave, if intervened by any other kind leave, shall be treated as one continuous spell of Extra-Ordinary leave.

Maternity Leave:

18.(1) Subject to the conditions as may be specified by the Governing Body, Maternity leave to a female employee for a period of 90 days from the date of its commencement may be granted. During the leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

18.(2) Maternity leave may also be granted in case of miscarriage including abortion subject to the condition that the leave shall not exceed six weeks and the application is supported by a certificate from the Authorised Medical Attendant.

18.(3) Maternity leave may be combined with any other kind of leave.

Absence after expiry of Leave:

19.(1) Unless the extension of leave is granted, a member of the service who remains absent after the end of leave he/she is entitled to, no leave salary for the period of such absence.

19. (2) Wilful absence from duty after expiry of leave renders an employee liable to disciplinary action.

Combination of different kinds of Leave:

20. (1) At the request of a member of the service, the Governing Body may commute it retrospectively into leave of different kind which was due and admissible to him/her at the time the leave was granted. However, member of the service cannot claim such commutation as a matter of right.

20.(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted, i.e. any amount paid in excess shall be recovered or any arrears due to him/her shall be paid.

Casual Leave:

21.(1) A member of the service shall be entitled to **12 days** of Casual leave in a calendar year, and ordinarily shall not be more than six days at a time.

21. (2) Casual leave is not recognized as leave under these rules and shall not be combined with any other kind of leave. Also Casual leave cannot be accumulated and shall lapse at the end of the relevant calendar year.

Leave beyond the date of retirement of quitting of service

22. No leave shall be granted to a member of the service beyond:-
- (a) the date of his/her retirement;
 - (b) the date of his/her cessation of duties;
 - (c) the date of his/her resignation; and,
 - (d) during the period he/she is under suspension.

Leave Salary etc.:

23. For the purpose of calculation of leave salary the basic pay immediately before the commencement of leave and dearness allowances admissible thereon shall be taken into account.

24.(1) Unless in any case it be otherwise distinctly provided, the whole time of a member of the service is at the disposal of the Governing Body which pays him/her and he/she may be employed in any manner required by proper authority, without claim for additional remuneration.

24.(2) No member of the service is entitled to pay and allowances for any time he/she spent beyond the limits of his/her charge without proper authority.

Conduct and disciplinary matters:

24.(3) The following shall be treated as violation of the Service Rules and the terms and conditions of employment under the College:-

- (a) Non-performance of allotted duties and responsibilities;
- (b) Dereliction in assigned duties;
- (c) Misconduct;
- (d) Financial irregularities and loss of properties and assets of the College;
- (e) Prejudicial reputation and/or activities;
- (f) Insolvency and habitual indebtedness;
- (g) Criminal offences;
- (h) Insubordination and such acts of omissions and commissions prejudicial to the interest of the College.

24.(4) No member of the service shall publish or cause to be published, in his own name or anonymously or contribute to the Press or Media any matter which is likely to lead to academic indiscipline or promote defiance of authority.

Disciplinary Procedures:

24.(5) The Appointing Authority may place a member of the service under suspension if:-

- (a) A departmental disciplinary enquiry into his/her conduct has become necessary or is pending and when his/her continuance in service is prima facie detrimental to the interest of education and maintenance of discipline or to the enquiry itself.
- (b) The employee is being prosecuted on a criminal charge with his/her position as an employee of the College or is likely to embarrass him/her in the discharge of his/her duties as such or involves moral turpitude.

24.(6) A member of the service who is detained in custody under any law providing for preventive detention or as a result of proceedings either on a criminal charge or for his arrest for debt shall, if the period of detention exceeds 48 hours and unless he/she is already under suspension, be deemed to be under suspension from the date of detention until further orders. A member of the service who is undergoing a sentence of imprisonment shall also be dealt with in the same manner pending a decision on the disciplinary action to be taken against him/her.

24.(7) A member of the service against whom a proceeding has been taken on criminal charge but who is not actually detained in custody (e.g, person released on bail) may be placed under suspension by an order of the competent authority. If the charge is connected with the official position of the employee or involving any moral turpitude on his/her part, suspension shall be ordered unless there are exceptional reasons for not adopting this course.

Subsistence Allowance:

24. (8) For the period of suspension, a member of the service may be paid a Subsistence Allowance equal to the leave salary which the employee would have received if he had been leave on Half Pay and in addition, dearness allowances, if admissible on the basis of the leave salary.

Provided that where the period of suspension exceeds six month, the authority which made or is deemed to have made the order of suspension shall be competent to review the amount of Subsistence Allowance not exceeding 50 percent of the Subsistence Allowance admissible during the period of the first six months.

Provided further that the amount of Subsistence Allowance may be reduced by suitable amount not exceeding 50 percent of the Subsistence Allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the concerned suspended employee.

24.(10) The admissibility of other Compensatory Allowances shall be, as may be decided by the Governing Body.

24.(11) No payment of the Subsistence Allowance shall be made unless the member of service under suspension furnished a certificate that he/she is not engaged in any other employment, business, profession or vocation, during the relevant period.

24.(12) The period of suspension may be treated as a period spent on duty if the employee is honourably acquitted of the charges for which he/she was suspended. Otherwise, the period may be treated in such manner as may be decided by the competent authority in accordance with the circumstances of the case.

Penalties:

24.(13) The following penalties may for good and sufficient reasons be imposed upon any member of the service by the authority which appoints him/her:-

- (i) Censure;
- (ii) Withholding of increments or promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, to the College;
- (iv) Reduction to a lower service, grade or post, or to a lower timescale of pay or to a lower stage in a time scale;
- (v) Compulsory retirement;
- (vi) Removable from service which shall not be a disqualification for future employment; and,
- (vii) Dismissal from service.

24. (14) None of the above penalties shall be imposed on a member of the service until he/she has been given reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her.

PROVIDED that this provision shall not apply:-

- (i) Where a person is dismissed or removed or reduced in rank on ground of conduct which had led to his/her conviction on a criminal charge.
- (ii) Where the authority empowered to dismiss or remove or retire compulsorily or to reduce in rank is satisfied that for special reasons to be recorded in writing, it is not reasonably practical to give to that person opportunity of showing cause.
- (iii) When the Appointing Authority is satisfied that in the interest of the College or the security of the State, it is not expedient to give the person such an opportunity.

NOTE:- Where any confusion arises, a reference may be made to the Meghalaya Services (Discipline and Appeal) Rules and the provisions and procedure laid therein shall be followed.

Superannuation:

25.1. A member of the service shall retire on attaining the age of sixty years. The College shall maintain the proof of age at the time of entry of all employees.

PROVIDED that the Governing Body may for special reasons, consider extension of service to a member of the service beyond sixty years (and on the merit of each case) and subject to the employee being certified by the Medical Officer duly authorized in that behalf of the physical and mental fitness. No member shall, however, be retained in service beyond sixty five years age.

PROVIDED FURTHER that for specific purposes, the Governing Body may employ such member on contract for a short period.

Power to review:

26. A member of the service aggrieved by any orders of the Governing Body may within fifteen days of receipt of such orders approach to the G.B. for review of the orders. Such a review shall be decided by the Governing Body in a meeting specially convened for the purpose. The decision of the Governing Body thereon shall be final.

Pension & Retirement benefits/ Provident Fund

27. Rules and Schemes relating to the Pension, Gratuity, including the Scheme of Provident Fund Schemes in respect of the employees of the College in keeping with the need for employees' social security and welfare shall be considered and formulated in due course of time.

Savings:

28.1. Except appointments not confirmed previously and all things done or action taken before the commencement of these rules shall be construed as validly done or taken under these rules.

28.2. All appeals and other matters pending before any authority on the date of the commencement of these rules shall be transferred to and be treated as pending before the appropriated authority under these rules.

28.3. Notwithstanding anything contained in the foregoing rules in respect of appointment, shall be disposed of in accordance with the provisions of these rules and commensurate to the interest of the member of the service

Power to dispense with or relax any Rules:

29. The Governing Body may dispense with or relax the requirement of any rule or rules to such an extent and subject to such conditions as it may considered/just and equitable.

Interpretation:

30. If any question arises relating to the interpretation of these rules, it shall be referred to the Governing Body of the College whose decision thereon shall be final.