REGULATIONS

Shree Sai Baba Sansthan Trust, Shirdi
Management Committee,
SHIRDI- 423 109, Taluka Rahata,
Dist.Ahmednagar.

Dated 27/12/2014

No.SSS/SA.PRA.SHA/EST/4460/2014. In exercise of the powers conferred by clause *(i)* of section 2 and sub-section *(2)* of section 15 of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah.XIV of 2004), and of all other powers enabling it in that behalf, the Shree Sai Baba Sansthan Management Committee, hereby makes the following regulations, namely :-

Shree Sai Baba Sansthan Trust (Shirdi) Act,2004.

CHAPTER I

GENERAL

1. Short title and commencement.- *(1)* These regulations may be called the Shree Sai Baba Sansthan Trust (Shirdi) Services (Joining Time and Payments during Suspension, Dismissal and Removal) Regulations, 2013.

(2) They shall come into force on 01 January, 2015

2. Extent of application.- Except as otherwise provided by or under these regulations, these regulations shall apply to all employee appointed to the Sansthan services and posts in connection with the affairs of the Sansthan but shall not apply to the officers appointed on deputation by the State Government.

3. Power of Interpretation.- If any question arises relating to the interpretation of these regulations, it shall be referred to the Government, whose decision thereon shall be final.

4. Power of relaxation.- Where the Government is satisfied

that the operation of any of these regulations causes or is likely to cause undue hardship in the case of any Sansthan employee or class of Sansthan employee, it may, by an order in writing, exempt any such Sansthan employee or class of Sansthan employee from any provisions of these regulations or may direct that such provisions shall apply to such Sansthan employee or class of Sansthan employee with such modifications not affecting the substance thereof as may be specified in such order.

An order passed by the Committee under this regulation shall be submitted to the State Government within a period of fifteen days from the date of passing of the order. If in the opinion of the Government the order needs to be modified or annulled, the Government, after consultation with the Committee, may issue such directions:

Provided that, any such modification or annulment shall be without prejudice to the validity of anything done or omitted to be done under the order of the Committee so modified or annulled.

5. <u>Validity of terms of contract</u>.- The terms of a specific contract enforceable at law, necessarily override the provisions of these regulations.

6. <u>Regulation of claims to pay and allowances</u>.- A Sansthan employee's claim to pay and allowances shall be regulated by the regulations in force at the time in respect of which the pay and allowances are earned

7. <u>Exercise and delegation of powers under these regulations</u>.- It shall be open to the Committee to prescribe by general or special order, that powers under these regulations may be exercised or delegated to the Executive Officer or any

other Officer of the Sansthan.

CHAPTER II

DEFINITIONS

8. Definition .- Unless the context otherwise requires.-

(1) *"Act"* means the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah.XIV of 2004);

(2) *"cadre"* means a group of permanent as well as temporary post sanctioned, from time to time, of a service or a part of a service sanctioned as a separate unit;

(3) *"committee"* means the Management Committee constituted under section 5 of the Act;

(4) *"compensatory allowance"* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed, including different types of traveling allowances;

(5) *"competent authority"*, in relation to the exercise of any power, means the Committee, or any authority to which the power is delegated by or under these regulations;

(6) *"date of first appointment"* means the date the Sansthan employee assumes the duties of his first post in the Sansthan service;

(7) *"day"* means the period beginning from one midnight and ending with the next midnight;

(8) *"Executive Officer"* means the Executive Officer

appointed by the Government under section 13 of the Act;

(9) *"duty"* includes, –

(a) service as a probationer ;

(b) joining time ;

(c) a course of instructions or training authorized by or under the orders of the Committee :

Note 1.- The time reasonably required for the journeys between the place of training and the station from which the Sansthan employee proceeds in order to undergo training, is part of the period of training ;

Note 2.- When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays ;

(d) the period occupied,-

(i) in appearing for a language or computer proficiency examination prescribed by the Committee at which a Sansthan employees has been granted permission to appear;

(ii) in attending an obligatory departmental examinations.

(e) The period intervening between the dates on which a Sansthan employee is engaged on contract or *ad-hoc* basis temporarily for

special or other duty and the date on which he takes over charge:

Provided that, the period does not exceed the joining time that would be permissible to a Sansthan employee;

(10) *"first appointment"* means the appointment of a person who is not holding any appointment under the Sansthan to a substantive post even though he may have previously held such an appointment;

(11) *"Government"* means the Government of Maharashtra;

(12) *"joining time"* means the time allowed to a Sansthan employee to join a new post or to travel to or from a station to which he is posted;

(13) *"leave"* means permission to remain absent from duty granted by a competent authority under this regulations;

(14) *"lien"* means the title of a Sansthan employees to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively;

(15) *"month"* means a calendar month and in calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Instruction :- Calculations of period expressed in terms of months and days should be made as under :-

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	Y.	**M.**	**D.**
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	0	3	20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below :-

	Y.	**M.**	**D.**
30th January to 31st January	0	0	2
February	0	1	0
1st March to 2nd May	0	0	2
	0	1	4

(16) *"officiate"* a Sansthan employee officiates in a post when he performs the duties of a post on which another person holds a lien. A Competent Authority may, if it thinks fit, appoint a Sansthan employee to officiate in a vacant post on which no other Sansthan employee holds a lien;

(17) *"pay"* means the amount drawn monthly by a

Sansthan employee as –

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;

(ii) personal pay and special pay; and

(iii) any other emoluments, which may be specially classed as pay by the Committee.

(18) *"permanent post"* means a post carrying a definite rate of pay sanctioned without limit of time;

(19) *"personal pay"* means additional pay granted to a Sansthan employee,-

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to pay reduction of such substantive pay otherwise than that as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations;

(20) *"presumptive pay"* of a post, when used with reference to any particular Sansthan employee, means the pay to which he would be entitled, if he held the said post and were performing its duties, but it does not include special pay unless the Sansthan employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned;

(21) *"probationer"* means a Sansthan employee employed on probation in or against a substantive or temporary vacancy in the cadre of the Sansthan.

Note 1 .- No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note 2 .- A Sansthan employee other than one who holds substantively a permanent post appointed on promotion to a temporary post will be treated for all purposes as a temporary Sansthan employee.

Note 3 .- The status of a probationer is to be considered as having the attributes of a substantive status except where the regulations prescribe otherwise;

(22) *"salary"* means all emoluments received by a Sansthan employee as pay, additional pay, special pay, personal pay and all allowances attached to the post he is holding and includes *ex-gratia* payment granted by the Committee;

(23) *"selection grade"* means a scale of pay, which has been sanctioned specifically as a selection grade by an order of the Committee;

(24) *"special pay"* means an addition, of the nature of pay, to the emoluments of a post or of a Sansthan employee granted in consideration of, –

(a) the specially arduous nature of the duties;

(b) a specific addition to the work or

responsibility;

(25) *"substantive pay"* means the pay other than special pay, personal pay or emoluments classed as pay to which a Sansthan employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre;

(26) *"temporary employee"* means and includes persons appointed on contract basis, *ad-hoc* basis, for specific period, for completion of specific work;

(27) *"temporary post"* means a post carrying a definite rate of pay sanctioned for a limited time.

Note.- Substantive appointment to temporary post shall be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts shall be made in all officiating capacity only.

Instruction.– The benefit of substantive appointment to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Sansthan employee has already been appointed substantively to temporary post and there is a temporary interruption in his tenure of the

post, it would not be proper to appoint another Sansthan employee substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than three years may be treated as temporary. It follows, therefore, that where a Sansthan employee is already appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years;

(28) *"tenure post"* means a permanent post which an individual Sansthan employee may not hold, for more than a limited period without reappointment;

(29) (a) *"Time - Scale Pay"* means a pay which subject to any

conditions prescribed in these regulations, rises by periodical increments from a minimum to a maximum;

(b) Time-scales are said to be identical, if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical;

(c) A post is said to be on the same time-scale as another post on time-scale, if the two time-scales are identical and the posts fall within a cadre, or a Group in a cadre, such cadre of Group having been created in order to fill all posts involving duties of

approximately the same character or degree of responsibility in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or Group and not by the fact that he holds that post;

(30) *"transfer"* means the movement of a Sansthan employee from one headquarter station in which he is employed to another such station either,-

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters;

(31) *"transit Time"* means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(32) *"trust"* means the Shree Sai Baba Sansthan Trust (Shirdi) constituted under section 3 of the Act.

CHAPTER III

JOINING TIME

9. <u>When admissible</u>.- Joining time may be granted to a sansthan employee to enable him,-

(1) to join a new post either at the same or a new station without availing himself of any leave on relinquishing charge of his old post;

(2) to join a new post in a new station on return from

-

(a) Leave of not more than sixty days' duration,

(b) Leave other than that specified in sub-clause *(a)*, when he has not had sufficient notice of his appointment to the new post.

Note 1.-The authority which ordered the transfer will decide whether Sansthan employee has not had sufficient notice under regulation 9*(2)(b)*.

Note 2.-Joining time may also be admissible under this regulation to Sansthan employee shifted enblock from one place to another in consequence of a change of his headquarters due to shifting of office.

10. <u>Change of appointment at the same station</u>.- *(1)*No joining time is admissible when the change of appointment does not involve an actual change of office.

(2) Joining time of not more than one day is allowed when,-

(a) the appointment to a post in a new office does not involve a change of residence from one station to another, or

(b) there is an actual change of office in the same station.

(3) A holiday or Sunday counts as a day for the purpose of this regulation.

11. <u>How joining time is calculated</u>.- The joining time of a

Sansthan employee in cases involving a transfer from one station to another is subject to a maximum of seven days.

12. <u>Joining time not admissible when transferred at own request</u>.- If a Sansthan employee is transferred at his own request, he shall not be entitled to any joining time. The Competent Authority may grant, at its discretion, leave due and admissible to him, for the period from handing over charge at the old station to taking over at the other, if Sansthan employee applies for it.

13. <u>Overstayal</u> .- A Sansthan employee who does not join his post within his joining time shall not be entitled to any pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehaviour.

14. <u>Pay during joining time</u>.- A Sansthan employee on joining time shall be regarded as on duty and shall be entitled to be paid as follows :-

(a) where joining time is granted under sub-regulation *(1)* of regulation 9, the pay which he would have drawn.

(b) where the joining time is granted under sub-regulation *(2)* of regulation 9, pay equal to the leave salary which the Sansthan employee would have drawn, had he been on earned leave.

CHAPTER IV

PAYMENTS DURING SUSPENSION, DISMISSAL AND REMOVAL

15. <u>Pay and allowances cease from the date of dismissal</u>

or removal.- The pay and allowances of a Sansthan employee, who is dismissed or removed from service, ceases from the date of such dismissal or removal.

16. Grant of leave not permissible during suspension.- Leave may not be granted to a Sansthan employee who is under suspension.

17. Subsistence allowance and compensatory allowances during suspension.- A sansthan employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:-

(a) A subsistence allowance at an amount equal to the leave salary which the Sansthan employee would have drawn if he had been on leave on half pay and, in addition dearness allowance based on such leave salary:

Provided that, where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows:-

(i) It may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the Sansthan employee;

(ii) It may be reduced by a suitable

amount, not exceeding fifty percent of the subsistence allowance admissible during the period of the first three 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 Sansthan employee;

(iii) The rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses *(i)* and *(ii)*, above:

(b) Other compensatory allowance shall be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses *(i)* and *(ii)*, above.

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

18. <u>Recovery of Trust dues from subsistence allowances and furnishing of non-employment certificate while under suspension</u>.- *(1)* Notwithstanding anything contained in regulation 17, the authority suspending the Sansthan employee may withhold the payment of dearness allowance and compensatory allowances to the Sansthan employee under suspension and appropriate the same towards the payment of any amount which may be due to the Sansthan.

(2) The following provisions shall apply to the recovery of dues from the subsistence allowance:-

(a) *Compulsory deductions.*-The following deductions shall be enforced from the subsistence allowance:-

(i) Income tax and Profession Tax;

(ii) License fee and allied charges i.e. electricity, water, furniture etc.;

(iii) Repayment of advances taken from the Sansthan at such rates as the Executive Officer deems it right to fix;

(i) Subscription to Provident Fund;

(iv) Recovery of any amount due to the Sansthan for which a Sansthan employee is responsible;

(b) *Optional deductions.*- The following deductions shall not be made except with the Sansthan employee's written consent:-

(i) Premia due on Postal Life Assurance Policies;

(ii) Amount due and monthly contribution of the Sansthan Employee Credit Co-operative Society Ltd;

(iii) Refund of advances taken from Provident Fund;

(iv) Amounts due on Court attachments;

(3) No payment under regulation 17 shall be made unless

the sansthan employee furnishes a certificate to the following effect before payment is made every month:-

> "I certify that I did not accept any private employment or engage myself in trade or business during the period in question."

If the authority has any reasons to doubt this certificate; it may ask any officer of the Sansthan to verify the certificate and if the Sansthan employee is found to have given a false certificate that shall be construed as an act of misconduct and made an additional charge against him.

(4) The compensatory local allowance and house rent allowance sanctioned at the discretion of the suspending authority under regulation 17, can be drawn only if the Sansthan employee under suspension certifies that he or his family or both resided for the period for which the allowance is claimed at the station where he was on duty at the time of suspension.

19. Regularization of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside as a result of appeal and such Sansthan employee is reinstated.- *(1)* When a sansthan employee who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order,-

(a) regarding the pay and allowances to be paid to the Sansthan employee for the period of his absence from duty including the period

of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of the opinion that the Sansthan employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the Sansthan employee shall, subject to the provisions of sub-regulation *(6)*, be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that, where such authority is of the opinion that the termination of the proceedings instituted against the Sansthan employee had been delayed due to reasons directly attributable to the Sansthan employee, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served shall, subject to the provisions of sub-regulation *(7)*, be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-regulation *(2)*, the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) The payment of allowances under sub-regulation *(2)* shall be subject to all other conditions under which such

allowances are admissible.

(5) The amount determined under the proviso to sub-regulation *(2)* shall not be less than the subsistence allowance and other allowances admissible under regulation 17.

(6) Any payment made under this regulation to a Sansthan employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the pay and allowances admissible under this regulation are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Sansthan employee.

20. <u>Regularization of pay and allowances and the period of absence from duty where dismissal, removal, or compulsory retirement is set aside by a Court of law and such Sansthan employee is reinstated</u>.- *(1)* Where the dismissal, removal or compulsory retirement of a Sansthan employee is set aside by a Court of law and such Sansthan employee is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Sansthan employee shall be paid pay and allowances in accordance with the provisions of sub-regulation *(2)* and *(3)* subject to the directions, if any, of the Court.

(2) If the dismissal, removal or compulsory retirement of a Sansthan employee is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid

the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(3) The payment of allowances under sub-regulation *(2)* shall be subject to all other conditions under which such allowances are admissible.

(4) Any payment made under this regulation to a Sansthan employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the pay and allowances are admissible under this regulation are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Sansthan employee.

21. <u>Reinstatement of a sansthan employee after suspension and specific order of the Executive Officer regarding pay and allowances etc., and treatment of period as spent on duty</u>.- *(1)* When a Sansthan employee who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make a specific order,-

(a) regarding the pay and allowances to be paid to the Sansthan employee for the period of suspension ending with reinstatement or the date of his retirement on superannuation as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in regulation 17, where a Sansthan employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Sansthan employee shall, subject to the provisions of sub-regulation *(8)*, be paid the full pay and allowances to which he would have been entitled, had he not been suspended :

Provided that, where such authority is of the opinion that the termination of the proceeding instituted against the Sansthan employee had been delayed due to reasons directly attributable to the Sansthan employee, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing that the Sansthan employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-regulation *(3)*, the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-regulation *(2)* and *(3)*, the Sansthan employee shall, subject to the provisions

of sub-regulation *(8)* and *(9)*, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the Executive Officer may determine, after giving notice to the Sansthan employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-regulation *(1)*, before the conclusion of the proceedings against the Sansthan employee, shall be reviewed on its own motion in sub-regulation (1), who shall make an order according to the provisions of sub-regulation (3) or (5), as the case may be.

(7) In a case falling under sub-regulation *(5)*, the period of suspension shall not be treated as a period spent on duty, unless the Executive Officer specifically directs that it shall be so treated for any specified purpose :

Provided that, if the Sansthan employee so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Sansthan employee

Note.- The order of the Executive Officer under the preceding proviso shall be absolute and cannot be called in question.

(8) The payment of allowances under sub-regulation *(2)*, *(3)* or *(5)* shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-

regulation *(3)* or *(5)*, shall not be less than the subsistence allowance and other allowances admissible under regulation 17.

22. <u>Adjustment of subsistence allowance against final payment</u>.- The amount of subsistence allowance, if any, already drawn is to be deducted from the pay and allowances or proportion of them, which may be granted under regulation 19, 20 or 21, as the case may be.

23. <u>Filling in vacant posts substantively due to reduction, removal or dismissal, after six months</u>.- Posts vacated by Sansthan employee reduced, removed or dismissed from service, may be filled substantively only after the expiry of the period of six months from the date of such reduction, removal or dismissal, as the case may be, subject to the condition that the arrangements thus made will be reversed if such Sansthan employee are reinstated on appeal.

24. <u>Grant of pay and allowances on reinstatement does not cancel officiating arrangement</u>.- The grant of pay and allowances or a proportion of them under regulation 19, 20 or 21 does not cancel any acting arrangements which may have been in force during the period of a Sansthan employee's removal, dismissal or reduction.

Chairman,
Management Committee,
Shree Sai Baba Sansthan Trust, Shirdi