REGULATIONS

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

Dated 27/12/2014

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

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 :-

CHAPTER I

GENERAL

1. Short title and commencement.- *(1)* These Regulations may be called the Shree Sai Baba Sansthan Trust (Shirdi) (General Conditions of Services) 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 persons appointed to the Sansthan service and posts in connection with the affairs of the Sansthan Trust 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 employees, it may, by an order in writing, exempt any such Sansthan employees or class of Sansthan employees from any provisions of these regulations or may direct that such provisions shall apply to such Sansthan employees or class of Sansthan employees with such modifications not affecting the substance thereof as may be specified in such order.

5. <u>Regulation of claims to pay and allowances</u>.- A Sansthan employee's claims to pay and allowances shall be regulated by the regulations for the time being in force.

6. <u>Exercise and delegation of powers under these regulations</u>.- It shall be open to the Committee to specify, 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

DEFINITION

7. Definition.- In these regulations, unless there is anything repugnant and subject or context,-

(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 monthand 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

CLASSIFICATION, CATEGORIES AND STRENGTH OF STAFF

8. <u>Classification of Posts.</u>- *(1)* The Sansthan employee shall be classified as under: –

(i) Group A Officer, the minimum of whose scale of pay is Rs.10,000 or more.

(ii) Group B Officer, the minimum of whose scale of pay is Rs.5,000 or more but below Rs.10,000 except the Stenographers in any grade.

(iii) Group C Sansthan employee, the minimum of whose scale of pay is Rs.2,600 or more but below Rs.5,000 including the Stenographers in any grade.

(iv) Group D and other Sansthan employee, the minimum of whose scale of pay is less than Rs.2,600.

(2) In case of revision of pay scales of the Sansthan employees, the corresponding minimum of the revised scale of pay shall be treated as the minimum of the scale of pay for the purpose of classification of posts as mentioned in sub-rule *(1)*.

9. <u>Categories of Sansthan Employees</u>.- For the purpose of these regulations there shall be two categories of Sansthan

employees as under:–

(i) Permanent employees.- Permanent employees are those employees who have been appointed, either by direct recruitment or by promotion, to a permanent post and have completed the prescribed period of probation or subsequent extensions in probation period if any, satisfactorily and whose appointments are confirmed in writing by the appointing authority.

(ii) Temporary Employees.- Temporary employees are those employees, who are not permanent employees.

10. <u>Strength of Staff</u>.- The Committee, with the prior sanction of the State Government, whenever required, shall fix, from time to time, the number of permanent and temporary posts in all Groups and may, from time to time, create new posts for carrying-out functions of the Sansthan.

CHAPTER IV

APPOINTMENTS, PROBATION, TERMINATION OF SERVICE AND SUPERANNUATION

(I) <u>APPOINTMENTS</u>

11. <u>Appointing Authority</u>.- Appointments to all the posts other than deputation as per staffing pattern shall be made by the Committee.

12. <u>Recruitment</u>.- *(1)* The Committee shall by an order lay down the policy and procedure for recruitment to the posts in various Groups and categories and may also prescribe the form or forms of application to be filled in by the candidate and certificates and testimonials to be enclosed with such application.

(2) The appointing authority of the Sansthan shall while making recruitment to the service of the Sansthan, follow the directives issued by Government of Maharashtra, from time to time, in connection with recruitment of candidates belonging to Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Other Backward Classes, handicapped persons, ex-servicemen for recruitment in Government Service, from time to time, or such other category as may be determined by the Government.

13. <u>Medical Certificate</u>.- *(1)* Every person appointed for the first time to any post in the Sansthan shall within one month from the date of joining, furnish a medical certificate of fitness in the form as may be specified by the Committee. Such certificate shall be obtained from the designated Medical Officer of the Sansthan.

(2) A person who is to be or has been appointed on deputation from the State Government need not furnish medical certificate of fitness.

14. <u>Furnishing of Security</u>.- Every Sansthan employee shall, if so required by the Executive Officer furnish for faithful discharge of his duties, such security in cash or in such form as the Committee in its discretion may determine and execute a security bond of such amount in the form as may be specified by the Committee. The security so furnished shall be invested by the Sansthan in such manner as the Committee may determine from time to time.

(II) <u>PROBATION</u>

15. <u>Period of Probation</u>.- Every sansthan employee except those appointed on deputation shall, on his first appointment in the Sansthan service, be on probation for a period of not less than one year commencing from the date of appointment

unless the appointing authority communicates in writing, the probation shall continue and shall not be deemed to be completed.

16. <u>Pay during probation period</u>.- *(1)* Sansthan employees on probation after first appointment may be paid a stipend to the extent of initial basic pay of the time scale of the pay attached to the post.

(2) Drawl of increment of Sansthan employee on probation after his first appointment on time scale of pay shall be regulated under the relevant regulations,-

(a) The first increment shall be released after one year on completion of his probation satisfactorily;

(b) The orders regarding extension of probationary period issued in individual cases should specifically indicate, the reasons for such extensions.

(III) <u>TERMINATION OF SERVICE</u>

17. <u>Termination of service by Sansthan</u>.- *(1)* The Committee may at any time and without assigning any reasons discharge a Sansthan employee from the service of the Sansthan on his first appointment by giving notice in writing in that behalf for a period not less than -

(a) seven days during the first month, and

(b) one month during the rest of the probation period or by making payment of seven days or one month's initial basic pay, of the time scale, as the case may be, in lieu thereof.

(2) The Committee may, at any time, terminate the service of any temporary Sansthan employee except the probationer after giving one months notice in writing or one months pay in lieu thereof.

(3) Power to discharge Sansthan employees on probation or terminate the Service of the Sansthan employees under sub-rules *(1)* and *(2)* shall be exercised by the committee or the officer authorized by the Committee.

(4) Nothing contained in this regulation shall affect the right of the Committee,-

(a) to retire in public interest, remove or dismiss a Sansthan employee without giving notice or pay in lieu thereof in accordance with the provisions of section 16; and

(b) to terminate the service of a Sansthan employee without notice or pay in lieu thereof on his being certified by the Civil Surgeon to be permanently in-capacitated for further continuous service in the Sansthan.

Explanation.- For the purpose of this rule, the expression "to retire" means and includes to retire an employee in a public interest.

18. <u>Notice of termination of service by a Sansthan employee</u>.- *(1)* No Sansthan employee of the Sansthan shall leave or discontinue his service in the Sansthan by tendering resignation or otherwise without giving prior notice in writing to the Executive Officer of his intention to leave or discontinue the service. The period of such notice shall not be less than one month.

(2) If a Sansthan employee leaves or discontinues service of the Sansthan in contravention of the provision of sub-rule *(1)*, he shall be liable to pay as compensation to the Sansthan a sum equal to his pay of one month.

Explanation I.– The expression "Month" used in this section shall be reckoned according to the English calendar and shall commence from the day following that on which notice is given by the Sansthan employee

or the Sansthan, as the case may be.

Explanation II.- Notice given by a Sansthan employee under sub-rule *(1)* shall be deemed to be proper only, if he remains on duty during the period of the notice and a Sansthan employee shall not be entitled to set off any leave earned and not availed of by him against the period of such notice.

Explantion III.– If a Sansthan employee to whom notice is given by the Sansthan in pursuance of the provisions of this rule, remains absent from duty without permission or sanction of leave during the period of notice, he shall not be entitled to receive any pay or allowance during the period of absence and shall be further liable to such penalties as the Executive Officer may deem fit to impose.

(IV) HOLIDAYS

19. Holidays.- *(1)* Holidays which are declared by the Committee from time to time to the Sansthan employees shall be admissible to them.

(2) Sansthan employees may avail the holidays, subject to the declaration of such holidays by the Executive Officer by a written order.

(3) Holidays can be prefixed or suffixed or both to any kind of regular leave.

20. Weekly Holidays .- One holiday on any day in a week as specified by an order of the Executive Officer shall be allowed as ' Weekly holiday ' to every Sansthan employee.

21. Compensatory Holiday.- *(1)* A Sansthan employee in Group C and Group D who has been directed to attend to duty on his weekly holiday or any other holiday by his immediate superior authority shall be, allowed compensatory holiday equal in number of weekly holiday and or holidays so lost,

subject to such condition as may be specified by the Committee, from time to time.

(2) Compensatory holidays shall not be accumulated for more than three days at a time.

(3) Compensatory holidays shall be allowed at the discretion of immediate superior authority keeping in view the exigencies of situation as well as convenience of the Sansthan employees concerned.

(4) Compensatory holiday shall be availed within a period of two months from the date on which it becomes due.

(5) Compensatory holiday can be prefixed or suffixed to the regular leave or holidays.

(V) SERVICE RECORDS

22. Record of service.- *(1)* A record of service shall be maintained in respect of each Sansthan employee in such form as may be prescribed from time to time by the Committee.

(2) Service records of the Sansthan employees shall be maintained and signed by the Administrative Officers of concerned departments.

23. Seniority.- *(1)* Every permanent employee of the Sansthan, on recruitment shall rank for seniority.

(2) Save as otherwise provided, seniority of a Sansthan employee shall be fixed according to his selection merit list if applicable and date of appointment in the particular post. In case the date of appointment being the same, the seniority should be reckoned with respect to the age.

(3) In case the Sansthan employees belonging to two or more different posts in the same scale of pay are eligible for promotion in one or more different higher posts in the same scale of pay, a joint seniority list of the Sansthan employees belonging to different posts in accordance with their dates of appointments, shall be prepared and such joint seniority list

may be taken into consideration for fixing seniority for the purpose of promotion to the higher post or posts, subject to other provisions regarding seniority and promotion mentioned in these regulations.

(4) The Executive Officer may prescribe any other criteria for the purpose of fixing seniority, if found necessary subject to the approval of the Committee.

(VI) PROMOTION AND REVERSION

24. Promotion.- *(1)* The Committee reserves the right to fill in the posts in the Sansthan either by promotion or by direct recruitment or both either wholly or in part in terms of number of posts available for filling in as per the directions given from time to time by the Government.

(2) Promotions shall be generally governed by the principle of " Merit -cum- Seniority" and no Sansthan employee shall claim promotion only on the basis of seniority.

(3) Criteria may be fixed by the Executive Officer for determining merit for promotion to different posts in accordance with the general directions of the Committee in this behalf.

(4) Promotion to the Sansthan employee belonging to Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes and Other Backward Classes and such other categories as may be determined by the Government, from time to time, shall be considered as per the relevant rules, regulations and orders of the Government of Maharashtra applicable from time to time to the State Government employees belonging to such categories, subject to the fulfillment of other conditions for promotion by such Sansthan employees.

25. Reversion.- Except in the circumstances mentioned in rule 5 of Shree Sai Baba Sansthan Trust (Shirdi) Service

(Discipline and Appeals) Regulations, 2012, no Sansthan employees shall be reverted to a lower post or grade or scale of pay or lower stage in a time scale unless the procedure prescribed in the relevant regulations for imposing major penalties is followed and completed.

26. <u>Transfers</u>.- A Sansthan employee may be transferred, at any time, from one place to another and also from one Section or Department of the Sansthan to another at the discretion of the Executive Officer.

(VII) DEDUCTIONS FROM SALARY

27. <u>Deductions</u>.- The Committee shall be entitled to make deductions from the salary of a Sansthan employee on account of any advance, fine or amount of loss or damage in accordance with the provisions of these regulations or any statutory provisions applicable to such Sansthan employee.

28. <u>Provident Fund</u>.- The Sansthan employee, not being on deputation from the Government, shall be governed by to the provisions of Employee Provident Fund and Miscellaneous Provisions Act, 1952, in its application to the State of Maharashtra.

29. <u>Application of rules, regulations, and orders of the Government of Maharashtra.</u>- All matters, for which specific provisions have not been made in the various service regulations made by the Sansthan, shall, as far as possible and to such extent as may be considered appropriate by the Sansthan, be regulated in the same manner as in the case of employees of the Government of Maharashtra.

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