

# **TATA MEMORIAL CENTRE**

## **STAFF SERVICE RULES**

**2000**

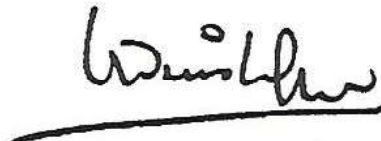
## FOREWORD

The employees of the Tata Memorial Centre (including labour staff appointed on or after September 1, 2000) are governed by the pay scales, allowances, pension, travelling allowance and other general conditions of service on the pattern of the service conditions of the employees of the corresponding status in the Department of Atomic Energy, except to the extent specified otherwise and as and when prescribed by the TMC Governing Council. The labour staff appointed prior to September 1, 2000 remain governed by the pay, allowances, pension, etc. prescribed by TMC Governing Council whenever necessary on the pattern of Brihanmumbai Municipal Corporation (BMC).

The rules and orders on appointments, probation, seniority, promotion, confidential reports and allied matters are also modelled on the pattern of general orders applicable to the Department of Atomic Energy.

It was felt that a compilation of such orders issued so far on service conditions collated together in one document with a reasonable degree of clarity, that would also serve as a reference book would be in the interest of all staff members. With this objective in mind, the enclosed document has been brought out. It will be seen that in some chapters, certain important applicable provisions as contained in CCS (Control, Classification & Appeal) Rules, CCS (Leave) Rules, etc. have been incorporated.

In case of any doubt, the bye-laws of the TMC read in conjunction with relevant rules applicable to comparable DAE staff and rules as applicable to labour staff of BMC Hospitals, would prevail, and the interpretation thereof would vest in the TMC Governing Council, whose decision will remain final.



Dr. K.A. Dinshaw  
*Director*

November 6, 2000

# COMPILATION OF STAFF SERVICE RULES

1.0 These rules shall be called the Tata Memorial Centre Service Rules.

2.0 Definitions

2.1 In these rules unless there is anything repugnant to the context or meaning thereof:

“Centre” means the Tata Memorial Centre, Mumbai, which includes ‘Hospital’ and the ‘Institute’

“Hospital” means the Tata Memorial Hospital, Mumbai.

“Institute” means the Cancer Research Institute, Mumbai.

“Council” means the Council of the Tata Memorial Centre.

“Government” means the Government of India

“Department” means Department of Atomic Energy (DAE) in which the administrative control of the Tata Memorial Centre is vested.

“Staff” means the employees in the Centre unless otherwise specifically mentioned.

2.2 “Management” includes any one or more of the following :

Director, Tata Memorial Centre

Director, Tata Memorial Hospital

Director, Cancer Research Institute

Chief Administrative Officer.

2.3 “Appointing Authority” means any one or more of the officers of the Centre to whom the powers of appointment are delegated from time to time.

2.4 “Centre premises” means the Hospital and Institute buildings, quarters, hostels etc.

2.5 “Disciplinary authority” means the appointing authorities or the officers designated as such.

3.0 **CLASSIFICATION OF STAFF :**

The staff shall be classified as follows :

3.1 “Permanent staff” means a staff member whose appointment has been confirmed in writing by the Management.

- 3.2 “Probationer” means a staff who has been appointed on probation for a period of one year, provided the management may extend the period of probation of any staff, by such period not exceeding two years, as may be considered necessary. A probationer is not entitled to be confirmed or to be treated as a permanent staff by the reasons alone of his/her completing the probation period.
- 3.2.1 The appointment of a probationer is liable to be terminated at any time during the probation period originally prescribed or subsequently extended without assigning any reason and without notice or compensation in lieu of notice.
- 3.2.2 If an employee is appointed/promoted/upgraded to a different post, he/she may at any time during the probationary period be reverted to his/her old permanent post at the discretion of the management, if his/her service is found unsatisfactory in the different post. The probation in such cases shall be for a period of one year.
- 3.3 “Temporary staff” is one who has been appointed for a limited period of work or project which is of an essentially temporary nature or who is employed temporarily as an additional employee in connection with temporary increase of work not of a permanent nature.
- 3.3.1 All staff recruited for special funds/projects shall be deemed to be temporary and the appointment shall stand terminated on completion of the project without any notice or assigning any reasons. They shall not be treated as the staff of the Centre.
- 3.4 “Casual staff” is one who is employed for work of a casual nature or some unexpected or unforeseen work of short duration or to meet the requirement of an emergency or during the absence of regular employees.
- 3.5 “Apprentice trainee” is one who is engaged essentially in learning and work and includes a person who is undergoing apprentice training in a designated skill in pursuance of a contract of apprenticeship.
- 4.0 **TERMS, TENURE & APPOINTMENTS, EMOLUMENTS AND OTHER CONDITIONS ETC.**
- 4.1 Agreement : Unless otherwise accepted in writing of the terms and conditions of his/her appointment, no candidate shall be appointed in the Centre. Similarly, every employee shall communicate in writing the terms and conditions of subsequent promotion/appointment.

4.2 Physical Fitness : Each candidate selected for appointment shall produce a certificate of physical fitness from a medical officer nominated by the Director before appointment and may at any time be required to submit to such medical examination as the Director, TMH/CRI may decide, during the course of his/her service.

4.3 Probation : Save as otherwise expressly provided, each employee on appointment shall be placed on probation for a period of one year. The appointing authority may extend, reduce or waive the period of probation for special reasons, provided that it may be extended for not more than two years. On satisfactory completion of probationary period every employee will be informed in writing about the closing of the probationary period. In the absence of such written communication he/she shall be deemed to have been continued on probation. During the period of probation, the service of an employee may be terminated by the appointing authority without assigning any reason or without notice unless otherwise provided in the letter of appointment.

4.4 **Tenure :**

4.4.1 All members of the medical, scientific, technical, auxiliary and administrative staff, save as otherwise expressly provided, may after completion of the probationary period be confirmed in their appointment. The date of their superannuation shall be the day of their attaining 60 years of age except in case of labour staff appointed prior to September 1, 2000 whose date of superannuation shall be the day of their attaining 58 years of age. The retirement will be effective from the afternoon of the last day of the month in which he/she attains the age of 60/58 years, as the case may be. However, employees whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty/fifty eight years as the case may be.

As per rules there is a complete ban on extension in service beyond the age of superannuation except in the cases of exceptional merit and record for medical and scientific specialists, who may be granted extension in service, on a case to case basis, upto the age of 62 years upon the recommendation of Director, TMC to Governing Council.

4.4.2 Upon the recommendations and justifications of the Director, TMC the Council may also make specific contract appointments, for a period of upto 3 years.

4.4.3 The Council may also offer re-employment after superannuation only in exceptional and deserving cases, on the recommendation of the Director, TMC.

4.4.4 The employees will also be governed by the Scheme of review of cases (other than labour staff) at the age of 50/55 years depending on whether they have joined the service before or after 35 years of age, for premature retirement.

4.5 The employees (other than labour staff appointed prior to September 1, 2000) are governed by the pay scales, allowances, pension, travelling allowance and other general conditions of service as framed by the TMC Governing Council from time to time on the pattern of the service conditions of the employees of comparable status in the DAE.

4.6 Each employee shall be paid the salary for the post every month so long as he/she is in the service of the Centre and satisfactorily carries out his/her duties.

4.7 Every employee will draw the periodical increments as prescribed in the pay scale and on fulfillment of conditions mentioned below unless such an increment is specifically withheld by way of punishment under the orders of disciplinary authority.



i) Medical/ Scientific Staff                      On 1st February or 1st August whichever is earlier, provided the employee completes 9 months, in the post.

ii) Technical Staff                      On 1st May or 1st Nov. whichever is earlier, provided the employee completes 9 months in the post.

iii) Auxiliary/ Administrative Labour Staff                      On the 1st day of the month in which the employee completes one year of service in the post in which he is appointed

4.8 During the period of his/her service every employee shall observe, obey and abide by the Rules of the Centre and the Bye-Laws, Regulations, made from time to time by the Council and all Standing Orders by the Director and other competent authorities.

Each employee shall perform the entrusted duties to the best of his/her ability and shall carry out any lawful direction given to him/her by the Council in the case of the Directors and in other cases by the appointing

authority or by any other person to whom power to give such directions has been given explicitly and implicitly.

- 4.9 An employee shall devote his/her full-time to the service of the Centre and shall not take part in politics, or engage directly or indirectly in any trade, business etc. No employee shall without the previous permission of the Council, in the case of the Director, TMC or of the Director, TMC in the case of others, practise in any other Hospital or institution or enter into any remunerative consultancy or commitment or absent himself from duty except in the case of accident or sickness certified by a competent medical authority.

**Explanation :** Canvassing by an employee in support of the business of insurance agency, commission, etc. owned or managed by his/her spouse or any other member of his/her family shall be deemed to be a breach of this sub-rule.

No employee shall, except with the previous permission of the Director, TMC undertake honorary work of a literary, artistic or scientific character, provided that his/her official duties do not thereby suffer, provided, however, that in case of Director, TMC, previous permission of the Council shall be obtained.

No employee shall, except with the previous sanction of the Council, take part in the registration, promotion or management of any bank or other companies registered under the Companies Act, 1956 (I of 1956) or any other law for the time being in force.

Provided that an employee may, with the approval of the Director, TMC, take part in the registration, promotion or management of a Co-operative Housing, Consumer, Credit or Welfare Society registered under the Co-operative Societies Act 1912 (II of 1912) or any other law for the time being in force or literary, scientific or charitable society registered under the Societies' Registration Act 1860 (XXI of 1860) or any other corresponding law in force.

An employee shall not, without the previous permission of the competent authority, absent himself from duty except in the case of accident or illness certified by competent medical authority and except in accordance with the regulations regarding the leave applicable to him.

- 4.10 Election and Nominations :No employee shall take part in politics or elections or accept nomination to any local body, without the previous permission of the Director, TMC or in the case of the Director, TMC without the previous permission of the Council.

Provided that for election as a member of a Board of studies or any other authority in the University of Mumbai, an employee may offer himself with the knowledge of the Directors, and the Directors, with the knowledge of the Council.

**5.0 IDENTIFICATION CARD TOKEN :**

5.1 Every employee will be provided with an identification card who shall wear them while on duty and also on demand show their card for inspection to the concerned staff. When a staff member ceases to be in the employment of the Centre he/she shall surrender his/her identification card to the concerned Security Officer before his/her accounts can be settled. If the staff member loses or damages his/her identification card he/she shall pay a sum of Rs.25/- and shall also submit a colour photograph 1½” x 1” size for securing a new one.

**6.0 SHIFT WORKING :**

6.1 More than one shift may be necessary in the department or departments or any section of the department of the Centre at the discretion of the Management. If more than one shift is worked, the staff member shall be liable to be transferred from one shift to another as per exigencies of work.

**7.0 TRANSFER :**

7.1 All staff are liable for transfer when needed to any units, department or section of the Tata Memorial Centre.

7.2 No staff member except a probationer or term appointee shall apply to any outside post without the previous permission of the management.

**8.0 ATTENDANCE, LATE COMING AND ABSENTEEISM :**

8.1 All staff shall be expected to be present at the place of work at the appointed time and start their work immediately. Every staff member shall record the time of attendance and departure each day from the Centre in the manner prescribed by the Management from time to time. Any staff failing to record the time as above is liable to be marked absent. Staff reporting late for more than one hour from the scheduled time are liable to be marked as absent. One day Casual Leave will be deducted for every three late marks in a month. Similarly for those who leave the office earlier than the scheduled time on three occasions one day Casual Leave will be deducted. In case there is no Casual Leave to their credit, Earned Leave will be deducted.



8.2 Staff attending late either at the commencement of their shift or at the end of lunch recess shall be liable to be treated as absent. No staff shall leave his/her place of work without informing the Head of the Department/Unit and obtaining permission to leave.

8.3 Any staff who after reporting for duty leaves his/her proper place or place of work during any period of working hours without the permission of his/her head of the department/unit or without sufficient reason shall be liable to be treated as absent without leave for the whole day in case his/her absence commences before recess time and for half a day.

#### 9.0 **NOTICES OF HOLIDAYS:**

9.1 Notices specifying (a) the days observed by the "Centre" as holidays shall be exhibited on the Notice Boards of the Centre.

#### 10.0 **ENTRY AND EXITS :**

10.1 The staff shall not enter or leave the premises of the establishment except by the gate or gates, door or doors provided for the purpose. No staff shall bring with him/her to the establishment hand bills, tools, articles, hazardous goods etc., other than those permitted by the Management.

10.2 The Management shall not in any way be responsible for loss or damage to any personal property of the staff brought in to the Centre.

#### 11.0 **LIABILITY OF SEARCH :**

11.1 All male staff shall be liable to be detained for search by any of the security personnel or by any Administrative Officer of the Centre while entering or leaving the premises of the establishment. All female staff shall be liable to be detained by the persons mentioned above for search in a separate room by the female searchers. If acting without malice, the gateman or any security personnel or an administrative officer suspect that a staff is in wrongful possession of property belonging to the establishment, he can detain such staff for search provided that a search shall not be made except in the presence of two other persons of the same sex as the suspected staff.

#### 12.0 **STOPPAGE OF WORK OR CLOSURE :**

12.1 The management may at any time in the event of fire, catastrophe, breakdown of machinery or equipment or vehicles or epidemic, civil commotion, failure of power supply or water supply or non availability of equipment or medicines or other causes beyond their control stop work in

any department or departments wholly or partially for any period without notice or without compensation in lieu of notice.

12.2 In the event of any such stoppage the staff affected shall be notified by a notice put on the notice boards as soon as practicable as to when work will be resumed and whether they are to remain or leave the premises and all staff affected by such stoppage shall obey any instructions issued by the management. Staff detained in the establishment during such stoppage or closure shall be entitled to receive salary for the whole of the time during which they are detained in the establishment's premises.

13.0 **ACCIDENTS :**

13.1 Staff shall immediately report injuries sustained during the course of their employment to the Staff Physician and Head of the Department/Division and Chief Administrative & Vigilance Officer

14.0 **PROCEDURE FOR THE GRANT OF LEAVE TO STAFF :**

14.1 Leave is granted in accordance with the Centre's leave rules in force from time to time. The salient features of leave rules are attached (Appendix-I). All staff shall avail of leave only after the leave is sanctioned by the authority competent to grant leave. The concerned authority may refuse or revoke leave of any description depending upon the necessities and exigencies of work. A staff who desires to obtain leave of absence shall apply to the Authority who is competent to grant leave on the prescribed form through his/her immediate superior with at least two weeks notice. If the leave recommending authority and leave sanctioning authority are different it shall be the duty of the employee to check with the competent authority whether the leave has been sanctioned or not. A mere application for leave is not sufficient to infer that the leave has been sanctioned.

14.2 If a staff after proceeding on leave desires an extension thereof he/she shall, before the expiry of the leave originally granted to him/her, make an application in writing for the purpose to the concerned authority or through the Head of the Department/Unit concerned. The Administrative Officer shall send to the staff a written reply either granting or refusing the extension of leave to his/her last known address. All applications for leave on medical ground shall be supported by a certificate issued by the Staff Physician or by a Registered Medical Practitioner attending him but after obtaining the certificate of the Staff Physician for accepting the same.

14.3 If a staff remains absent beyond the period of leave originally granted or subsequently extended, he/she shall be deemed to have abandoned the

employment unless he/she (I) returns within eight days of expiry of the leave and (ii) has given a satisfactory explanation for his/her inability to return on the expiry of leave.

## 15.0 REDRESSAL OF GRIEVANCES :

15.1 All complaints of grievance arising out of employment shall be submitted to the immediate superior in the first instance and if the concerned staff is not satisfied with the decision or action taken by the immediate superior he/she may refer the matter to the Head of the Department who shall in consultation with the appointing authority or Personnel Officer examine the matter expeditiously and intimate the decision taken to the concerned staff member. If the staff member is still not satisfied with the decision of the departmental head he/she is permitted to refer the matter to the Director for a decision. All staff members have a right to appeal individually to the Governing Council through the Director, TMC for any service matter. The decision of the Council is final.

In all the above stages of grievance procedure except in the case of appeal to the Council, the decision of the concerned authority shall be given within 15 days from the date of the submission of the grievance for redressal. No staff member is permitted to refer any grievance to any outside authority for redressal under any circumstances except as provided under the existing law on the subject.

## 16.0 MISCONDUCT :

The following acts of omissions and commissions shall be deemed primarily to be acts of misconduct under these rules though the list is not exhaustive one. If need arises the list in the Model Standing Orders on the subject may be referred:

- Careless work
- Gross neglect of work or habitual negligence
- Habitual late attendance.
- Improper behaviour
- Loitering and idling or wasting of time
- Sleeping while on duty
- Unhygienic act or committing nuisance on the premises of the Centre.

- Failure to wear the uniform supplied, while on duty.
- Absence without permission from place or places of work during working hours.
- Failure to carry identification card/token.
- Smoking in prohibited areas in addition to those specified as dangerous.
- Wilful breach of any rule or instruction.
- Drunkenness or riotous or disorderly behaviour in the premises of the establishment or any act subversive of discipline.
- Willful insubordination or disobedience whether alone or in combination with another or others, of any lawful and reasonable order of a superior.
- Striking work either singly or with other employees.
- Theft, fraud or dishonesty in connection with the Centre's business or property.
- Taking or giving bribes or any illegal gratification whatsoever.
- Habitual absence without leave or permission, or absence without leave or permission for more than eight consecutive days.
- Collection of any money within the premises of the establishment for any purpose not authorised by the management
- Engaging in trade within the premises of the establishment.
- Wilful breach of any rule or instructions for the maintenance or the running of any department or of any portion of the establishment
- Distribution or exhibition within the premises of the establishment of any bill or pamphlets or posters without the previous sanction of the Management.
- Willful breakage or damage to work or to any equipment or property of the Centre.
- Failure to observe duty notified safety instructions or interference with any safety device or equipment installed within the college.

- Willful slowing down in performance of work, or abetment or instigation thereof..
- Threatening or abusing or intimidating or assaulting any staff within the premises of the establishment, or outside if such threat or abuse or intimidation or assault is in connection with the employment in the establishment or is subversive of discipline of the Centre.
- Disclosing to any person, any trade or other information with regard to the affairs of the Centre or the working of any process in the establishment without the prior permission of the management.
- Squatting or remaining anywhere within the premises of the centre other than the appointed place with a view to intimidate or coerce or threaten the management or its officials or staff.
- Interfering with machines or equipment or process not connected with work allocated, assigned or directed.
- Conviction by any court of law for any offence involving moral turpitude.
- Deliberately making false, vicious or malicious or defamatory statements against the Centre or any officer or staff of the Centre.
- Refusal to receive or take delivery of notices, letters or of any communication from the management.
- Breach of any law applicable to the Centre.
- Conduct which endangers the lives and safety of the Centre management or the staff, customers, visitors or patients.
- Entering or leaving or attempting to enter or to leave the premises of the Centre except by a gate or door intended for the purpose or breaking or damaging or otherwise tampering with any doors, windows, wall or structure forming part of the Centre.
- Gambling or any such act within the premises of the Centre.
- Accepting service or accepting any kind of employment or doing any business which involves the receipt of fee, salary, wages or honorarium, emoluments or profits without obtaining the previous sanction of the management.

- Malingering.
- Attending or holding meeting within the premises of the Centre without the previous permission of the management.
- The sale or canvassing for sale of any commodities or tickets or chances in lotteries or raffles or ticket coupons or other tokens in connection with any scheme or the sale of any commodity or article within the premises of the establishment without the previous sanction of the management.
- Using Centre's facilities for personal gain.
- Approaching outside authority for redressal of grievances except as provided under the existing law on the subject.
- Gheraoing.
- Not maintaining a responsible and decent standard of conduct in his private life, thus bringing discredit to his service by his misdemeanours. For instance, by neglecting his wife and family in a manner unbecoming of a public servant.

**17.0 DISCIPLINE, SUSPENSION AND DISMISSAL :**

**17.1 Suspension :**

The appointing authority shall have the power to suspend an employee and fix the rates of his salary during the period of his suspension in the following cases:

- a) where a disciplinary proceeding against the employee concerned is contemplated or is pending,

OR

- b) where a case against him in respect of any criminal offences is under investigation or inquiry or trial.

**17.2 Punishment :**

The authority which appoints an employee of the Centre may impose any of the following penalties for any misconduct or for breach of the terms and conditions of his appointment.

- (i) Censure
- (ii) Withholding of promotion
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him/her to the Centre by negligence or breach of orders.
- (iv) Withholding of increments of pay, with or without cumulative effect.
- (v) Reduction to a lower stage in the same time scale of pay
- (vi) Reduction to lower time scale of pay.
- (vii) Compulsory retirement.
- (viii) Termination/removal from service.
- (ix) Dismissal from service.

### 17.3 Procedure for punishment :

17.3.1 No penalty will be imposed except after following the procedure detailed below:

- a) The appointing authority shall apprise the concerned employee of the position and shall call for his explanation in writing in relation thereto.
- b) Such explanation shall be called for within a fixed time ordinarily not less than one week.
- c) If the explanation is not found satisfactory by the appointing authority, specific charges shall be framed against the employee concerned.
- d) On receipt of the statement of defence, a domestic enquiry will be held in respect of charges as are not admitted.
- e) In the light of the inquiry report, the punishment to be imposed on the employee shall be decided by the appointing authority.

17.3.2 For the purpose of conducting an enquiry the appointing authority shall have the power to appoint any serving/retired officer of the Centre/DAE establishments as Inquiry/Presenting Officer. The procedure as applicable to Central Govt. employees under the CCS (Conduct & Appeal) Rules and the notifications issued by the Central Vigilance Commission, as issued from time to time will apply, as provided therein.

### 17.3.3 Termination of Service:

Subject to the contract under Bye-law 5.4.1 the agreement of service of any member of the scientific/medical staff shall be terminated by either party or giving a notice in writing to the other party of not less than three months, except during the period of probation when the period of notice shall be as specified in the letter of appointment. The service of any other member of the staff shall be terminated by either party giving to the other party a notice in writing of not less than that specified in the letter of appointment. Such period of notice shall not be less than 30 days except during the period of probation.

Notwithstanding anything contained above, the service of any employee can be terminated by giving a shorter notice than that specified in paragraphs 1 or 2 on payment to him of a sum equivalent to the amount of his pay plus allowances for the period by which such notice falls short of the period specified.

The appointing authority, or the authority to whom the power has been delegated, may accept a shorter period of notice from a member of the staff under special circumstances.

Earned leave on full pay may be granted towards the period of notice required under Bye-law 5.13.1. For half the part of earned leave not so utilised pay and allowances may be paid at the discretion of the Director or an officer of the Centre to whom the power has been delegated by the Director, TMC.

Provided that the concession shall be admissible only to those employees who leave the Centre after satisfactory service.

17.3.4 The requirement of clause 17.3.1 above may be waived if (i) the facts on the basis of which action is to be taken, have been established in a Court of Law, or (ii) the employee has absconded, or (iii) for any reason it is impracticable to communicate with him. The reasons for waiving shall be recorded in writing.

### 17.4 Appeals and Review :

17.4.1 An employee against whom an order of punishment is passed shall have the right to make a representation to the next higher authority than the authority which has passed the order of punishment by way of an appeal against the order for reconsideration.

Note: In the case of an order passed by the Council the appeal also shall lie with it.



- 17.4.2 Such representation shall be concise, polite and respectful in language and complete in all respects, specifying the relief desired. It shall be addressed by designation to the next higher authority than the authority which has passed the order of punishment and shall be only sent through the proper channel and not directly.
- 17.4.3 The appellate authority shall consider the representation (in the case of the Council the Council itself) and pass appropriate orders on it.
- 17.4.4 In the case of full or partial exoneration of charges against an employee, such orders shall specify the amount of pay and allowances to be paid to the employee, if suspended during the period of enquiry and the consideration of the representation.
- 17.4.5 No further appeal shall lie against the orders by the Council as in clause 17.4.3.
- 17.4.6 The Council may suo motu review any order of punishment passed by the appointing authority and after obtaining the view of the Director, TMC on its findings of the review, pass appropriate orders on it.

**18.0 ISSUE OF SERVICE CERTIFICATE :**

Every permanent employee shall be entitled to "Service Certificate" at the time of leaving the service.

**19.0 NOTICE FOR ABSENCE FROM DUTY AND PENALTY FOR ABSENCE WITHOUT NOTICE :**

If the staff acting individually or in concert and without reasonable cause absent themselves from work or being present at the workspot refuse to work each one of them may be treated as absent without leave.

**20.0 RETIREMENT :**

- 20.1 Every staff member (except labour staff) shall retire on attaining the age of 60 years which shall be the age of superannuation.

Every labour staff member appointed prior to September 1, 2000 shall retire on attaining the age or 58 years which shall be the age of superannuation.

- 20.2 Staff may be permitted to retire with benefits as envisaged under the rules of Centre.

### 20.3 Retirement Benefits:

The employees of the Centre will receive the retirement benefits such as gratuity, Provident Fund, Pension etc. as approved by the Council for its employees.

*Provident Fund:* The Medical/Scientific/Technical staff, on confirmation will be eligible and required to subscribe to the Contributory Provident Fund. This staff will have one option to be exercised any time but not later than completion of twenty years of qualifying service to switch over from the Contributory Provident Fund to Pension Scheme/Non-Contributory Provident Fund Scheme or to retain Contributory Provident Fund Scheme as they may wish. All other employees, on confirmation will be eligible and required to subscribe to the Non-Contributory Provident Fund Scheme of the Centre. The medical and scientific staff on tenure appointments would subscribe to Provident Fund after closure of probationary period.

*Other Funds:* The Director, TMC with the approval of the Council may from time to time establish and maintain other funds for the welfare and assistance of the employees of the Centre.

### 21.0 SERVICE OF NOTICE :

- 21.1 Any matter required to be notified under these rules and any notice by the Management to the staff shall be displayed on Notice Boards maintained for the purpose at conspicuous places in the premises of the establishment.
- 21.2 Any notice or letter of communication intended for staff may be delivered to him/her personally in the premises of the establishment or sent to him/her by post to the address of the staff specified in the service records or as otherwise furnished by him. When it is personally delivered, the employee is bound to accept it and acknowledge it.
- 21.3 In the case of staff who is absent, the communications or letter or notice despatched by registered post with acknowledgement due, to the last known address of the staff shall be deemed to have been served on him/her provided a copy thereof is exhibited on the notice board.
- 21.4 Any matter required to be notified under these rules and any notice or communication by the management to the staff shall be in English.

**22.0 DATE AND MANNER OF PAYMENT OF UNCLAIMED SALARY:**

22.1 No staff member or his/her legal representative can prefer a claim towards unclaimed salary after the expiry of a period of three years. Such unclaimed salary if claimed within the prescribed period will be paid by the management to the staff concerned or his/her legal representative, as the case may be, on any working day each month with advance intimation for a week.

**23.0 ADVANCES ADMISSIBLE TO THE EMPLOYEES OF THE TMC**

The employees of the Centre who have completed satisfactorily the probationary period would be eligible, subject to availability of funds, the following advances:

- 1) Festival Advance
- 2) Conveyance Advance
  - i) Motor Car Advance
  - ii) Scooter Advance
  - iii) Cycle Advance
- 3) Personal Computer Advance
- 4) House Building Advance

The rules governing these advances would be as followed by the Govt. of India for its employees from time to time.

**24.0 LEAVE ADMISSIBLE TO THE EMPLOYEES OF THE CENTRE:**

The employees of the Centre would be eligible to the following types of leaves:

- 1) Earned Leave
- 2) Casual Leave
- 3) Half Pay Leave
- 4) Commuted Leave
- 5) Leave not due
- 6) Leave without pay
- 7) Special Disability leave
- 8) Hospital leave
- 9) Maternity/Paternity leave
- 10) Study leave

The Central Civil Service (Leave) Rules 1972 applicable to Govt. employees as amended from time to time will apply to employees of TMC. For labour staff, however, the leave rules of Mumbai Municipal Corporation will apply, provided, however, those appointed on or after September 1, 2000, CCS (Leave) Rules 1972, as amended from time to time will apply.

#### 25.0 TRAVELLING & DAILY ALLOWANCE:

The Centre would follow the travelling allowances rules prescribed by the Government of India for its employees till such time the Council prescribes rules in this regard.

#### 26.0 DEPUTATIONS :

Members of the staff may be deputed to attend conferences and Congresses or to participate in seminars or symposia, in India at the discretion of the Director, TMH/CRI.

Members of the staff so deputed in India shall be eligible for travelling and daily allowances according to the rates admissible to them. Provided that in the event of any other agency providing the expenses or part thereof the expenses payable by the Centre shall be reduced as per rules.

The Council may frame rules for deputation of the members of the staff of the Centre for attending international meetings, conferences, congresses, seminars etc., or for grant of study leave outside India. The deputation proposals will be considered by a Committee consisting of:

Director, TMC	- Chairperson
Director, TMH	- Member
Director, CRI	- Member
Chief Administrative Officer, TMC	- Non-Member Secretary

If the office of Director, TMC/TMH is held by the same person an additional member may be inducted in the Committee by Director, TMC.

It is expected that the abstract of any papers submitted for presentation in any Conference should be sent with the approval of the HOD and forwarded to the Directors for information.

Deputation proposals will be considered by the Committee depending on the relevance and usefulness of the meeting/conference and availability of funds in the approved budget of the Centre.

The proposal for deputation shall be forwarded in the prescribed proforma to the Head of Division/Department. The Head of the Division/Department will make the necessary recommendations and forward the proposal to Office of the CAO atleast one month in advance of the date of departure for being placed before the Deputation Committee for approval. This requirement may be waived only if there is sufficient justification given along with the application. The Committee will normally meet in the first week of every month to consider the deputation proposals.

The travelling and other expenses of the members of the staff deputed outside India shall be as may be prescribed by the Council.

The period spent on such deputations both in India and outside shall be treated as spent on duty unless otherwise specified.

A copy of the deputation rules framed with the approval of Council is given at Appendix II.

#### **27.0 LEAVING HEADQUARTERS:**

No member of the staff should leave the headquarters without the prior permission of competent authority. Permission to go abroad shall be taken from the competent authority even on leave due and admissible. When permitted he/she should furnish his/her leave address to the Head of Office. In all applications for leave, including casual leave or compensatory leave during which the applicant proposes to leave the headquarters station, the fact should be stated in the application with the outstation address. Any person who wishes to leave the headquarters station during the period of leave already granted to him/her should notify his/her intention together with his/her address to his/her Head of Office. Any change in that address which may occur thereafter should also be communicated.

#### **28.0 LEAVE TRAVEL CONCESSION:**

The employees of the Centre (other than labour staff) would be eligible for Leave Travel Concession (LTC) scheme of the Centre based on the lines of the DAE. For the labour staff the rules of Mumbai Municipal Corporation for its employees will be followed, provided, however, those appointed on or after September 1, 2000, the LTC Scheme of the Centre shall apply.

#### **29.0 MEDICAL SCHEME:**

*Employees (other than labour staff appointed before September 1, 2000):*  
Employees and their families are entitled to consult the Staff Physician

and the medicines prescribed by him will be issued from the dispensary. Where the employees' families find it inconvenient to consult the Staff Physician, the prescriptions of their family doctors are countersigned by the Staff Physician in TMC and such medicines are also issued from the dispensary. In addition, employees and their families are also entitled to consult, in an emergency, any physician of their choice for medical assistance and reimbursement to the extent of Rs.1500/- per year is made from this Centre for such treatment. The various pathological, radiological etc. examinations are done at TMH free of charge. Besides the above, the employees have an option to join the CHS Scheme of DAE on payment of prescribed subscription.

*Labour staff:* Labour staff of this Centre (appointed before September 1, 2000) are entitled to the medical facilities in terms of the medical rules of the Bombay Municipal Corporation. Under the BMC rules such employee is entitled to payment of Rs.840/- per year towards medical expenses. This amount is paid to them along with salary every month @ Rs.70/- per month. They are also provided with free medicines prescribed by the Staff Physician of this Centre.

### **30.0 MEMBERSHIP OF TRADE UNION:**

'Workmen' means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, but does not include any such person, who being employed in supervisory capacity, draws wages exceeding Rs.1600/- per mensem or exercises either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

### **31.0 SCHEME FOR COMPASSIONATE APPOINTMENT IN T.M.C.:**

The appointment of candidates in Group C and Group D equivalent posts in TMC on compassionate grounds will be as per the orders of the Government.

### **32.0 EXTENT OF APPLICABILITY OF THESE SERVICE RULES:**

The above rules will apply to all TMC employees, and in respect of the rules not specifically provided hereinabove, the Rules/orders/ notifications of Government/Department will be followed. All labour staff appointed or or after September 1, 2000 will also be governed by the Rules of the Govt. of India, as amended from time to time.

### 33.0 AMENDMENT, ALTERATION ETC.

The interpretation of any of the aforesaid Rules for administrative exigency, will vest with the Director, TMC whose decision shall be final. Any substantial amendment/alteration of the Rules shall have no effect unless otherwise approved by the Governing Council and will come into effect on a date as may be prescribed by the Governing Council.

## LEAVE RULES

### 1. General Principles

1. Leave cannot be claimed as a matter of right.
2. The leave sanctioning authority may refuse or revoke leave of any kind.
3. It is not open to the sanctioning authority to alter the kind of leave due and applied for.
4. Leave of one kind taken earlier may be converted into leave of a different kind at a later date at the request of the employee and at the discretion of the authority who granted the leave. For example, Leave Without Pay may be retrospectively converted into leave not due and earned leave into half-pay leave or earned leave on MC into commuted leave, as the case may be. However, this cannot be claimed as a matter of right by the official.
5. Conversion of one kind of leave into leave of a different kind is permissible only when applied for by the employee while in service and not after quitting service.
6. Leave sanctioning authority may commute retrospectively periods of absence without leave into Leave Without Pay.
7. No leave of any kind can be granted for a continuous period exceeding five years except with the sanction of the Director, TMC.
8. An employee on leave should not take up any service or employment elsewhere without obtaining prior sanction of the Director.
9. An employee should produce medical certificate from the Staff Physician if the treatment is taken at TMC or Medical Officer of the CHS Scheme if he is a member or from a Registered Medical Practitioner duly countersigned by the Staff Physician for leave on medical grounds.
10. Leave sanctioning authority may secure second medical opinion, if it considers necessary.
11. An employee who is on leave on medical certificate will be permitted to return to duty only on production of a medical certificate of fitness from the Staff Physician.



12. Overstayal of leave without proper sanction, will be debited against the HPL account of the employee to the extent HPL is due and the excess treated as LWP. No leave salary is admissible for the entire period of overstayal and the period of such overstayal will not count for increment.
13. Willful absence from duty after the expiry of leave renders an employee liable to disciplinary action.
14. Any staff member may be detained for urgent work beyond the usual working hours or on Sundays or Holidays with grant of due allowance and/or compensatory off.

## **2. Earned Leave**

1. Credit will be afforded in advance at a uniform rate of 15 days on the 1st of January and 1st of July every year. The credit to be afforded will be reduced by 1/10th of Leave Without Pay availed and/or period of Absence Without Leave during the previous half-year, subject to a maximum of 15 days and to the extent of such credit only.
2. Earned leave can be accumulated up to 300 days.
3. While limiting the maximum of 300 days, where the balance at credit is 286-300 days, further advance credit of 15 days on 1st January/1st July will be kept separately and set off against the Earned Leave availed of during that half year ending 30th June/31st December. However, if the leave availed is less than 15 days, the remainder will be credited to the leave account subject to the ceiling of 300 days at the close of that half-year.
4. The credit for the half-year in which an employee is appointed will be afforded at the rate of 2½ days for each completed calendar month of service which he is likely to render in the calendar half-year in which he is appointed.
5. The credit for the half-year in which an employee is due to retire or resigns from the service will be afforded at the rate of 2½ days per completed calendar month in that half-year up to the date of retirement/resignation.
6. The credit for the half-year in which an employee is removed/dismissed from service or dies in service, will be afforded at the rate of 2½ days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed/dismissed/dies.

7. If an employee, who retires/resigns/is removed/is dismissed/dies in the middle of a calendar year, has taken any Leave Without Pay during that half-year, the earned leave credited should be reduced at the rate of 1/10th of such extraordinary leave and the leave account regularised.
8. While affording credit, fraction of a day should be rounded off to the nearest day, e.g. 7½ days to be rounded as 8 days.
9. Earned leave can be availed up to 180 days at a time.
10. Earned leave exceeding 180 days but not exceeding 240 days at a time may be granted to Group 'A' and Group 'B' Officers, if the entire leave or at least the amount of leave in excess of 180 days is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan.

### **3. Half-pay Leave**

1. Up to 31.12.1985 - Calculated at 20 days for each completed year of service. Service includes periods of duty as well as leave including Leave Without Pay with or without MC, but does not include periods of suspension treated as dies non, Absence Without Leave overstays of leave unless otherwise regularised.
2. From 1.1.1986, half-pay leave is credited in advance at the rate of 10 days on the 1st of January and 1st of July every year. The credit for the half-year in which an employee is appointed will be at the rate of 5/3 days for each completed calendar month of service he is likely to render in the half-year in which he is appointed.
3. The half-pay leave to be credited every half-year will be reduced at the rate of one-eighteenth of the period of dies non/suspension treated as dies non, during the previous half-year, subject to a maximum of ten days.
4. The credit for the half-year in which an employee is due to retire/resigns will be afforded at the rate of 5/3 days for each completed calendar month in that half-year up to the date of retirement/resignation.
5. The credit for the half-year in which an employee is removed/dismissed from service or dies in service will be afforded at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed/dismissed/dies.
6. Half-pay leave can be availed with or without medical certificate.

7. If an employee, who retires/resigns/is removed/is dismissed/dies in the middle of a calendar year, has taken any Absence Without Leave during that half-year, the Half Pay Leave credited should be reduced at the rate of 1/18th of such extraordinary leave and the leave account regularised.
8. The grant of half-pay leave to a temporary official is subject to the sanctioning authority satisfying himself that he will return to duty after its expiry. This condition is not applicable where such official is declared completely and permanently incapacitated for further service.
9. Half-pay leave can be converted into full pay leave by taking it as 'commuted leave' if the leave applied for was on medical certificate.
10. While affording credit of half-year leave, fraction of a day shall be rounded off to the nearest day.

#### **4. Commuted Leave**

1. Commuted leave not exceeding half the amount of half-pay leave due can be taken on medical certificate.
2. Commuted leave up to a maximum of 90 days can be taken during the entire service without medical certificate where such leave is utilised for an approved course of study certified to be in public interest.
3. Commuted leave up to a maximum of 60 days can be granted to a female employee in continuation of maternity leave without medical certificate.
4. Commuted leave up to a maximum of 60 days can be granted without medical certificate to a female employee with less than two living children, on adoption of a child.
5. Commuted leave can be granted only when the leave sanctioning authority is satisfied that there is a reasonable prospect of the employee returning to duty on its expiry.
6. If commuted leave is taken, twice the number of days availed should be debited in the half-pay leave account.
7. Where an employee granted commuted leave quits service voluntarily without returning to duty, the commuted leave shall be treated as half-pay leave and the excess leave salary recovered. If the retirement is by reason of ill-health incapacitating him for further service or in the event of death, recovery should not be made.

8. Commuted leave may be granted at the request of the employee even when earned leave is due to him.

#### 5. Leave not due

1. Leave not due is granted to a permanent employee when there is no half-pay leave at credit and the employee requests for the grant of LND.
2. Temporary officials with one year's service and suffering from TB, Leprosy, Cancer or Mental illness may also be granted LND if the post from which the official proceeds on leave is likely to last till his return.
3. It is granted only on medical certificate (Exception : 4 & 5 below) if the leave sanctioning authority is satisfied that there is a reasonable prospect of the employee returning to duty on its expiry.
4. It may be granted without medical certificate in continuation of maternity leave.
5. It may be granted without medical certificate to a female employee with less than two living children, on adoption of a child.
6. The amount of leave should be limited to the half-pay leave that the employee is likely to earn subsequently.
7. Leave not due during the entire service is limited to a maximum of 360 days.
8. Leave not due will be debited against the half-pay leave that the employee may earn subsequently.
9. When an employee granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty the leave not due should be cancelled. The resignation or retirement will take effect from the date on which such leave had commenced and the leave salary should be recovered.
10. Where an employee, who having availed himself of leave not due, returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.
11. In cases of 10 and 11 above, leave salary will not be recovered if the retirement is by reason of ill-health incapacitating the employee for further

service or in the event of his death or if he is retired prematurely under FR 56 (j) or FR 56 (l) or Rule 48 (1) (b), CCS (Pension) Rules.

## 6. Leave Without Pay

Leave Without Pay is granted to an employee in special circumstances -

- (a) when no other leave is admissible;
- (b) when other leave is admissible, but the employee applies in writing for the grant of Leave Without Pay.

Leave Without Pay cannot be granted to run concurrently with the notice period, in the case of employees on voluntary retirement.

Limit :

1. No leave of any kind can be granted to a employee permanent or temporary for a continuous period exceeding five years. Subject to this limitation, any amount of Leave Without Pay may be sanctioned to a permanent employee.
2. For temporary employees, the limit on any one occasion is -
  - (a) All employees - Up to 3 months with or without medical certificate.
  - (b) Employees who have put in a minimum of one year's continuous service - Up to 6 months with medical certificate for common ailments.
  - (c) Employees who have completed three years' continuous service. - Up to 24 months, where the leave is required for the purpose of prosecuting studies certified to be in public interest.
  - (d) Employees belonging to Scheduled Castes/Scheduled Tribes - Chief Administrative Officer may grant leave exceeding three months for attending the pre-examination training course at the centres notified by the Centre from time to time.
3. Two spells of Leave Without Pay, if intervened by any other kind of leave, should be treated as one continuous spell for the purpose of applying the maximum limit.

4. May also be granted to regularise periods of absence without leave retrospectively.

### **7. Special Disability Leave**

1. Admissible to both permanent and temporary employees -
  - (a) When an employee is disabled by injury intentionally or accidentally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.
  - (b) When an employee is disabled by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post held by him, under the same conditions.
2. The disability, under 1 (a) above, itself should have manifested within three months of the occurrence to which it is attributed and the person disabled had acted with due promptitude in bringing it to notice. The leave sanctioning authority, if satisfied as to the cause of the disability, may relax the condition and grant leave in cases where disability has manifested more than three months after the occurrence of its cause.

The disability, under 1 (b) above, should be certified by the Staff Physician to be directly due to the performance of the particular duty. If it has been contracted during service other than with a military force, the leave sanctioning authority should satisfy himself that the disability is exceptional in character.
3. The period of leave granted will be such as certified by Staff Physician subject to a maximum of 24 months.
4. It may be granted more than once if the disability is aggravated or recurs in similar circumstances at a later date, but the maximum leave in consequence of any one disability should not exceed 24 months.
5. It may be combined with any other kind of leave.
6. It will count as service for pension.
7. It will not be debited to the leave account.
8. The leave salary for the first 120 days will be the pay last drawn and for the remaining period it will be equal to leave salary during half-pay leave.

In such cases, beyond the first 120 days, the employee may take half-pay leave (at his credit) for another 120 days along with the special disability leave simultaneously and get leave salary equal to that on earned leave. The half-pay leave so taken will be debited to his leave account.

9. Chief Administrative Officer is competent to sanction Special Disability Leave.

### **8. Hospital Leave**

1. Admissible to (i) such Group 'C' employees whose duties involve handling of dangerous machinery, explosive materials, poisonous drugs, and the like, or performance of hazardous tasks and (ii) to Group 'D' employees, while under medical treatment in a hospital or otherwise for illness or injury directly due to risks incurred in the course of official duties.
2. Medical Certificate from the Staff Physician is necessary for the grant of this leave.
3. May be granted for such period as The Chief Administrative Officer may consider it necessary.
4. May be combined with any other kind of leave due and admissible, provided the total period of leave does not exceed 28 months.
5. Leave salary for the first 120 days will be the pay last drawn and for remaining period it will be equal to leave salary during half-pay leave.
6. Chief Administrative Officer is competent to sanction Hospital Leave.
7. Hospital leave will not be debited to the leave account.
8. The facility of getting full pay after the first 120 days also by taking half-pay leave simultaneously, as in the case of special disability leave, is not applicable to hospital leave.

### **9. Maternity Leave**

1. Granted to married/unmarried female employees-
  - (a) **Pregnancy** : 135 days - Admissible only to employees with less than two surviving children.

- (b) **Miscarriage/abortion (induced or otherwise)** : 45 days, Admissible irrespective of number of surviving children. Application to be supported by a certificate from a registered medical practitioner/ Staff Physician.
2. The leave is not debited to the leave account.
  3. It is granted on full pay.
  4. It may be combined with leave of any other kind.
  5. Any leave (including commuted leave up to 60 days and leave not due) may be taken without medical certificate up to one year in continuation.
  6. Counts as service for increments.
  7. Counts as service for pension.
  8. Not admissible for 'threatened abortion'.

## 10. Study Leave

### *I. Special Study Leave :*

1. Where an employee applies for study leave to prosecute further study or training in an institution abroad, which is not considered to serve any interest of the Centre, the leave applied for shall be refused.
2. Where an employee so applies and it is considered that the study or training has a direct bearing on subjects with which the Centre is concerned and the study or training will, as a consequence, serve the interest of the Centre although not to the extent of placing him on deputation, the employee can be granted special study leave under the following terms and conditions :
  - (i) The employee will ordinarily have to pay for his own travel.
  - (ii) Special study leave will not be debited to the leave account of the employee and will count as service for increment.
  - (iii) The leave salary during special study leave will be equal to last salary drawn before proceeding on study leave. In addition, the employee will be eligible for house rent and City Compensatory Allowances provided his dependents continue to stay in Mumbai.



(iv) The total period of the leave so sanctioned shall not normally exceed twelve months and in no case two years in the entire period of service, except when an employee is working for a doctorate or a similar qualification, in which case the period of special study leave may be extended to the minimum period required for acquiring the qualification but not exceeding four years. Special study leave in excess of twelve months may be granted only if the employee has rendered more than three years' continuous service. This condition may be relaxed in special circumstances and a shorter period-in no case less than two years - may be accepted as minimum qualifying service.

(v) Special study leave can be taken in combination with earned leave.

## II. *Extraordinary Study Leave :*

When an employee applies for leave to prosecute further study or to take up a scientific assignment, in an institution abroad, and it is considered that such study or assignment will serve the interests of the Centre, although not to the extent of granting him special study leave, he may be granted extraordinary study leave without pay for periods of a year at a time, subject to the total period of leave not exceeding two years. The leave so availed of may be allowed to count for increments at the discretion of the Director, provided that the employee has worked satisfactorily during the study leave.

## 11. Casual Leave

Casual Leave is not a recognised form of leave and is not subject to any rules made by the Government of India. An official on Casual Leave is not treated as absent from duty and his pay is not intermitted.

1. Casual leave can be combined with Special Casual Leave/Vacation but not with any other kind of leave.
2. It cannot be combined with joining time.
3. Sundays and Holidays falling during a period of Casual Leave are not counted as part of Casual Leave.
4. Sundays/public holidays/restricted holidays/weekly offs can be prefixed/suffixed to Casual Leave.
5. Casual Leave can be taken while on tour, but no daily allowance will be admissible for the period.

6. Casual Leave can be taken for half-day also.
7. Essentially intended for short periods, it should not normally be granted for more than 5 days at any one time, except under special circumstances.
8. LTC can be availed during Casual Leave.
9. Casual Leave entitlement is 8 days (per calendar year). In addition 2 days of restricted holidays will be allowed.
10. Individuals appointed and joining duty during the middle of a year may avail of Casual Leave proportionately or to the full extent at the discretion of the competent authority.
11. Government servants who have got some urgent work but do not require one day's leave can avail of half-day's Casual Leave.
12. Officials who have got only half-day's Casual Leave at credit, when applying for half-day's Casual Leave for the afternoon of a day should ensure that they attend office the next day, since Casual Leave cannot be combined with Earned Leave. However, if due to sickness or other compelling grounds, he is not able to attend the next day, combining with Earned Leave can be permitted as an exception. Officials who have already applied for and got sanctioned the leave. Officials who have already applied for and got sanctioned the leave due and admissible from a particular day, should not be granted half-day's Casual Leave for the previous afternoon.

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In the light of Government orders, applicable to TMC employees, every employee will draw the periodical increments on 1<sup>st</sup> January or 1<sup>st</sup> July every year, as the case may be in the pay matrix unless such an increment is specifically withheld by way of punishment under the orders of appointing authority.