



Shri Mata Vaishno Devi Shrine Board Employees (Recruitment and other Conditions of Service), Bye Laws, 1996

In exercise of the powers conferred by section 24 of the Jammu and Kashmir, Shri Mata Vaishno Devi Shrine Act, 1988 (Act No. XVI of 1988) and all other powers here-unto enabling, Shri Mata Vaishno Devi Shrine Board hereby makes the following Bye-Laws namely:-

1. Short title and commencement and application:

- (i) These Bye Laws may be called as Shri Mata Vaishno Devi Shrine Board Employees (Recruitment and other Conditions of Service), Bye Laws, 1996.
- (ii) They shall come into force at once.
- (iii) They shall be applicable to both Regular (Graded) and Term Employees engaged by the Board, unless specified otherwise, in a particular context.
- (iv) These Bye Laws shall not apply to persons employed on special contracts to the extent that terms and conditions of such contracts are inconsistent with provisions of these Bye Laws.

Providing that nothing contained in these Bye Laws shall apply to any person who is not an employee of the Board

2. Definitions:

- (i) In these bye-laws, unless the context otherwise requires:
 - a) “**Act**” means the Jammu and Kashmir, Shri Mata Vaishno Devi Shrine Act 1988 (Act No. XVI of 1988).
 - b) “**Appointing Authority**” means the Board or the authority specified in schedule III appended to these bye-laws.
 - c) “**Chairman**” means the Chairman of Shri Mata Vaishno Devi Shrine Board or the authority specified in Schedule-III appended to these Bye Laws.
 - d) “**Board**” means Shri Mata Vaishno Devi Shrine Board constituted under Shri Mata Vaishno Devi Shrine Board Act, 1988.
 - e) “**Chief Executive Officer**” means Chief Executive Officer of Shri Mata Vaishno Devi Shrine Board.
 - f) “**Addl. Chief Executive Officer**” means Additional Chief Executive Officer of Shri Mata Vaishno Devi Shrine Board.



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- g) **“Dy. Chief Executive Officer”** means Deputy Chief Executive Officer of Shri Mata Vaishno Devi Shrine Board.
- h) **“Employee of the Board”** means any person appointed to any service in connection with the affairs of the Board.
- i) **“Term Employee of the Board”** means any person appointed to any service through regular recruitment process, in connection with affairs of the Board, for a specific period
- j) **“Permanent Post”** means a post created by the Board on permanent basis under Shri Mata Vaishno Devi Shrine Board Employees (Recruitment and other Conditions of Service) Bye-Laws, 1996.
- k) **“Promotion”** means the appointment of a member of the service in any category or grade to a higher category or grade of service.
- l) **“Service”** means Shri Mata Vaishno Devi Shrine Board Service constituted under Clause (3) of these Bye-Laws.
- m) **“Pay”** excludes allowances.
- n) **“Temporary Post”** means a post created for a specified period.
- o) **“Disciplinary Authority”** means any authority specified in the schedule III appended to these Bye Laws and competent to impose any of the penalties specified in the Bye-Laws.
- p) **“Competent Authority”** means the Authority empowered by the Board to discharge the functions to exercise powers specified in the Bye-Laws or order related to.
- (ii) The words and expressions used in these bye laws but not defined therein, shall have the same meaning as assigned to them in the Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988.

3. Constitution of the Service/strength and composition of the Service:-

- (i) From the date of commencement of these bye laws, there shall be constituted Shri Mata Vaishno Devi Shrine Board Services.
- (ii) For purposes of initial constitution of service, the persons appointed before the commencement of these Bye Laws shall be deemed to have been appointed to the service under these bye laws.
- (iii) The strength of service and the nature and number of posts included therein shall be determined by the Board from time to time and shall at the initial constitution of the service, be such as specified in the Schedule – I annexed to these Bye Laws

4. Classification of Service:

The posts in the Board shall be classified as follows:-



All posts with a fixed pay of or on Pay Levels	classification
Level-15 (52700-166700) – “Pre-revised PB-2 9300-34800 with GP ₹ 5400/-“ and above.	Group – A
Level-10 (35800-113200) – “pre-revised PB-2 9300-34800 with GP ₹ 4260/- and above but less than Level-15 (52700-166700) – “pre-revised PB-2 9300-34800 with GP ₹ 5400/-“	Group-B
Less than Level-10 (35800-113200) – “pre-revised PB-2 9300-34800 with GP ₹ 4260/-“	Group – C

5. General conditions of appointment:

The following general conditions shall apply to all appointments to the service of the Board:-

- a) All appointments made to Shri Mata Vaishno Devi Shrine Board shall be made in accordance with the procedure laid down under Shri Mata Vaishno Devi Shrine Board Employees (Recruitment and other Conditions of Service) Bye-Laws, 1996 and shall be subject to such amendments and others changes to the service conditions as may be laid down in this regard from time to time.
- b) No person shall be eligible for initial appointment unless he has attained the age of 18 years and is not more than 40 years except for Ex-servicemen in whose case maximum age will be 45 years. The retirees from Govt. Service/ Shrine Board shall continue in service upto 65 years of age or for 05 years, whichever is earlier, subject to the good performance
- c) No person shall be initially appointed unless he has been certified by a qualified Registered Medical Officer not below the rank of Assistant Surgeon of a Government Hospital/ Shri Mata Vaishno Devi Narayana Superspecialty Hospital, Kakryal to be of sound constitution and medically fit to discharge his/ her duties.
- d) No person shall be eligible for appointment unless he/ she produces a character certificate from a Revenue Officer not below the rank of a Tehsildar within whose jurisdiction he/ she resides or the Superintendent of Police of the District concerned.
- e) Without prejudice to the generality of these provisions, no person shall be appointed unless the appointing authority is satisfied that the person is fit for the appointment in all respects.

Explanation:

Unless the appointing authority otherwise directs, the application of this provision shall be limited to regular appointments by direct recruitment.



6. Qualification and method of recruitment:

- (i) No person shall be eligible for appointment or promotion to any post in the service unless he possesses the qualifications as laid down against each post in schedule II annexed to these bye laws.
- (ii) Appointment to the service shall be made:-
 - a) by direct recruitment
 - b) by promotion; and
 - c) by deputation

In the manner and ratio mentioned against each post in Schedule – II

- (iii) A person who is already a member of the service may apply for direct recruitment if he/ she possesses the requisite qualification prescribed for the post. In case, he/ she is selected his/ her service shall be treated as fresh appointment. The pay and terminal benefits of the employee shall be protected on the analogy of service rules of J&K Govt.

7. Direct Recruitment:

- (i) All posts to be filled up by direct recruitment shall be referred to a Selection Committee constituted under these Bye Laws.
- (ii) The Selection Committee in respect of such requisition, shall, invite applications for eligible candidates through public notice and hold such examination and interviews, as may be prescribed.
- (iii) The Selection Committee shall prepare a select list in the order of merit and submit it to the appointing authority with its recommendations.
- (iv) The select list shall be valid for a period of one year unless extended by the appointing authority for a further period which shall not exceed six months.

7-A Regular Pay Structure Employee:-

A Term Employee who has rendered 03 years or more service as on 1st January / 1st July of every year shall be migrated to Regular (Graded) Pay Structure subject to the following:

- (i) The integrity of the employees should be above board.
- (ii) The employee under assessment shall have to be medically fit. Medical fitness shall be assessed by a Medical Board of SMVDNSH, Kakryal or a Medical Board constituted by Chief Executive Officer for the purpose.
- (iii) Regular pay structure to an employee shall be permissible only after determination/evaluation of the merit of such employee on the basis of following criteria:

- a. Marks for annual performance report for 3 years: 15 Marks



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Excellent / Outstanding	–	5
Very Good	–	4
Good	–	3
Average	–	2
Un-satisfactory (05 marks for each year)	–	1
b. Performance at the Interview:		10 Marks
c. General conduct / reputation :		05 Marks
Total	:	30 Marks

- (iv) For a Term employee to migrate to regular pay structure, it shall be mandatory to score at least 09 marks towards APRs and 18 marks out of maximum of 30 marks.
- (v) Subject to satisfaction of eligibility and basic merit duly evaluated by the screening committee, an employee shall be eligible for appointment to the Regular (Graded) Pay Structure for the relevant post, as per Schedule-I (Category "A", "B", "C", "D" & "E") & Schedule –II based on recommendations of selection/screening committee, prescribed above.

8. Selection Committees:

For making selection to different posts included in the service, the following selection committees shall be constituted:

- a) For Group A posts, the Selection Committee shall be comprised of two members of the Board to be nominated by the Chairman and Chief Executive Officer who shall act as Member Secretary of the Committee.
- b) For Group B posts, the Selection Committee shall comprise of a member of the Board to be nominated by the Chairman, Chief Executive Officer and Addl. Chief Executive Officer (Incharge Personnel) as Member Secretary of the Committee.
- c) For Group C posts, the Selection Committee shall comprise of Addl. Chief Executive Officer (Incharge HRD), Dy. Chief Executive Officer (HRD) and one Dy. Chief Executive Officer (to be nominated by the Chief Executive Officer) with Dy. Chief Executive Officer (HRD) acting as Member Secretary of the committee provided that the Chief Executive Officer in the emergent cases, may make temporary arrangement for a period of six months or until selection is made in terms of clause 8(c), whichever is earlier.

The Selection Committees shall also be the Departmental Promotion Committee for respective cadres.

Provided that the CEO or Addl. CEO (Incharge Personnel) is authorized to co-opt an Expert (if needed) in the selection process.



9. Pay and other emoluments:

The members of service shall be entitled to such pay and other emoluments as may be determined by the Board from time to time.

- a) Pay/emoluments on Migration from Term Employment to Regular Graded Pay Scale employee:

On migration from Term Employment to Regular Graded Pay Structure after satisfactory completion of qualifying service as determined by the Board from time to time, the employee shall be transited in the same pay and scale (including Dearness allowance and other permissible allowances).

- b) Pay/emoluments for Muster Roll Workers "SKC" to Regular Graded Pay Scale:

The Pay/Emoluments of the Muster Roll Worker (SKCs) migrated in Regular (Graded) pay scale after satisfactory completion of qualifying service as determined by the Board from time to time, shall be fixed in the minimum of the concerned Pay Scale and other applicable allowances.

- c) The retirees from Govt. service/ Shrine Board shall be entitled to consolidated emoluments without any annual increment, which shall in no case exceed the minimum salary (i.e. Basic Pay & DA only) in the respective Group of that Post. Such reemployed retirees shall not be entitled to any other monetary benefits.

10. Probation:

- (i) Every person on first appointment to any post in the Board shall be required to be on probation for a period of two years from the date of appointment.
- (ii) The appointing authority may, however, extend the period of probation by a further period not exceeding one year.

Explanation:

The probationer shall not be considered to have satisfactorily completed the probation period unless specific declaration is made to that effect and order of confirmation is passed in favour of the person so appointed on probation by the competent authority. In case of any delay in issuing the declaration that the probationer has satisfactorily completed the period of probation and/or the order of the confirmation, probationer shall not be deemed to have satisfactorily completed his probation or to have been confirmed.

- (iii) During the period of probation an employee directly recruited shall be liable to be discharged from services without assigning any reason by giving him a notice of 30 days or pay and allowances in lieu thereof.
- (iv) An employee temporarily promoted from a lower post to a higher post shall be liable to be reverted to the lower post without notice and without assigning any reason.



11. Confirmation:

An employee who has satisfactorily completed his probation in any post may thereafter be confirmed.

12. Transfer:

The Chief Executive Officer or the Officer(s) to whom such powers have been delegated shall, in the interest of administration, be the authority to transfer any employee of the Board.

13. Promotions:

Promotions of Regular (Graded) employees shall be made on the basis of merit and suitability/ seniority. The concerned Selection Committee constituted under Clause 8 of Bye Laws, shall adopt following procedure:

- (i) The eligible employees shall be kept in a panel in the ratio of 1:3 (that is for every single promotion, top three eligible employees in the order of seniority shall constitute a panel).
- (ii) The Selection Committee shall evaluate the performance of employees in the promotion panel on following parameters and submit its recommendation to the Competent Authority:
 - i. APR of preceding 05 years.
 - ii. General Conduct/ reputation.
 - iii. The purpose of the performance review shall be assessing the suitability of the employee for promotion to the next post. With a view to ensure the objectivity in assessment, the performance of every employee shall be evaluated on a scale of 40 marks as under:

Particulars	Marks	Minimum qualifying score
Outstanding/ Excellent (05 Marks)	25	15
Very Good (4 Marks)		
Good (03 Marks)		
Average (02 Marks)		
Un-Satisfactory (01 Mark)		
Peer Group Assessment (Outstanding:5, Very Good:4, Good:3, Average:2, Unsatisfactory:01)	05 (Through immediate Controlling Officer)	03
General Conduct/ reputation	10 (To be assessed by the concerned DPC)	6
Total	40	24

- iv. An employee would need to secure at least 15 marks out of 25 towards APRs of 05 years, 03 marks out of 05 marks for Peer Assessment and 06 marks out of 10 marks towards General Conduct/ Integrity/ reputation



which shall be assessed by the Selection Committee after taking into consideration the report of the concerned Unit Head/ Area Head as well as past service record.

- v. The employee (s) who does not meet the minimum eligibility criteria decided for evaluating the performance, shall not be considered for promotion and in such a case next eligible employee shall be considered for promotion by superseding such senior employee (s).
- vi. Every employee on his/ her promotion to any higher post in the Board shall be required to be on probation for a period of two years from the date of such promotion. During the probation period, he shall be liable to be reverted to his/ her substantive post, if he is found un-suitable or for any other good reason(s).

All such promotions will be subject to clause 10 (Probation).

14. Promotion Committee:

The Selection Committee constituted under clause (8) of these bye laws shall be the Promotion Committee for respective categories of service.

15. Deputation:

The appointing authority may obtain the services of a Government employee or an employee of a public sector undertaking on deputation on such terms and conditions as may be determined by the Parent Department of the employee whose services are to be obtained on deputation.

16. Seniority:

Seniority in respect of Regular (Graded) employees of various posts shall be determined as follows:

(i) **Direct Recruitment:**

- a) Date of Migration from Term Employment to Regular Graded Pay Structure.
- b) Date of appointment in the Shrine Board on Term Employment- if (a) is same.
- c) Grand total of marks obtained in the Screening from Term Employment to Regular Graded Pay Structure and at the time of initial appointment in Shrine Board - if (a) & (b) are same.
- d) Academic merit (in the minimum qualification prescribed for the post in Bye Laws)- if (a), (b)&(c) are same
- e) Date of Birth (the elder to be treated as senior)- if (a), (b), (c) & (d) are same.



f) Gender, if (a), (b), (c), (d) & (e) are same. Female employees to have precedence in seniority.

g) Alphabetic order of the name of employees (English language), in case all the parameters (a), (b), (c), (d), (e) & (f) mentioned above are same.

(ii) **Promotees:** The relative seniority of persons promoted to various grades will be determined in the order in which their names appear in the panel drawn up in accordance with bye laws.

“Provided that the seniority of an employee, who refuses to accept promotion, may be altered in accordance with the administrative instructions issued by the Appointing Authority from time to time”.

(iii) **Relative seniority of direct recruits and promotees:**

(A) The relative seniority of direct recruits and promotees will be determined according to the rotation of vacancies as between direct recruits and promotees as based on the quotas reserved for direct recruitment and promotion respectively. A roster shall be maintained in this behalf by the Board's office.

(B) (a) Vacancies arising in a calendar year shall be filled up during the same calendar year.

(b) Notwithstanding anything stated, if for any reason whatsoever, any vacancy or vacancies arising during a calendar year reserved for promotion or direct recruitment, as the case may be, remain unfilled, such vacancy or vacancies shall be carried over to the subsequent calendar year. The inter-se-seniority of such persons as are promoted or recruited against such vacancy or vacancies shall be fixed as if such earlier year's vacancies for promotion or direct recruitment, as the case may be, had arisen during such subsequent calendar year and the persons selected against the additional vacancies shall be placed en bloc below the last promotee or the direct recruit, as the case may be, in the seniority list based on the rotation of the vacancies for that year

17. Increments:

(i) Grant of annual increments shall be subject to good conduct and cannot be claimed as a matter of right by a member of service.

(ii) An increment may be allowed after completion of 12 months of active service by a member of service.

(iii) The active service for the purpose of increment shall be as under:

(a) The period spent on duty.

(b) Service in another post other than a post carrying less pay.

(c) All kind of leave other than extra ordinary leave/ period treated as dies-non.



- (iv) In case the employee remains without pay & allowances/ dies-non for more than 06 months, the employee shall not be entitled for any increment for the concerned year.
- (v) The date of increment shall be as announced by the Board from time to time.

18. Provident Fund:-

Every member of the service shall be required to contribute to the Contributory Provident Fund.

19. Resignation:-

- (i) No employee of Board (including Term Employees) shall resign from the service of the Board except by giving three month's notice or 03 months' salary in lieu thereof and after clearance of all the dues outstanding against him/ her towards the Board.

In case of Term Employees, the Term Employment shall be terminated during the period of contract if the 'Appointing Authority' is not satisfied with the services of the Term employee, by serving one month's notice on the employee or by paying one month's salary in lieu thereof. This shall also applicable to employees of SMVD Gurukul & SMVDCoN

Provided that it shall be open to the appointing authority to waive such notice.

- (ii) Resignation may be accepted by the appointing authority with immediate effect or at any time before the expiry of the period of notice in which case an employee shall be paid pay in respect of un-expired period of notice given by him/her. In case a shorter period of notice is accepted at the request of an employee, he/ she shall be entitled to receive his/ her pay and allowances only in respect of actual period spent on duty in the Board.
- (iii) The resignation submitted by an employee will become effective only when it is accepted and the employee is relieved of his duties.
- (iv) An employee leaving the service of the Board without proper notice or compensation paid in lieu of such notice or without acceptance of his/ her resignation or without being relieved of, he/ she shall forfeit his/ her claim to any of the service benefits under these bye-laws.

20. Voluntary retirement of employees on completion of 20 years of qualifying service:

- a) At any time after a Regular (Graded) employee has completed 20 years of qualifying service in the Regular (Graded) Pay Structure or attained 45 years of age whichever is earlier, he/she may by giving notice of not less than three months in writing to the Competent Authority, retire from service of Shri Mata Vaishno Devi Shrine Board. In computing, the notice period of three months, date of service of the notice and the date of its expiry shall be excluded.



- b) The notice of voluntary retirement given under the bye-laws shall require acceptance by the Appointing Authority.
- c) (i) An employee referred to in these bye-laws may, make a request in writing to the Chief Executive Officer to accept notice of voluntary retirement of less than three months giving reasons thereof.
- (ii) On receipt of a request under clause (a), the appointing authority, subject to the provision of these bye-laws, may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months.
- (iii) The amount of post-retiral benefits to be granted shall be subject to other provisions made under the relevant bye-laws in this regard.
- d) The employee of the Board who is allowed to retire under these bye-laws and has given necessary notice to that effect to the Competent Authority should be precluded from withdrawing his/ her notice except with the specific approval of such authority.

Provided that the request for withdrawal shall be made before the intended date of his retirement.

21. Superannuation and retirement:

- (i) Every employee appointed to the service of the Board shall retire on the last date of the month in which he/she attains the age of 60 years except ex-servicemen and former State or Central Government retired employees who have been engaged on Term Employment basis.

The enhancement of retirement age shall be subject to the Performance of the every employee attaining the age of 55 years shall be reviewed in the following manner:

1. The performance of every employee in Regular (Graded) pay structure shall be reviewed on attaining 55 years of age, by a Standing Screening Committee as below:

- a) Addl. CEO (In-charge Personnel)
b) Dy. CEO (In-charge Personnel)
c) Chief Accounts Officer.*

2. The Screening Committee shall meet in December and June of every year and shall review the performance of all such employees who are to attain the age of 55 years in the next before 06 months i.e. performance of employees retiring between January-June shall be reviewed in December of the previous year and employees attaining the age of 55 years during July – December shall be reviewed in June of the same year.

3. The Screening Committee shall evaluate the performance of the employee in the consideration zone in respect of following parameters and forward its recommendation to the Chief Executive Officer:

- a. APR of the preceding 10 years;*



- b. Administrative / Managerial technical skill.
- c. Integrity
- d. Peer reputation
- e. Performance during interactive session.
- f. General conduct / reputation
- g. Involvement if any in departmental disciplinary proceedings / other cases, if any
- h. Medical fitness.

4. The purpose of the Performance Review shall be to assess the suitability of the employee for continuing in service after the age of 55 years. With a view to ensure the objectivity of assessment, the performance of every employee shall be evaluated on a scale of 75 marks as under:

a)	Marks for the Annual Performance Report for the preceding ten years to be assessed as under: (Outstanding: 5, Very Good: 4, Good: 3, Average: 2, Unsatisfactory: 1) (Max. 50 marks)	50 (5 marks for each year)
b)	General Conduct (Max. 05 marks)	These marks shall be awarded by the Standing Screening Committee. Appreciation / Awards shall be given due consideration.
c)	Peer Group Assessment (Max. 05 marks) (Outstanding: 5, Very Good: 4, Good: 3, Average: 2, Unsatisfactory: 1)	These marks shall be awarded on the basis of assessment of immediate controlling officer
d)	Administrative / Managerial / technical skill i.e. capacity to undertake administrative affairs with best managerial qualities, potential and to complete assigned tasks. (Max. 05 marks)	These marks shall be awarded by the Standing Screening Committee on the basis of service record and inputs.
e)	Assessment of the Committee during interactive session (Max. 10 marks)	
f)	Involvement (if any) in departmental disciplinary proceedings, other cases, if any (Yes/No)	
g)	Medical fitness (Fit/Unfit)	
h)	Integrity (Doubtful/beyond doubt)	
	Total:	75

5. No marks will be awarded for Medical fitness and Integrity. The employee under assessment shall have to be found medically fit. Medical fitness of the employee shall be assessed by a Medical Board of SMVDNSH, Kakryal, as per Performa at Annexure-A. The Committee shall assess Integrity of an employee through inputs from the concerned Unit Head as well as his/her present and previous record. The integrity of an employee shall have to be beyond doubt. The people who are either medically unfit and/or with doubtful integrity shall not be considered for further extension.

6. An employee shall be required to secure at least 28 marks towards APRs (for 10 years) and 15 out of 25 marks for parameters indicated Para no. 4 (b), (c), (d) & (e).

7. The employee who does not meet the minimum eligibility criteria decided for evaluating the performance at 55 years of age shall retire on the last date of the month in which he/she is to attain the age of 55 years. Employee so retired shall be entitled to following:



a) All terminal benefits such as Leave Encashment, Contributory Provident Fund (CPF), Gratuity and GSLI as is due on the date of superannuation.

b) In addition to the above, ex-gratia payment @ 60 days salary (last pay drawn) for each year of service left to be completed, subject to the condition that this amount shall not in any case exceed the amount of salary for the number of remainder months of service left at the credit of employee.

- (ii) Notwithstanding anything contained in clause (i), the appropriate authority shall, if it is of the opinion that it is in the interest of the Board to do so, have the absolute right to retire any of the employee of the Board after he has attained the age of 45 years, by giving him a notice of not less than three months in writing or three months pay and allowance in lieu of such notice.

Provided that an employee may also by giving a notice of not less than three months in writing to the appropriate authority retire from service of the Board after he attained the age of 45 years.

Note: In computing the notice period of three months referred to above the date of service of the notice and the date of its expiry shall be excluded.

- (iii) Nothing contained in clause (i) and clause (ii) shall affect the right of the competent authority to retire an employee with due notice or pay in lieu thereof on his being certified by a medical examiner to be nominated for the purpose by such authority as being incapacitated for a further period of continuous service due to his continued illness or accident.
- (iv) An employee may be permitted to retire at his own request on the competent authority being satisfied that such employee is incapacitated for a further period of continuous service due to his continued illness or accident.

Provided that before acting under this clause it shall be open to such authority to require the employee to undergo a medical examination by such Medical examiner as it may nominate for this purpose.

- (v) The competent authority for the purpose of this bye-laws shall in respect of an employee be the authority competent to terminate the services of an employee of equivalent rank.

Explanation:

The term "allowances" used in these bye-laws means and includes Dearness Allowance only and does not include any compensatory or other allowance.

22. Conduct and behaviour:

Every employee shall at all times:-

- a) Maintain absolute integrity
- b) Maintain devotion to duty
- c) Conform to and abide by the provisions of the Act and the rules and regulations made there-under and



- d) Comply with and obey all lawful orders and directions which may from time to time be issued to him in the course of his official duties by any person or persons to whom he may be subordinate in the service of the Board.
- e) Do nothing which is unbecoming of an employee of the Board.

23. Misconduct:

Without prejudice to the generality of the term “Misconduct” the following acts of omission and commission shall be treated as misconduct:-

- (i) Theft, fraud or dishonesty in connection with the business or property of the Board or of the property of another person within the premises of the Board.
- (ii) Taking or giving bribes or any illegal gratification.
- (iii) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee not satisfactorily accounted for.
- (iv) Every member of the service shall on his first appointment to the service and within three months of the date of the commencement of these bye-laws and thereafter at such intervals, as may be specified by the Board, submit a return of his assets and liabilities in such form as may be prescribed by the Board giving the full particulars regarding immovable property owned by him or held by him on lease or mortgage either in his own name or in the name of any member of his family and failure to do so will amount to misconduct.
- (v) No member of the service shall acquire any immovable property of any value by any mode of acquisition except inheritance either in his/ her own name or in the name of any member of his/ her family without prior permission. As regards movable property, the Board will notify the permissible limit of acquiring moveable property without prior permission, from time to time.
- (vi) Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of the employment.
- (vii) Acting in a manner prejudicial to the interests of the Board.
- (viii) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- (ix) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- (x) Habitually late or irregular attendance.
- (xi) Neglect of work or negligence in the performance of duty including malingering or slowing down of the work.
- (xii) Damage to any property of the Board, either willfully or due to negligence.



- (xiii) Interference or tampering with any safety devices installed in or around the premises of the Board.
- (xiv) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Board or outside such premises where such behaviour is related to or connected with the employment.
- (xv) Commission of any act which amounts to a criminal offence involving moral turpitude.
- (xvi) Absence from the employee's appointed place of work without permission or sufficient cause.
- (xvii) Commission of any act subversive of discipline or of good behaviour.
- (xviii) Willful absence from duty after expiry of joining time on transfer from one post to another.
- (xix) Willful and prolonged absence from duty without reasonable cause.
- (xx) Neglect of his/her spouse and family in a manner unbecoming of an employee of the Board.
- (xxi) Failure to maintain a responsible and decent standard of conduct in private life, thereby bringing discredit to the Board.
- (xxii) Assaulting or abusing or insulting any of the officers or employees of the Board within the premises of office or other place of work or outside.
- (xxiii) Interference in the work of other employees.
- (xxiv) Spreading false rumors or giving false information or making defamatory statements (written or oral) which tend to bring the Management or its officers into disrepute.
- (xxv) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (xxvi) Taking part in politics:
 - a) No employee shall be a member of, or otherwise be associated with, any political party or any organization which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
 - b) No employee of the service shall form or be a member of any employees union not recognized by the Board.
- (xxvii) No member of the service shall make Ex-India visit (personal/ official) without prior permission from the Shrine Board This provision will also be added in SMVD Gurukul & SMVDCoN Bye Laws.

24. Suspension:

- (i) The Chief Executive Officer in case of Group – A , B & C may place a member of service under suspension where:-



- (a) An enquiry into his conduct is contemplated or is pending; or
 - (b) He is detained in custody on a criminal charge or otherwise, for a period longer than forty eight hours.
- (ii) Any order of suspension may be revoked at any time by the authority making the order.
- (iii) The **Authority making the order of suspension may** reinstate a member of service.

25. Subsistence Allowances:

- (i) A subsistence allowance equal to 50% of the employees pay will be permissible to be drawn provided he is not engaged in any other employment or business or profession or vocation. In addition to subsistence allowance, he will also be entitled to proportionate Dearness Allowance.
- (ii) Where the period of suspension exceeds 6 months, the subsistence allowance may be varied for any period subsequent to the period of first 6 months as follows:-
- a) The amount of subsistence allowance may be increased upto 75% of the pay if the period of suspension is prolonged due to administrative constraints. DA shall be paid proportionately.
 - b) The subsistence allowance may be reduced to 25% of the pay if the period of suspension is prolonged unduly to the reason attributable to the employee under suspension. DA shall be paid proportionately.
 - c) If an employee is arrested by the Police on a criminal charge and bail not granted, no subsistence allowance will be payable. On grant of bail, the subsistence allowance may be allowed.

26. Treatment of the period of suspension:

- (i) When the employee is reinstated after suspension, the following pay and allowance for the period of suspension will be allowed:-
- a) *If the employee is exonerated, the full pay and allowance which he would have been entitled to had he not been suspended less the subsistence allowance already paid to him.*
 - b) *If some penalty is imposed, such pay and allowance as the "Disciplinary Authority" decides may be paid to the employee.*
- (ii) In case the employee has been fully exonerated the period of absence from duty will be treated as period spent on duty.
- (iii) In a case, where the period of suspension is treated as leave of whatever kind due, the employee shall not be treated to have been suspended at all and the period of suspension shall be converted into leave due to him. In case, the amount of subsistence allowance paid is less than the leave salary difference shall be paid but where the amount of subsistence allowance happens to be more than leave salary, nothing shall be recovered.



- (iv) The suspended employee shall be required to record his attendance at the appointed time and place daily and shall not leave the station till specifically instructed or permitted.
- (v) An employee under suspension is debarred from attending office for discharging his official duty or availing any privilege enjoyed by him in his official capacity. He will, however, remain attached to the place of his posting or some other place as may be directed by the Disciplinary Authority, so as to enable the authority to summon him to the office as and when needed in connection with the inquiry being conducted in his suspension case.

27. Punishments:

- (i) The following penalties may, for good and sufficient reasons, be imposed upon a member of service, namely:

Minor Penalties

- a) Censure
- b) With-holding of increments of pay and or promotion
- c) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders.

Major Penalties

- d) Reduction to a lower grade or post or to a lower stage in a time scale.
 - e) Premature retirement and
 - f) Dismissal from service
- ii) No person who is a member of the service shall be dismissed or removed by any authority subordinate to that by which he was appointed.
 - iii) No person who is a member of the service shall be dismissed or removed or reduced in rank except after an enquiry is conducted against him and given a reasonable opportunity of being heard in respect of those charges. The employee may take the assistance of any other co-employee of the Board who is in service and not suspended or terminated:-

Provided that this sub-rule shall not apply:

- a) Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- b) Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry.
- iv) "The competent Authority under these Bye Laws shall be empowered to review any of its order(s), provided the review petition is filed within 30 days from the date of issuance of order. The reviewing authority may however relax the time bar if it is satisfied that the delay in making request for review was on some justifiable grounds"



28. Appeals orders against which no appeal lies:

Notwithstanding anything contained in these bye-laws no appeal shall be made against any order made by the Board and the Chairman of the Board.

Subject to the aforesaid, an employee of the Board, may prefer an appeal against any of the order(s) passed by the Competent Authority, within 45 days from the date of issuance of the order, before the authority as mentioned hereunder:-

- i) In case of punishments as covered under clause 27 of these bye-laws, the authority as specified in schedule III of these Bye Laws.
- ii) In case of any other order(s), the authority next higher to the authority passing the order.

“Provided, that the Appellate Authority may relax the time bar if it is satisfied that the delay in making the appeal was on some justifiable grounds”.

29. Reinstatement in service:

- i) If the competent authority is satisfied that the suspension, dismissal or premature retirement of such official was wholly unjustified or if he has been honourably exonerated in the judicial or internal proceedings, the period of suspension, dismissal or premature retirement of such official shall be treated as period spent on duty and he shall be allowed full pay and allowances for the said period.
- ii) If on the other hand, the competent authority is satisfied that such suspension, dismissal or premature retirement was not wholly unjustified or if he has not been fully exonerated in the judicial or internal proceedings such period shall be treated as period spent on leave of whatever kind due and he shall be allowed leave salary for the said period.

30. Interpretation:

If any question arise relating to the interpretation of these bye laws, the matter shall be referred to the Chairman whose decision thereon shall be final and binding.

30-A. Power to Relax:

“Where the Chairman is satisfied that in any particular case the operation of any of these Bye-Laws causes undue hardship or application of any of these Bye-Laws requires to be relaxed on grounds, of administrative exigency or any other special ground to be recommended, he may dispense with or relax the requirement of that Bye-Laws to such extent and subject to such conditions or stipulation as may be considered necessary”.



31. Repeal and Savings:

- i) All rules, orders, instructions issued by the Board prior to the commencement of these bye-laws in regard to the matter covered by these bye-laws, are hereby repealed.
- ii) Notwithstanding such repeal, any order made or action taken under the rules, orders and instructions so repealed shall be deemed to have been made or taken under the corresponding provisions of these bye-laws.

32. Amendments:

The Board reserves its right to amend, modify, add, alter, substitute, subtract, cancel repeal and such amendments, modifications, additions, alternations, substitutions, subtractions, cancellations shall take effect from the date stated therein

Note:

- i) Pay scales in Shri Mata Vaishno Devi Shrine Board has been revised w.e.f 01.01.2006 [vide Order No. 1269/SB of 2009 dated 25.08.2009](#) and an [corrigendum](#) to this order has also issued. Further, pay scales modified vide order No. [1009/SB of 2012 dated 20.06.2012](#).
- ii) Pay scales revised w.e.f 01.01.2016 vide order No. [1344/SB of 2018 dated 19.06.2018](#)