

5. Rules, regulations, instructions, manuals and records held or under its control used by employees for discharge of functions.

The employees of NIAM should follow the provisions contained in the Service by Laws and Financial Bye Laws of the Institution. Where a doubt persists in any area of administrative / financial matters in discharging the function, a reference is made to the Executive Council / Ministry of Agriculture for obtaining necessary guidance and instructions.

Service Bye-laws

Recruitment Rules

NIAM

SERVICE BYE-LAWS

National Institute of Agricultural Marketing
Kota Road, Bambala, Near Sanganer,
Jaipur – 303906

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SERVICE BYE –LAWS FOR REGULATION OF THE CONDITIONS OF SERVICE OF THE EMPLOYEES OF NATIONAL INSTITUTE OF AGRICULTURAL MARKETING

In exercise of the powers under Rule 20 read with Rule 43 (1) of Rules and Regulations applicable to National Institute of Agricultural Marketing, the General Body of National Institute of Agricultural Marketing hereby frames with the approval of GOI the following Service Bye-Laws for regulation of the conditions of service of the employees of the National Institute of Agricultural Marketing, namely.

SHORT TITLE AND COMMENCEMENT

1. (i) These bye-laws shall be called National Institute of Agricultural Marketing (conditions of Service) Bye-laws, 1999.

(ii) These bye-laws shall be deemed to have come into force from the date on which Center for Agricultural Marketing/ National Institute of Agricultural Marketing is registered as Society under Rajasthan Societies Registration Act, 1958

APPLICATION

2. These bye-laws shall apply to every employee of the Institute

DEFINITION

3. In these bye-laws unless the context otherwise requires:-
 - (a) 'Appointing Authority' in relation to an post under the Institute means the authority competent to make appointment to that post under bye-laws 5.
 - (b) 'Institute' means National Institute of Agricultural Marketing.
 - (c) 'Committee on Administration' means the Standing Committee of the National Institute of Agricultural Marketing.
 - (d) 'Academic Committee' means the Standing Committee of the National Institute of Agricultural Marketing.
 - (e) 'Employee' means a person serving in the any of the posts of the Institute.
 - (f) 'Executive Committee' means the Executive Committee of the National Institute of Agricultural Marketing.

- (g) 'General Body' means the General Body of the National Institute of Agricultural Marketing.
- (h) 'Rules of Central Government' means rules governing conditions of service in respect of the employees of Central Government, as extended in their application by these bye-laws to Institute.
- (i) 'Pay' means the amount drawn monthly by a Government servant as :
- (i) the pay, other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and
 - (ii) Overseas pay, special pay and personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by the President.
- (j) 'Permanent Post' means a post carrying a definite rate of pay sanctioned for without limit time.
- (k) 'Temporary Post' means a post carrying a definite rate of pay sanctioned for limited time.
- (l) 'Competent Authority' means the authority competent in the Institute for causing application of rules/bye-laws of the Institute as also of Central Government as

extended in their application to Institute in relation to all post in Group 'A', 'B', 'C' and 'D'.

- (m) all words and expressions used but not defined in these bye-laws and defined in the Regulations of these Institute, unless repugnant to the context, shall have the meaning respectively assigned to them in the said Regulation.

CREATION AND CLASSIFICATION OF POSTS

4. (a) Subject to provisions contained in Rule 36 (b) (iv)

and Rule 41 (a) (i) and (ii) of the Regulations of Institute the DG, shall exercise the powers of creation and abolition of posts in the Institute with the prior approval of the Executive Committee and the Govt.

- (b) Classification and grades of posts of the Institute shall be in accordance with those of the Central Government.

RECRUITMENT

5. Appointing Authorities- The Appointing authorities in respect of the posts borne on the strength of the Institute shall be.

The Director General in case of Group 'A', 'B', 'C' and 'D' posts as defined in Rule 4 (b).

METHOD OF RECRUITMENT

6. (i) Subject to the provisions contained in Rule 43 (1) (i) and (ii) recruitment to the posts borne on the strength of the Institute shall be made in accordance with recruitment rules framed in respect of each post by the Institute.

(ii) Reservation of posts for SC/ST/OBCs shall be made by Institute in Accordance with rules of Central Government as extended in their application to making such reservation in respect of the posts borne on the strength of the Institute.

FITNESS FOR APPOINTMENT

7. (1) No person shall be appointed to a post by direct recruitment unless:

1. He/She has produced a certificate of physical fitness from a medical authority specified in this behalf by the appointing authority, and

2. The appointing Authority is satisfied that the person possess good character and antecedents.

(2) The following classes of direct appointments shall be exempted from production of medical certificate of fitness:

- (i) a person already in the service of the Institute.
- (ii) a person who, prior to his direct recruitment in the Institute was in the service of a State of Central Government, Autonomous Body or Public sector Undertaking.

PROBATION

8. (1) every person directly recruited to a post under the Institute shall be on probation for two years.

(2) The decision of the appointing authority shall be final for the declaration of the satisfactory completion, or otherwise, of the probation. The Appointing Authority may, in any individual case, extend the period of probation but no employee shall be kept on probation for more than double the normal probation period. The decision to extend the period of probation shall be taken

and communicated to the employee before the expiry of the original, or extended, period of probation.

(3) Satisfactory completion of the probation period shall be communicated to the employee not later four months of the expiry of the probation period.

(4) Where an employee on probation is found unsuitable for holding the post or for retention in the service of the Institute, the Appointing Authority may terminated his/her services under the Institute.

CONFIRMATION

9. (1) Confirmation shall be made only once in the service of an employee which will be in the entry grade provided that no formal order of confirmation shall be necessary in the case of an employee who has been appointed to a post on permanent absorption basis.

(2) The case for confirmation of an employee who has satisfactorily completed probation shall be placed before a committee to be constituted for the purpose be the appointing authority, for clearance from all angles. On clearance of the case, a specific order of confirmation of the employee in his/her grade shall be issued.

SENIORITY OF DIRECT RECRUITS AND PROMOTEEES

10. (1) The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the Selection Committee, persons appointed as a result of an earlier selection being Senior or those appointed as a result of a subsequent selection.
- (2) Where promotion are made on the basis of selection be a Departmental Promotion Committee the seniority of such promotees shall be in the order in which they are recommended for such promotion be the Committee. Where promotion are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.
- (3) Where person recruited or promoted initially on a temporary basis are Confirmed subsequently in an order different from the order of merit indicated at the time of their appointment,. Seniority shall follow the order of confirmation and not the original order of merit.

(4) The relative seniority of direct recruits and of promotes shall be determined according to the rotation of vacancies between direct recruits and promotes which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules.

(5) If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotes.

SENIORITY OF TRANSFEREES

11. (1) The relative seniority of person appointed by transfer to the Institution shall be determined in accordance with the order their selection for such transfer.

(2) Where such transfer as effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees vis-à-vis direct recruits or promotes shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in bye-law 11 (5)

will apply, mutates mutants in determining inter seniority of the appointees.

- (3) Where a person is appointed by transfer in accordance with the provisions in the recruitment rules providing for such transfer in the event of non-availability of suitable candidate by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotes, as the case may be. He shall be ranked below all direct recruits or promotes, as the case may be selected on the same occasion.

- (4) In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “Transfer on deputation/Transfer”) his seniority in the grade in which he is absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be give seniority from-

The date he has been holding the post on deputation

OR

The date from which he has been appointed on regular basis to the same or equivalent grade in his parent department, whichever is later.

- (5) The fixation of seniority of a transferee in accordance with the principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption, In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.
- (6) In case in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

TERMINATION OF SERVICE

12. (1) After following the procedure as mentioned in the CCA Rules.
- (2) The Appointing Authority may terminate the services of any employee at any time after the expiry of the period of his probation by giving him (a) three months' notice or salary in lieu there of after following the procedure as mentioned in the CCA Rules, An appeal over the decision of the Appointing Authority under this sub-rule shall lie with Appellate/Review Authority.

RESIGNATION

13. (1) Subject to the provision of clause (2) below an employee may tender resignation from service by giving, in writing, to the Appointing Authority notice of:
1. thirty days, if he is a temporary employee; or
 2. ninety days, if he is a permanent employee.
- (2) The Appointing authority may, at its discretion:
- (i) set off Earned Leave at credit of the employee against the notice period if such a request is made by the employees; and
 - (ii) permit an employee to resign from service by a shorter notice than is prescribed in clause (1) above, provided that such shorter notice will not cause any administrative inconvenience.
- (3) Resignation of a permanent employee will be deemed to be operative only after it has been accepted by the Appointing Authority.
- (4) Unless it is allowed to be withdrawn in the public interest by the Competent Authority, the resignation tendered in terms of Rule (1) above, shall entail forfeiture of post-service in the Institute.

RETIREMENT

14. (1) except as otherwise provide in these bye-laws every employee of the Institute shall retire from service of the Institute on the last day of the month in which he attains the age of 60 years, provided that if the date of birth of an employee is the first of a month.
- (2) An employee who is declared medically unfit for service on account of any bodily or mental infirmity as accepted by a medical authority designated by the appointing authority in this behalf shall retire from service from the following the date of medical certificate.
- (3) Notwithstanding 10 (1), appointing authority shall have absolute right to retire any person who has attained the fifty years of age in respect of all officers by giving him 3 months notice in writing provided the matter has been reviewed and duly recommended by appropriate committee too be constituted for this purpose.

Provided further that not employee of the Institute shall be so retire from the service of the Institute by an Authority subordinate to that by which he/she was appointed.

VOLUNTARY RETIREMENT

15.

- (I) At any time, after an employee of the Institute has completed 20 years of qualifying service, he may, by giving notice of not less than three months in writing to their appointing authority retire from the service of the Institute.
- (II) The notice of the voluntary retirement given under sub-rule (1) by the employee of the Institute shall require acceptance by the appointing authority.
- (III) An employee of the Institute who has elected to retire under rule (1) and has given necessary notice to that effect to the appointing authority shall be precluded from withdrawing 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.

PAY

16. The rule. Orders and instructions in force from time to time in the F.R. & S.R. of the Govt. of India regarding pay, increments. Additions to pay etc. in relation to civil posts shall

mutates- mutants be applicable to the employees of the Institute.

HONORARIUM AND FEES

17. (i) The Govt. of India rules will be followed mutates – mutants
- (iii) The competent authority may permit an employee of the Institute to receive honorarium in accordance with and subject to conditions mentioned in FR 46 (b) and FR 46 (c).

MEDICAL FACILITIES

18. (i) An employee shall be entitled to such medical facilities and medical reimbursement as per 'NIAM Medical Attendance Rules'.

ALLOWANCES AND ADVANCES

19. The allowances and advances including TA and DA admissible to the employees of the Institute shall be governed as per 'NIAM Traveling Allowance Rules'.

LEAVE

20. (i) Employee of the Institute shall be entitled to all kinds of leave including encashment of unutilized earned leave on retirement and salary in case of death in service on the same terms and conditions as are admissible to the employees of Central Government from time to time.
- (ii) An employee of the Institute having proceeded on any kind of leave as referred to sub-rule (i) above, shall be entitled to leave salary as admissible to employee of Central Government from time to time.

CONDUCT AND DISCIPLINE

21. (i) The conduct of the employees of the Institute shall be regulated in accordance with provisions contained in CCS (Conduct Rules, 1964 as applicable to employees of Central Government.
- (iii) The provisions in the Central Civil Services (Classification Control and Appeal) Rules, 1965 of the Government as amended from time to time relating to 'Suspension', 'penalties', 'procedure for imposing penalties', appeal and review as well as various orders and instructions issued therein by the

Govt. shall apply., mutates mutants, to the employees of the Institute.

- a. Any of the penalties specified in the aforesaid Rules may be imposed on an employee of the Institute by the Appointing Authority.
- b. Appeal: The Appeal on the decision of the Appointing Authority shall lie with Joint Secretary (Ag. Mktg.) in charge in the Ministry. The Reviewing Authority will be the Chairman of the Executive Committee.
- c. The procedure for appeal/review will be as per CCS/CCA Rules, 1965.

CONTRIBUTORY PROVIDENT FUND

22. The employees of the Institute shall be subject to Employees Provident Fund and Miscellaneous Provisions Act., 1952.

CADRE

23. There shall be a single cadre in respect of each group of employees of the Institute, irrespective of their posting in the

headquarters or Institute or other Unit of the Institute, which shall not be altered for the purpose of promotion or grant of any concession or benefit except with the prior approval of the Government of India.

DEPUTATION

24. The deputation of the employees of the Institute shall be regulated in accordance with the rules applicable to rules of the Central/State Government/Autonomous Bodies governing deputation of Central/State Government/Autonomous Bodies employees, as extended in their application to Institute.

RESIDUARY CONDITIONS OF SERVICE

25. Any matter relating to the conditions of service of an employee for which no provision has been made in these bye-laws shall be determined by the institute as per decision of Executive Committee.

POWER TO RELAX

26. Notwithstanding anything contained in these bye-laws, the institute may in the case of an employee relax any of the provisions of these bye-laws for the purpose of

dealing with undue and unintended hardship arising from the operation of these bye-laws in a just and equitable manner, provided that prior approval of Executive Committee has been obtained for the same.

REWMOVAL OF DOUBT

27. Where any doubt arises as to the interpretation or application of any of these provisions of these bye-laws, the decision of the Govt. shall be final.