

Harcourt Butler Technological Institute

(Kanpur) Society Bye-Laws

I. Definitions.

- (a) "Authorities", "Officers" and "Professors" respectively mean the Authorities, Officers and Professors of the Institute;
- (b) "Board" means the Board of Governors of the Institute;
- (c) "Bye-laws" means the Bye-laws of the Harcourt Butler Technological Institute (Kanpur) Society;
- (d) "Chairman" means the Chairman of the Board;
- (e) "Director" means the Director of the Institute;
- (f) "Deputy Director" Means the Deputy Director of the Institute;
- (g) "Institute" means the Institute known as the Harcourt Butler Technological Institute, Kanpur;
- (h) "Registrar" means the Registrar of the Institute;
- (i) "Rules" means the Rules of the Harcourt Butler Technological Institute (Kanpur) Society;
- (j) "Society" means the H. B. Technological Institute (Kanpur) Society;
- (k) "State Government" means the Government of Uttar Pradesh;
- (l) "Warden" means the Warden of a Hall of Residence of the Institute;
- (m) "University" means the University to which the Institute is affiliated.

2. Classification of members of the Staff of the Institute.

Except in case of employees paid from contingencies, the members of the staff of the Institute shall be classified as follows :

(a) Academic and Administrative

- (i) Director, and
- (ii) Deputy Director, if any.

(b) Academic

- (i) Professor, (Senior and regular scales)
- (ii) Associate Professor, if any,
- (iii) Assistant Professor,
- (iv) Lecturer,
- (v) Associate Lecturer,
- (vi) Assistant Lecturer, if any,
- (vii) Research Assistant,
- (viii) Such other academic staff as may be decided by the Board

(c) Industrial Research Wing

All Such posts as may from time to time be specified for the purpose by the Board.

(d) Technical

- (i) workshop Superintendent,
- (ii) Foreman,
- (iii) Supervisor (Workshop),
- (iv) Mechanic,
- (v) Horticultural Assistant, if any,
- (vi) Technical Assistant,
- (vii) Draftsman,
- (viii) Physical Training Instructor, if any, and—
- (ix) Such other technical staff as may be decided by the Board

(e) Administrative

- (i) Registrar,
- (ii) Deputy Registrar,
- (iii) Assistant Registrar,
- (iv) Accounts Officer,
- (v) Audit Officer, if any,
- (vi) Stores or Purchase Officer, if any,
- (vii) Estate Officer, if any,
- (viii) Medical Officer, if any,
- (ix) Librarian,
- (x) Deputy Librarian, if any,
- (xi) Assistant Librarian, if any, and
- (xii) Such other administrative staff as may be decided by the Board.

3. Appointments ¹ :

- (1) All appointments to posts under the Institute shall be made
 - (a) By the Director, if the maximum of the scale does not exceed Rs 1240/-² and
 - (b) By the Board in other cases.
- (2) All posts of the Institute shall normally be filled by advertisements but the Board shall have power to decide on the recommendation of the Director that a particular teaching post and not any other posts ³ may be filled by offering it to any particular person by promotion from amongst the members of the staff of the Institute.

1. Approved by Govt. in G. O. No. 3187 ED/18-D-352ED/67 dated March 6, 1968.

2. Substituted vide B. O. G. resolution no. 39.02 dated 12-5-83.

3. Inserted vide B. O. G. resolution no. 9.06 dated 15-12-69.

Provided that⁴

(i) At least 50% of the vacancies other than those of teachers and 25% of the vacancies in the administrative posts of the Institute, excluding the post of Director, Registrar and single post not falling under the line of promotion of any category shall be filled by promotion in order of seniority-cum-merit provided the employees of the Institute fully possess the requisite qualifications and experience as prescribed for individual posts, without exception.

(ii) The first vacancy shall be filled by direct recruitment and the second vacancy will be filled up by promotion and so on.

(a) Seniority of staff⁴

(i) Seniority of staff in the Institute service will be determined by the date of joining the appointment in the particular grade:

Provided that the relative seniority given to candidates by a selection committee and approved by the Board of Governors, will remain undisturbed;

(ii) If two or more persons have equal length of service in a particular grade, the relative seniority among such persons shall be determined by age, if both are new entrants; otherwise by seniority in the previous appointment in the Institute;

(iii) Seniority as determined above will be applicable only for the period a person holds an appointment in a particular grade and will start a fresh in case of re-appointment after a break.

(3) While making appointments the appointing authority shall take into consideration the claims of the members

4. Added vide B. O. G. resolution no. 9.06 dated 15-12-69.

of the scheduled Castes and scheduled tribes as per orders of the Government of Uttar Pradesh as amended from time to time⁵

(4) (a) Selection Committees for filling the various teaching posts other than those on which appointments are made on contract basis in the Institute, including the posts of Deputy Director, Professor, Associate professor, Asstt. Professor and Lecturer shall be constituted in the manner laid down below namely—
(i) Chairman, Board of Governors or his nominee;⁶

(ii) One nominee of the All India Council for Technical Education;

(iii) The Director, H. B. Technological Institute, Kanpur;

(iv,v,vi) Three experts in the case of appointment to the posts of Deputy Director, Professor and Associate Professor, and two experts in the case of appointment to the posts of Asstt. Professor and Lecturer, appointed in the manner laid down in the following clause (b);

(vii) The Head of the department concerned if the post for which appointment is to be made, is lower in status than held by the head of the department:

Provided that the selection committee shall not be deemed to be duly constituted unless all the experts have been given due notice of the meeting and at least two of them are present in the case of selection for the posts of Deputy Director, Professor, and Associate Professor, and one in the case of other.

5. Inserted vide B. O. G. resolution no. 9.06 dated 15-12-69.

6. Substituted vide B. O. G. resolution no. 23. 19 dated 8-1-1975.

- (b) A panel of experts, referred to in clause (a) above in each subject of study, as far as possible of not less than six, shall be drawn up by the Board of Governors after consulting the corresponding faculty in engineering institutions or such academic bodies or institutions in or outside Uttar Pradesh as the Board of Governors may consider necessary.
- (c) In respect of staff for Industrial Research Wing, the selection committee will be as indicated in clause (a) above subject to the condition that the nominee of the All India Council for Technical Education will be replaced by a nominee of the Committee on Sponsored and Industrial Research and the Head of Department by the Incharge of the section or sponsored scheme concerned in the Industrial Research Wing.
- (d) In the case of posts of Librarian, Deputy Librarian, workshop Superintendent, Asstt. Workshop Superintendent, the selection committee shall consist of the following members namely :—
- (i) Chairman, Board of Governors or his nominee⁶,
 - (ii) The Director, H. B. Technological Institute, Kanpur,
 - (iii) The Deputy Director, H. B. Technological Institute, Kanpur,
 - (iv) Two Experts appointed by the Board of Governors in the manner laid down in clause (b) above,
 - (v) One Expert nominated by the Academic Committee, who shall not be in the service of the Institute,
 - (vi) One Expert nominated by the Committee on Sponsored and Industrial Research, who shall not be a member of that committee.
- (e) In the case of posts of Registrar, Deputy Registrar, Asstt. Registrar, Accounts Officer/Audit Officer, Store

6. Substituted vide B. O. G. resolution no. 23. 19 dated 8-1-1975

Officer, Estate Officer, the selection committee shall consist of the following members namely—

- (i) Chairman, Board of Governors or his nominee⁶,
 - (ii) The Director, H. B. Technological Institute, Kanpur.
 - (iii) The Deputy Director, H. B. Technological Institute, Kanpur,
 - (iv) Two nominees of the Board of Governors.
- (f) In the case of other posts not covered by the categories, (a), (b), (c) or (d) and carrying a scale of pay the maximum of which exceeds Rs. 1240/- the selection committee shall consist of—
- (i) Nominee of the Chairman,
Board of Governors— Chairman,
 - (ii) & (iii) Two nominees of the
Board of Governors— Members,
 - (iv) The Head of the Department
concerned or the appropriate Incharge
of the Section in the Industrial
Research Wing as the case may be— Member's,
 - (g) In the case of all other posts, the Director shall, at his discretion, constitute such selection committee as shall be considered appropriate by him.
- (5)⁷ (a) Screening Committee consisting of the following shall examine the credentials of all persons who have applied for a particular post (s) in the light of the requirements for the post (s) as given in the relevant advertisements and shall forward names of qualified candidates for interview:

6. Substituted vide B. O. G. resolution no. 23. 19 dated 8-1-1975

7. Substituted vide B. O. G. resolution no. 31. 06 dated 28-6-1978.

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| 1. Director— | Chairman |
| 2. One local expert— | Member |
| 3. Head of the Deptt. concerned— | Member |

Note:—In case the selection is to be made for a post of Professor/Head of the Deptt. there shall be two local experts as members. Provided that Screening Committee shall not with-hold any candidate who is qualified to apply for the post advertised.

- (b) (i) The Selection Committee shall interview all the candidates called for interview on recommendation of the Screening Committee,
- (ii) The Selection Committee shall interalia consider the Bio-data of any person suggested by any member of the selection committee or brought otherwise to its notice,
- (iii) The Selection Committee shall then recommend three persons for each post and shall arrange their names in order of preference.
- (6) Subject to the proviso to clause (a) sub-bye law (4) of this bye-law, no act or proceedings of the Selection Committee shall be called in question on the ground merely of the absence of any member or members of the Selection Committee; provided that at least half the number of members of the Selection Committee are present at the time of selection of candidates.
- (7) (a) Qualifications required for the various academic/administrative posts shall be such as may, from time to time be laid down by the All India Council for Technical Education/the University to which the Institute is affiliated.
- (b) The scales of pay and allowances for every post will be determined by the Board with the approval of the State Government.

4. Departments of Teaching

The Institute shall have the following departments of teaching:

- (a) Biochemical Engineering and Food Technology,
- (b) Chemistry,
- (c) Chemical Engineering,
- (d) Civil Engineering,
- (e) Computer Science,*
- (f) Electrical Engineering,
- (g) Humanities,
- (h) Leather Technology,**
- (i) Mathematics,
- (j) Mechanical Engineering,
- (k) Oil and Paint Technology,
- (l) Physics,
- (m) Plastic Technology, and
- (n) such other departments/sections as may be formed by the Board from time to time.

5. Fees

The amount of tuition and other fees payable by students, scholars and fellows at this Institute, shall be as determined by the Board from time to time.

6. Institution of Fellowships, Scholarships, Exhibitions, Medals and Prizes.

The Board shall make provision for fellowships, scholarships, exhibitions, medals and prizes as it may, from time to time determine.

* Introduced by G. O. no. 4010/84-84-415/84 dated 13-11-1984

** Introduced by G. O. no. 3193T/18-Pra-Shi-1-198T/78 dated 19-12-1978

7. Terms and Conditions of Service of Permanent Employees

Permanent employees of the Institute shall, subject to provision of Rule 38 (1) of the H.B. Technological Institute (Kanpur) Society Rules, be governed by the following terms and conditions:

- (1) Every appointment shall be subject to the condition that the appointee is certified as being in sound health and physically fit for service by medical authority nominated by the Board.

Provided that the Board may, for sufficient reasons to be recorded, relax the medical requirements in any particular case or cases or dispense with such medical examination in any case or class of cases, subject to such conditions, if any, as may be laid down by the Board.

Provided further that once a person is asked to produce a medical certificate of fitness for entry into service of the Institute and has actually been examined and declared unfit, it is not open to the appointing authority to use its discretion to ignore the certificate that has been produced.

- (2) Subject to the provisions of the Rules and the Bye-laws, all appointments to posts under the Institute shall ordinarily be made on probation for a period of one year in the case of professor and two years in the case of others⁸ after which period the appointee, if confirmed, shall continue to hold his office subject to the provisions of the Rules and the Bye-laws, till he attains the age of 60 years,⁹

Provided that the Board may, after recording reasons therefor re-employ any member of the staff on a year to year basis¹

8. Inserted vide B.O.G. resolution no. 9.06 dated 15-12-1969
 9. This is now Subjected to the provisions of G. O. no. 789/84/77/84 dated 22-9-1984 (Appended here-to)
 10. Substituted vide B. O. G. resolution no: 12:08 dated 8-1-1971

Provided further that in no case shall re-employment be granted beyond the age of 62 years¹⁰

- (3) The employee of Institute shall be entitled to the benefit of Contributory Provident Fund or Pens maintained for persons in the service of the Institute in accordance with the provision of these Bye-laws and the Rules framed by the Board for the purpose from time to time⁹
- (4) The employees of the Institute shall be required to subscribe to the Contributory Provident Fund of the Society as per provisions made in bye-law 10 of these Bye-laws.
- (5) The appointing authority shall have the power to extend the period of probation of any employee of the Institute for such period as may be found necessary. If after the period of probation, the appointee is not confirmed and his probation, is also not formally extended, he shall be deemed to have continued on a temporary basis and his service may then be terminable on a month's notice.
- (6) An employee of the Institute shall devote his whole time to the service of the Institute and shall not engage directly or indirectly in any trade or business or in private tuition or any other work which may interfere with the proper discharge of his duties; but the prohibition herein contained shall not apply to academic work and consultative practice undertaken with the prior permission of the Director, which may be given subject to such condition regarding acceptance of remuneration etc. as may be laid down by the Board.

10. Substituted vide B. O. G. resolution no. 12.08 dated 8-1-1971

- (7) The employees of the Institute shall be governed by the H. B. T. I. (Kanpur) Employees Conduct Rules.
- (8) The appointing authority shall have the power to terminate the services of any member of the staff without notice and without any cause assigned during the period of probation.
- (9) The appointing authority shall have the power to terminate the services of a member of the staff by three months' notice or after allowing three months' pay in lieu of notice¹¹ in case he is found, on the report of a medical authority nominated by the Board, to be physically or mentally unfit for service in the Institute.
- (10) The Board shall have the power to terminate the service of any member of the staff on grounds of retrenchment or economy by giving to the person concerned six months' notice in writing or after allowing six months' pay in lieu of notice.¹²
- Provided that the above provisions shall apply only in case of permanent employees of the Institute¹³
- (11) A member of the staff may terminate his engagement by giving 3 months' notice to the appointing authority
The appointing authority may for sufficient reasons to be recorded reduce this period¹⁴
- (12) (a) The appointing authority may place any member of the staff appointed at the Institute under suspension :—⁶

11. Inserted vide B. O. G. resolution—no 9.06 dated 15-12-1969.

12. Added—Vide B. O. G. resolution no. 9.06 dated 15-12-1969.

13. Added vide resolution no. 9.06 dated 15-12-1969

14. Substituted Vide B. O. G. resolution no. 15.11 dated 12-2-1972.

- (i) Where a disciplinary proceeding against him is contemplated or is pending, or
- (ii) Where a case against him in respect of any criminal offence is under investigation or trial.
- (b) A member of the staff under suspension is entitled to a subsistence grant of such amount not less than one-fourth of his pay and not more than one-half of his pay as the suspending authority may direct, provided that in no case shall the amount of the subsistence grant exceed the maximum limits of leave salary on half average pay or half average substantive pay.
- (13) The following penalties may, for good and sufficient reasons and as herein after provided, be imposed on any member of the staff.
- (i) censure;
- (ii) withholding of increments or promotion;
- (iii) recovery of the whole or part of the pecuniary loss caused to the Institute by negligence or breach of orders;
- (iv) reduction to a lower service, grade or post or to a lower time scale, or to a lower stage in a time scale;
- (v) compulsory retirement;
- (vi) removal from service which shall not be disqualification for future employment under the Institute;
- (vii) dismissal from service which shall be a disqualification for future employment under the Institute;

provided that no order imposing on any member of the staff any of the penalties specified at (i) to (iii) above shall be passed by any authority subordinate to that by which he was appointed and unless the member of the staff concerned has been given an opportunity to make a representation to the appointing authority;

provided further that no order imposing on any member of the staff any of the penalties specified at (iv) to (vii) above shall be passed by any authority subordinate to that by which he was appointed and except after an enquiry has been held and the member of the staff has been given reasonable opportunity of showing cause of the action proposed to be taken in regard to him.

- (14) Notwithstanding anything contained in sub-bye law-(10), it shall not be necessary to follow the procedure mentioned above in the following cases :
- (a) Where an employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;
 - (b) Where the authority empowered to dismiss or remove the 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 give to that person an opportunity of showing cause;

Note : If any question arises whether it is reasonably practicable to give to any person opportunity of showing cause under this clause, the decision

thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

- (c) Where the Chairman is satisfied that in the interest of the security of the State, it is not expedient to give to that person such an opportunity.
- (15) A member of the staff aggrieved by any order imposing penalty passed by the Director against him shall be entitled to prefer an appeal within six months from the date of the order of Director¹⁵ to the Board of Governors against the order and the decision of the Board shall be final.
- (16) (1) When an employee of the Institute who has been dismissed, removed or suspended, is reinstated, the authority competent to order the re-instatement shall consider and make a specific order:—
- (a) regarding the pay and allowance to be paid to the employee for the period of his absence from duty, and
 - (b) whether or not the said period shall be treated as period spent on duty.
- (2) Where the authority mentioned in clause (1) is of the opinion that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the employee shall be given the full pay and allowances to which he would have been entitled had he not been dismissed, removed or suspended as the case may be.

- (3) In other cases, the employee shall be given such proportion of such pay and allowances as such competent authority may prescribe;

Provided that the payment of allowances under clauses (2) and (3) above shall be subject to all other conditions under which such allowances are admissible.

- (4) In a case falling under clause (2), the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (5) In a case falling under clause (3), the period of absence from duty shall not be treated as a period spent on duty unless such competent authority specifically directs that it shall be so treated for any specified purpose.
- (17) **Tribunal of Arbitration** :—Any dispute arising out of a contract between the Institute and its officers or teachers, shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member nominated by the Board of Governors, one member nominated by the officer or teacher concerned and an umpire appointed by the Chairman. The decision of the Tribunal thereon shall be final and no suit shall lie in any court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act, 1940, and all the provisions of the Act shall apply accordingly.
- (18) **Leave** :—The employees of the Institute shall be entitled to leave in accordance with provisions laid down by the Board in the Leave Regulations.

- (19) It shall be for the Board to decide as to which class of employees of the Institute shall be entitled to vacation.
- (20) The employee of the Institute will receive such medical facilities for themselves and their families as are provided by the Medical Rules.

Appointment on Contract.

Subject to the provisions contained in the Memorandum of Association, the Board may, in special circumstances, appoint an eminent person on contract for a period not exceeding five years, with a provision of renewal for further period, provided, that every such appointment and the terms thereof shall be subject to the prior approval of the State Government.

Provided that the above appointments on contract shall be restricted only to the teaching posts.¹⁶

Pension Fund

- (1) Subject to the provisions of the H. B. Technological Institute (Kanpur) Society Rules, a Pension Fund shall be created by the Board in respect of all such permanent Employees of the Institute as are covered by the provisions of rule 38 (i) of the said Rules and as elect to continue under the same terms and conditions as under the State Government.
- (2) In calculating the total services qualifying for pension in respect of the employees referred to in sub-by-law (1), all service rendered by them under the society together with all such service rendered by them under

16. Added vide B. O. G. resolution no. 9.06 dated 15-12-1969.

the State Government as would have counted for pension under the applicable rules of the State Government, shall be taken into account and the amount of pension so payable shall be worked out in the same manner as laid down in the said rules of the State Government which shall, save in so far as any provision thereof may purport to cast any responsibility for bearing any financial liability or making any payment on the State Government or any of its functionaries or treasuries or sub-treasuries or any other authority charged with the duty of performing the functions of a Government treasury or sub-treasury, continue to apply to them in toto subject to such adaptations in respect of different authorities thereunder charged with the exercise of powers, performance of duties and discharge of functions as the Board may, by regulations to be made for the purpose, determine :

Provided that it shall be competent to the society to accept and appropriate towards its Funds any payments made by the State Government with the object of discharging or extinguishing their share of liability towards the pensionary claims of the said employees with regard to the service rendered by them under the State Government.

- (3) No other employee of the Institute shall be entitled to pensionary *benefits under these Bye-laws.⁹

10. Contributory Provident Fund.

Subject to the provisions of the Rules, a Contributory Provident Fund shall be created by the Board for the employees of the Institute, who shall be governed by the Contributory Provident Fund Rules of the Society.⁹

Provided that the following categories of employee shall not be entitled to the benefits under this Bye-law :

⁹ This is now subjected to the provisions of G. O., no. 799,84/77,84 dated 22-9-8; (Add.) appended hereto.

- (a) Such permanent employees of the Institute as are covered by the provisions of Rule 38 (1) of the H. B. Technological Institute (Kanpur) Society Rules and as elect to the Pension Fund in accordance with bye-law-9 of these bye-laws.
- (b) Such permanent employees of the Institute as are covered by the provisions of Rules 38 (1) of the H. B. Technological Institute (Kanpur) Society Rules and as have elected to subscribe to Contributory Provident Fund of the State Government.
- (c) Such employees who have been appointed by the Institute on a consolidated salary or on special terms which exclude the benefits of the Contributory Provident Fund or on whose account the Institute contributes towards pension or towards contributory provident fund to an agency outside the Institute.

11. General Provident Fund.

Subject to the provisions of the Rules, all employees of the Institute who are appointed on a regular basis will have to join the general provident fund scheme under the following general conditions :—

- (i) All employees who have been appointed on regular basis under the Society are required to join a general provident fund and contribute at the rate of 8½% of the pay drawn by them for so long as they do not qualify for the contributory provident fund benefits;

Provided that all temporary employees covered by the provision of Rule 38 (3) may contribute at the rate of 8½% from the date of registration of the Society, that is March 26, 1965.

- (ii) All permanent employees covered by the provision of Rule 38 (1) who elect to continue under the same terms and conditions as were applicable to them under the State Government, would be permitted to subscribe at the rate and under the terms applicable to them under the State Government.
- (iii) with the consent of all employees specified under Rule 38, the balance standing to the credit of each employee in the general provident fund account with the State Government would be transferred to the general provident fund account of the society.

12. Travelling Allowance

The Institute will observe the same rules in regard to travelling and daily allowances as are enforced by the State Government from time to time.

13. General

Any matter not covered by the above Rules and Bye-laws will be governed by the relevant rules applicable to the servants of the State Government for the time being in force till the Board frames its own rules and Bye-laws.