

## **North East Centre for Technology Application and Reach (NECTAR)**

### **SERVICE BYE-LAWS**

Under Rule 12 (xiii) of the Rules and Regulations of the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR), the Governing Council hereby makes and adopts, with prior approval of the Central Government, the following Service Bye-Laws:

#### **PART – I : SHORT TITLE AND COMMENCEMENT**

1. (1) These bye-laws shall be called the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR) Service Bye-laws, 2017, hereinafter referred to as Service Bye-Laws.

(2) These Service Bye-Laws have been approved by the Government of India vide letter No. AI/18/1/NECTAR/2017 dated 3<sup>rd</sup> May, 2018.

(3) These Service Bye-Laws shall come into force from the date of adoption by the Governing Council.

#### 2. **Application**

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

#### 3. **Definitions**

(1) In these bye-laws, unless the context otherwise requires:

a) The “Society”, “Centre” or “NECTAR” shall mean the registered Society “North East Centre for Technology Application and Reach”;

b) “Rules” shall mean the Rules and Regulations of NECTAR;

c) The “Governing Council” shall mean the Governing Council of North East Centre for Technology Application and Reach;

c) The “Executive Council” shall mean the Executive Council of the North East Centre for Technology Applications and Reach;

d) The “Chairman” shall mean the Chairman of the Society, i.e. the North East Centre for Technology Application and Reach and also the Chairman of the Governing Body and the Governing Council;

e) The “Director General” shall mean the Director General of the North East Centre for Technology Application and Reach;

f) The “Member Secretary” shall mean the Member-Secretary of the Governing Council of North East Centre for Technology Application and Reach;

- g) The “Central Government or Government” shall mean the Government of India;
- h) “Year” shall mean the “Financial Year” i.e. the period of twelve calendar months beginning from the first day of April of a year and ending on the thirty-first day of March of the subsequent year;
- i) “Appointing Authority” for any post carrying Grade Pay of Rs. 6600/- and above, under the Centre shall be the Governing Council and for any post carrying Grade Pay below Rs. 6600 shall be the Director General. “Appointing Authority” in respect of Director General shall be the Governing Council with the prior approval of the Central Government.
- j) A post means a post in NECTAR carrying a Government-prescribed pay band and grade of pay, created with the approval of the Competent Authority as per Government instructions from time to time.
- k) “Employee” means a person appointed against any sanctioned/approved post, including the Director General.
- l) Words importing the singular number shall include the plural number and vice versa. Words importing the masculine gender shall include the feminine gender and vice versa.
- (2) All words and expressions used but not defined in these bye-laws and defined in the Memorandum of Association and Rules and Regulations of the Centre shall have the meaning assigned to them in the said Memorandum of Association and Rules and Regulations.

## **PART – II : POSTS AND EMPLOYEES**

### **4. Sanction and Grouping of Posts**

- (1) The posts in the Centre shall normally be classified following the same criteria as adopted by the Central Government from time to time and grouped into PB-1 to PB-4 and their equivalent grouping into Groups A, B and C.
- (2) Having regard to the changing needs and conditions of technology delivery, the configuration and strength of posts and staff in the Centre may be reviewed periodically by the Governing Council to ensure rationalization and better HR utilization, subject to approval of Central Government.
- (3) The powers to sanction new posts or to upgrade/downgrade or to abolish existing posts shall vest with the Central Government.

5. **Duties of Posts**

- (1) The Director General shall have the full and final authority to determine the job description and responsibilities of all categories of posts and employees in the Centre.

6. **Categories of employees:**

- (1) **Regular Employee:** those appointed on sanctioned posts (except employees recruited on contract/consultant/project employees appointed for fixed tenure).
- (2) **Employee on Deputation:** those appointed on sanctioned posts on deputation from the Central or State Governments or other governmental organizations or autonomous bodies in accordance with the rules for deputation prescribed by the Central Government.
- (3) Service conditions of persons engaged on contract basis or as consultant shall be subject to terms and conditions of such contract subject to extant instructions issued by the Government.

7. **Application of Rules and validation for existing employees of the Centre**

All officers and staff of the Centre appointed against a sanctioned post and working in the Centre on the date of commencement of these Service Bye-Laws shall be deemed to have been appointed under these Bye-Laws.

**PART- III: RECRUITMENT**

8. **Methods of recruitment**

- (1) All posts in the Centre shall be filled in accordance with provisions of Recruitment Rules approved by the Administrative Ministry in the Central Government following the prescribed procedure subject to orders issued by the Central Government in this regard from time to time as applicable to autonomous bodies. The Recruitment Rules shall be framed keeping in view the duties and responsibilities of the post in accordance with the guidelines issued by the Central Government from time to time.
- (2) The Director General shall be appointed by the Governing Council, with prior approval of the Central Government, and following the Recruitment Rules for the post of the Director General, NECTAR approved by the Central Government from time to time.

9. **Recruitment Process**

- (1) The selection of a candidate for recruitment to a post shall be made as per the provisions of the approved Recruitment Rules for the post.

- (2) The Screening Committee, Selection Committee etc. for appointment to any post shall be constituted with the approval of the Appointing Authority for the post.

**10. Re-employment**

Retired persons from the Central or State Government or governmental organisations or autonomous bodies, fulfilling the eligibility criteria mentioned in the approved Recruitment Rules for a post, can be re-employed on that post in accordance with the instructions of the Central Government from time to time. On re-employment, the remuneration of the employee will be determined taking into account the Central Government orders on the subject.

**11. Fitness for appointment**

- (1) Subject to the provisions of clause (2) below, no person shall be appointed to a post unless:
  - (i) He or she has produced a certificate of physical fitness from a medical authority specified in this behalf by the Appointing Authority, and;
  - (ii) The Appointing authority is satisfied that the person possesses good character and antecedents.
- (2) The following categories of persons will be exempted from production of medical certificate of fitness:
  - (i) A person already in the service of the Centre;
  - (ii) Retired employee of the Central or State Government or any governmental organization or any government autonomous body re-employed within two years after retirement;
  - (iii) A person who, prior to his or her direct recruitment in the Centre was in the service of a State or Central Government or any governmental organization or any government autonomous body and had undergone medical examination by a medical authority recognized by the Appointing Authority as equivalent to that required for the new appointment.

**12. Disqualifications**

No person

- (a) who is of unsound mind;
- (b) who has entered into or contracted a marriage with a person having a spouse living;
- (c) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment in the Centre;

provided that the Appointing Authority may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this bye-law.

**13. Saving**

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided to candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward classes, Ex-servicemen and other special categories of persons in accordance with the instructions issued by the Central Government from time to time in this regard, and as applicable to the science and technology institutions of the Central Government.

**14. Compassionate Appointments**

The Director General may consider the case of the spouse, son or daughter of an employee who dies while in service of the Centre, or who retires on medical grounds, provided that the family in either case is in extremely indigent circumstances and distress, for appointment on compassionate grounds as per the instructions and guidelines of the Central Government.

**PART IV: TENURE**

**15. Joining the Centre**

An offer of appointment shall be made to the selected applicant. Upon joining, a letter or order of appointment shall be issued specifying all the terms and conditions and related matters. The new employee shall be required to submit the requisite documents as specified such as proofs of identity and address, attested copies of certificates depicting the date of birth and all academic and professional qualifications and experience, relieving certificate from the previous organisation (if applicable), certificate of verification and any other documents as may be prescribed.

**16. Probation**

- (1) Subject to the provision of Clause (2) below, every person directly recruited to a post under the Centre shall be on probation for one year.
- (2) There will be no probation if the recruitment of a person is on (i) contract or re-employment basis (ii) deputation (iii) fixed tenure basis or (v) absorption after deputation.
- (3) The Appointing Authority may extend the period of probation of an employee on assessment of his performance, provided that 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.

- (4) Satisfactory completion of the probation period shall be communicated to the employee not later than four months after the expiry of the probation period.
- (5) Where an employee on probation is found unsuitable for holding the post or for retention in the service of the Centre the Appointing Authority may terminate his or her services under the Centre as per the instructions of the Central Government issued from time to time.

**17. Confirmation**

- (1) After satisfactory completion of the probation period, the employee shall be confirmed.
- (2) Confirmation shall be delinked from the availability of permanent posts.

**18. Termination of Service**

The Appointing Authority shall be competent to terminate the service of an employee as per the rules and instructions of the Central Government from time to time.

**19. Engagement of Contractor for outsourced services:**

The Centre may engage support staff for secretarial services, maintenance of infrastructure and other such support services, through outsourcing on contract as per the provisions and instructions of the Central Government from time to time.

**20. Engagement of Consultants**

The Centre may engage consultants for specific assignments for which the in-house expertise is absent or insufficient. Such appointment or engagement will be done taking into account the guidelines and applicable rules of the Central Government.

**21. Resignation from Service**

- (1) Subject to the provisions of clause (2) below an employee may tender resignation from service by giving in writing, to the Appointing Authority, a notice of:
  - (i) Thirty days, if he or she is a temporary employee; or
  - (ii) Ninety days, if he or she is a regular 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 employee; 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 will be deemed to be operative only after it has been accepted by the Appointing Authority.

**22. Superannuation**

- (1) The age of superannuation for all the regular employees of the Centre shall be as per Central Government Rules as amended from time to time.
- (2) In all matters of retirement, except if otherwise provided, the procedures and rules of the Central Government will apply.

**23. Deputation to other Organizations, Authorities and Bodies**

- (1) Deputations of the employees of the Centre to other Organizations shall be governed by the rules of the Central Government.
- (2) Deputation to outside organizations cannot be claimed by an employee as a matter of right. It shall be decided by the Appointing Authority in each case, having regard to the interests of the Centre.
- (3) In cases of posts falling vacant temporarily due to deputations, long leave or for any other reasons for more than six months, such posts may be filled on ad-hoc basis, which would include appointment on contract, at the discretion of the Appointing Authority.

**PART- V : PAY AND ALLOWANCES**

**24. Pay and Allowances**

- (1) The pay and allowances of the employees of the Centre shall be the same as in Government and shall be governed by the Government rules, instructions and guidelines issued from time to time.
- (2) The Director General, subject to Government instructions in this regard, may grant or permit an employee of the Centre to receive an honorarium as remuneration for work performed, which is of occasional or intermittent nature and either so laborious or of such special merit as to justify a special reward. It shall be for special reasons and for the work done outside the normal sphere of one's duty.

**PART- VI : OTHER ENTITLEMENTS AND FACILITIES**

**25. Leave**

- (1) The provisions of the Central Civil Services (Leave) Rules, 1972, and other orders and instructions issued from time to time by the Central Government, shall be applicable to the employees of the Centre.

(2) The Director General shall be the competent authority to grant leave and he shall have the powers to delegate his powers by order to any of the specified officers of the Centre for various categories of employees.

(3) In case of the Director General himself, the Chairman, Governing Council shall be the Competent Authority for granting leave.

**26. Travelling and Daily Allowance**

(1) The employees of the Centre shall be entitled to Travelling Allowance and Daily Allowance etc. on the same terms and conditions as are applicable to the Central Government employees.

**27. Foreign Travel**

(1) Deputations for foreign travel for work will be sanctioned by the Executive Council for the employees of the Centre, subject to ratification of the Governing Council.

(2) The Chairman, Governing Council shall approve deputation of the Director General abroad in connection with official duties and/or academic or scientific/technical business and the same will be reported at the next Governing Council meeting for information.

**28. T.A. on Transfer/Retirement**

T.A. on transfer/retirement and joining time shall be as per the Central Government Rules or Orders issued from time to time.

**29. Leave Travel Concession**

The employees of the Centre shall be entitled to Leave Travel Concession on the same terms and conditions as are applicable to the employees of the Central Government.

**30. Medical Facilities**

(1) The regular employees of the Centre shall be eligible for medical reimbursement benefits for medical treatment of self and dependent family members as admissible to the Government of India employees of the same categories as per Government of India rules and orders on the subject issued from time to time. Deputationists may also opt for this scheme in lieu of scheme in force in their parent organization within one month of appointment in the Centre.

(2) The term “family” for the purpose of these bye-laws shall have the same meaning as defined in CSMA/CGHS Rules.

(3) The employees of the Centre shall be entitled to avail the facility of inpatient or hospitalisation treatment in respect of self and the dependent family



members and reimbursement as per the rules and rates of the Central Government Health Scheme of the Central Government.

- (4) The Centre may alternatively choose to prescribe and adopt a scheme of Group Medical Insurance for its employees, as approved by the Governing Council, for inpatient or hospitalisation treatment. However, the facility of Group Medical Insurance shall not be a facility in addition to the provisions made in clause (3) above.

**31. Membership of Professional Bodies**

- (1) The officers of the Centre of the level of PB-4 and above are encouraged to participate in professional bodies/institutions in the field of their specialization. The Centre shall reimburse membership fee limited to 90% of the annual subscription for one National and one International professional body. Life membership will not be allowed. The maximum amount that can be reimbursed on this account is limited to Rs 10,000/- in a year.

- (2) The Governing Council may extend this benefit to other employees of the Centre.

**32. Other facilities**

The Director General, with the approval of the Governing Council, may devise schemes with rules and limits for providing other facilities to the various categories of the employees such as residential telephone and Internet facility, canteen facility, reimbursement of expenses for newspapers and magazines, other allowances etc. Such facilities, except in special circumstances, will not exceed the provisions for equivalent employees of the Central Government.

**33. New Pension Scheme (NPS)**

Regular employees of NECTAR shall be covered under the New Pension Scheme (NPS) and they shall contribute to the scheme at the rates prescribed by the Central Government from time to time. NECTAR shall contribute its obligatory contribution as prescribed under the scheme.

**34. Gratuity**

Regular employees of NECTAR shall be eligible for gratuity as per the Gratuity Act of the Central Government and rules made thereunder.

**PART VII: DISCIPLINE AND CONDUCT**

**35. DISCIPLINE**

- (1) The Central Civil Services (Classification, Control and Appeal) Rules, 1965 as amended from time to time shall mutatis mutandis be applicable to employees of the Centre.

- (2) The Disciplinary Authority and the Appellate Authority in respect of posts in the Centre shall be as under:

<b>Posts</b>	<b>Disciplinary Authority</b>	<b>Appellate Authority</b>
Director General	Governing Council, with prior approval of the Government of India	Government of India
All posts carrying Grade Pay of Rs.6600/- and above	Chairman, Governing Council	Governing Council
All posts carrying Grade Pay below Rs. 6600/-	Director General	Chairman, Governing Council

**36. Conduct Rules**

The Central Civil Services (Conduct) Rules, 1964 as amended from time to time shall mutatis mutandis be applicable to the employees of the Centre.

**37. Annual Performance Appraisal System**

An Annual Performance Appraisal Report (APAR) System will be devised by the Director General for all the employees of the Centre in accordance with the instructions of the Central Government from time to time and in accordance with the functional requirements of various posts.

**PART VIII: MISCELLANEOUS**

**38. Transfer/Posting of Employees**

Every employee of the Centre is liable to be transferred/posted at the discretion of Director General to serve at any of the offices/branches/activity sites of the Centre keeping in view the expertise of the individual required on the particular location, and purely in the interests of the Centre.

**39. Working hours**

The working hours of the Central Government shall be followed.

**40. Attendance**

Attendance shall be marked daily according to the methods prescribed from time to time. Employees are required to take permission from their reporting officer for being absent from the office.

**41. Holidays**

The Centre shall observe holidays as per the orders of the Central Government.

**42. Grievance Redressal**

The Centre shall have an open door policy to address the grievances of staff at all levels as per the guidelines and procedures prescribed by the Govt. of India.

**43. Residential Accommodation for Employees**

An employee of the Centre may be provided with unfurnished accommodation, subject to availability and also subject to such conditions as may be laid down by the Governing Council, within the campus of the Centre in which he or she may be required to reside, subject to collection of rental charges as per Central Government Rules.

The Governing Council may authorize the grant of rent free furnished or unfurnished accommodation to any employee or category of employees, subject to extant instructions issued by Government of India, if it considers it necessary to do so in the interests of the Centre. However, it may be allowed under special circumstances and the given facility shall cease whenever the incumbent vacates the post.

**44. Delegation of powers**

- (1) The Governing Council may delegate any of its powers to the Executive Council or the Director General under these bye laws.
- (2) The Executive Council or the Director General may delegate any of their powers to any of the Officers of the Centre.

**45. Residuary Conditions of Service**

Any matter relating to the conditions of service of an employee for which no provision is made in these bye-laws shall be determined in accordance with the relevant Central Government rules and orders in force at that time.

**46. Power to relax**

Notwithstanding anything contained in these bye-laws, the Governing Council or its Chairman may, for reasons to be recorded in writing and with the prior approval of the Central Government, relax any of the provisions of these bye-laws, with respect to any class or category of employees of the Centre.

**47. Interpretation and Amendment**

- (i) With regard to interpretation of any of these Bye-Laws, the Governing Council may refer the matter to the Government and the decision of the Government shall be final.
- (ii) The Governing Council may amend or repeal any of the provisions of these bye laws with prior approval of the Central Government.

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