

**A CODE OF CONDUCT  
FOR NON-TEACHING STAFF OF  
ARTS, SCIENCE & COMMERCE COLLEGE,  
(ASCC) RAMANANDNAGAR (BURLI)**



**This document has been prepared by the  
Arts, Science & Commerce College, Ramanandnagar (Burli), in the light of  
the guidelines issued by Shivaji University, Kolhapur and  
Rayat Shikshan Sanstha, Satara.**

## **A. RAYAT SHIKSHAN SANSTHA**

### **Teachers and Non-Teaching Staff:**

- Teachers should treat the non-teaching staff as colleagues and equal partners in a co-operative Undertaking, within every educational institution;
- Teachers should help in the function of joint staff-councils covering both teachers and the nonteaching staff.

## **B. Maharashtra Civil Services (Leave) Rules, 1981**

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I and II, was printed in 1959 after the reorganization of States in 1956. Various developments have taken place since then i.e., the Reorganization of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the Rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subject wise sets of Services Rules:-

1. Maharashtra Civil Services (General Conditions of Services) Rules.
2. Maharashtra Civil Services (Pay) Rules.
3. Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules.
4. Maharashtra Civil Services (Leave) Rules.
5. Maharashtra Civil Services (Pension) Rules.
6. Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
7. Maharashtra Civil Services (Occupation of Government Residences) Rules.
8. Maharashtra Civil Services (Traveling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subject wise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

3. The first four sets of rules {S. Nos. (1) to (4)} have been framed by the Governor of Maharashtra under proviso to article 309 of the Constitution of India. These rules which have been issued under Government Notification, Finance

Department, No. MSC-1081/4/MCSR-Cell, dated the 23rd July, 1981, come into force with effect from the 15th August 1981. The remaining sets of rules will be issued later on.

4. To make each set of rules as self-contained as possible, the relevant delegation of powers, Appendices and the relevant forms pertaining to a particular subject have also been included therein.
5. This set of rules pertains to admissibility of leave to employees of the Maharashtra government. The Marathi version will be published separately.
6. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules and the corresponding provisions of the Bombay Civil Services Rules, 1959. The table also indicates the provisions of the Bombay Civil Services Rules, 1959, which have been deleted from this set of rules.
7. Omission or inaccuracies, if any, in this set of rules, may please be brought to

### **C. Maharashtra Civil Service (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981**

#### **Chapter V-suspension, Dismissal and Removal**

Section 66. Pay and allowances cease from the date of dismissal or removal. The pay and allowances of Government servant, who is dismissed or removed from service, cease from the date of such dismissal or removal.

Section 67. Grant of leave not permissible during suspension Leave may not be granted to a Government servant under suspension.

Section 68. Subsistence allowance and compensatory allowance during suspension

8. A Government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely: – a. A subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half pay and, in addition dearness allowance based on such leave salary: Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows:-
  - It may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of first six months, if in the opinion of the said authority, the period of suspension

has been prolonged for reasons, to be recorded in writing, not directly attributable to the Government servant ;

- It may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant;
- The rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clause (i) and (ii) b. Other compensatory allowance, if any, of which the Government servant was in receipt of suspension to such extent and subject to such conditions as the authority suspending the Government servant may direct. Provided that the Government servant shall not be entitled to the compensatory allowance unless the said authority is satisfied that the Government servant continues to meet the expenditure for which they are granted.

9. When a Government servant is convicted by competent Court and sentenced to imprisonment, the subsistence allowance shall be reduced to a nominal amount of rupee one per month with effect from the date of such conviction and he shall continue to draw the same till the date of his removal or dismissal or re-instatement by the competent authority. If, however, he was acquitted by the Appellate Court in the meanwhile, in which case, he will draw the subsistence allowance at the normal rate from the date of acquitted by the Appellate Court.

69. Recovery of Government dues from subsistence allowances and furnishing of non-employment certificate while under suspension.

10. Notwithstanding anything contained in sub-rule (1) of rule 68, the authority suspending the Government servant may withhold the payment of dearness allowance and /or compensatory allowances to the Government servant under suspension and appropriate the same towards the payment of any amount which may be due to Government.

11. The following provisions apply to the recovery of dues from the subsistence allowance proper:

- **a) Compulsory deduction:**

The following deductions should be enforced from the subsistence allowance:

- Income tax and Profession Tax,
- License fee and allied charges i.e. electricity, water, furniture. iii)  
Repayment of loans and advances taken

from Government at such rates as the Head of the Department deems it right to fix;

- **b) Optional deductions:**

The following deductions shall not be made except with the Government servant's written consent:-

- Premia due on Postal Life Assurance Policies;
- Amounts due to Co-operative Stores and Co-operative Credit Societies
- Refund of advances taken from General Provident Fund;

- **c) Other deductions:**

The deductions of the following nature shall not be made from the subsistence allowance:-

- Subscription to General Provident Fund;
- Amounts due on Court attachments;
- Recovery of loss caused to Government for which a Government servant is responsible.

12. There is no bar to effecting the recovery of overpayments from the subsistence allowance, but the competent authority will exercise discretion to decide whether the recovery should be held wholly in abeyance during the period of suspension or it should be effected at full or reduced rate ordinarily not exceeding one-third of the amount of the subsistence allowance only i.e. excluding dearness allowance and other compensatory allowances
13. No payment under rule 68 (1) shall be made unless the Government servant furnishes a certificate to the following effect before payment is made every month: – “I certify that I did not accept any private employment or engage myself in trade or business during the period in question.” If the authority has any reasons to doubt this certificate; it may ask the Police Authorities to verify the certificate and if the Government servant is found to have given a false certificate, that should be construed as an act of misconduct and made an additional charge against him. In case of Gazetted Officer under suspension, they should furnish the certificate themselves to the Treasury Officers/Audit Officer, who should see that the certificate is furnished before the claim for

payment is admitted. In case of doubt regarding the certificate, the case should be referred to the Head of Department, who will ask the Police Authorities to verify the same.

14. Policemen occupying rent-free quarters in Police lines or living in quarters the rent of which is paid by Government may be permitted to occupy them during the period of suspension just as they did while on duty.
15. The compensatory local allowance and house rent allowance sanctioned at the discretion of the suspending authority under rule 68(1) (b), can be drawn only if the Government under suspension certificate that he or his family or both resided for the period for which the allowance is claimed at the station where he was on duty at the time of suspension.
16. Government servants other than those referred to in sub-rule (5) occupying rent-free quarters prior to being placed under suspension, may at the discretion of the suspending authority, be allowed to occupy them to such extent and subject to such conditions as the authority suspending the Government servant may direct.<sup>70</sup> Regularization of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside as a result of appeal or review and such Government servant is re-instated.
17. When a Government servant who has been dismissed, removed or compulsorily retired is re-instated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and b) Whether or not the said period shall be treated as a period spends on duty.
18. Where the authority competent to order re-instatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be: Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due

to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

19. In a case falling under sub-rule(2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.
20. In a cases other than those covered by sub-rule (2), (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held the Government servant shall, subject to the provisions of sub-rules (6) and (7) ,be paid such proportion of the full pay and allowances to which he would have been entitled., had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement,. As the case may be, as the competent authority may determine after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice. Provided that payment under this sub-rule to a Government servant (other than Government who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such Government servant are passed by the appellate authority or reviewing authority, or immediately preceding the date of retirement on superannuation of such Government servant, as the case may be.
21. In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose; Provided that if the Government servant so desires such

authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

Note: – The order of competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of –  
a) extraordinary leave in excess of three months in the case of a temporary Government servant; and  
b) leave of any kind in excess of five years in the case of a permanent Government servant.

22. The payment of allowance under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible. 7. The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 68. 8. Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement. Where the pay and allowances admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.
23. Regularisation of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside by a Court of law and such Government servant is reinstated. 1. Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of law and such Government is reinstated without holding any further inquiry, the period of absence from duty shall be regularized and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions if any, of the Court.
24. (a) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court solely on the ground of non-compliance with the requirements of clause (2) of article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of rule 70 be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or



compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice: Provided that any payment under this sub-rule to a Government servant (other than a Government servant who is governed by the provisions of the Payment of Wages Act 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which judgement of the Court was passed or the date of retirement on superannuation of such Government servant as the case may be. b) period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgement of the Court shall be regularized in accordance with the provisions contained in sub-rule(5) of rule-70.

25. If the dismissal, removal or compulsory retirement of a Govern servant is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be of re-instatement shall be treated as duty for all purposes and be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.
26. The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.
27. Any payment made under this rule to a Government servant on his re-instatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and date of reinstatement. Where the pay and allowances admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant. 72 Re-instatement of a Government servant after suspension and specific order of the competent authority regarding pay and allowances etc. and treatment of period as spent on duty.

28. When a Government servant who has been suspended is reinstated or would have so reinstated but for his retirement on superannuation while under suspension, the authority competent to order re-instatement shall consider and make a specific order:- a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with re-instatement or the date of his retirement on superannuation, as the case may be; and b) whether or not the said period shall be treated as a period spent on duty.
29. Notwithstanding anything contained in rule 68, where a Government servant under suspension dies before the disciplinary or Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not suspended, subject to adjustment in respect of subsistence allowance already paid.
30. Where the authority competent to order re-instatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended,: Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to recorded in writing, that the Government servant shall be paid of such delay only such amount (not being the whole ) of such pay and allowances as it may determine.
31. In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.
32. In cases other than those falling under sub-rules(2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9), be paid such amount ( not being the whole ) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any submitted by him in that

connection within such period which in no case shall exceed, as may be specified in the notice.

33. Where suspension is revoked pending finalization of the of the disciplinary or court proceedings, any order passed under sun-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case be.
34. In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose. Provided that if the Government servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant. Note. – The order of the competent authority under preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of- (a) extraordinary leave in excess of three months in the case of temporary Government servant: and (b) leave of any kind in excess of five years in the case of permanent Government servant.
35. The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible. 9. The amount determined under the proviso to sub-rule (3) or under sun-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 68. 73 No extra cost to be incurred by the grant of pay and allowances under rule 70 to 72 without the permission of Government No extra cost may be incurred by the grant of pay and allowances under rules 70,71 except sub-rule (3), and 72 except sub-rule (2) without the permission of Government. In cases however, where the cost does not exceed Rs. 2,000 and where the period during suspension, removal or dismissal from service, does not exceed two years, the excess expenditure may be admitted on the sanction of the authority mentioned in rules 70, 71 except sub-rule (3) and 72 except sub-rule (2). Note 1. – It is necessary under this rule to obtain the approval of Government to the payment of- (a) any amount exceeding Rs.2000, or (b) any amount not exceeding Rs.2000, if the period in respect of which it is paid, exceeds two years. Note 2:- Departmental enquiries in disciplinary matters are generally not completed expeditiously and that at times drag on for a considerably long time. Such

enquiries should be held and completed as quickly as possible and that in any case the period should not exceed three months from the date a decision has been taken to hold a departmental enquiry. If for any reasons the enquiry is likely to take longer time, the Enquiry Officer, unless he is himself the Head of Department should submit a report to the Head of his Department giving reasons for the delay and the latter should obtain the sanction of Government for allowing the Enquiry Officer an extension of time to complete his enquiry if he is satisfied that there is a case for such extension. In case the Enquiry Officer is himself the Head of Department, he should report the reasons for delay, if any, to Government and obtain an extension of time for completing enquiry. Note 3. – It is necessary to obtain the approval of Government to the payment of pay and allowances in cases where reinstatement is ordered by setting aside the order of dismissal/removal on the ground that it was passed by an authority subordinate to the appointing authority or was so passed without giving reasonable opportunity to show cause in respect of such order. In all such cases a report explaining why the proper procedure was not observed should invariably be sent to Government to enable it to decide whether the loss caused to Government should be recovered from the official(s) concerned in proportion to his/her/their responsibility. Instruction: – This rule is not applicable to those cases in which the period of absence from duty, either by way of suspension or by way of the period spent out of service, is treated as leave due and admissible. 74. Adjustment of subsistence allowance against final payment The amount of subsistence allowance, if any, already drawn is to be deducted from the pay and allowances or proportion of them which may be granted under 70, 71, or 72 as the case may be. 75. Filling in vacant posts substantively due to reduction, removal or dismissal, after one year. Posts vacated by Government servants, removed or dismissed from service, may be filled substantively only after the expiry of the period of one year from the date of such reduction, removal, or dismissal, as the case may be, subject to the condition that the arrangements thus made will be reversed if such Government servants are re-instated on appeal. 76. Grant of pay and allowances on reinstatement does not cancel officiating arrangements. The grant of pay and allowances or a proportion of them under rules 70, 71 or 72 does not cancel any acting arrangements which may have been in force during the period of a Government servant's suspension, removal, dismissal or reduction. Note:- Cases where Governments are re-instated when the order of dismissal/removal is set

aside for the reason that it was passed by an authority not competent to pass such an order or was so passed without giving a reasonable opportunity to show cause in respect of such order, will be covered by this rule83)

- **D. Maharashtra Public Universities Act, 2016**

**Grievances of Teachers and Employees**

0. (1) There shall be a Grievances Committee in each university to deal with all types of grievances; except grievances against the State Government including its officials, of teachers and other employees of the university, affiliated and autonomous colleges and recognized institutions, other than those managed and maintained by the State Government, Central Government or a local authority; which are not within the jurisdiction of the University and College Tribunal.
1. (2) The university shall establish a Grievances Redressal Cell headed by the officer of the university not below the rank of the Assistant Registrar for providing administrative assistance to the Grievances Committee.
2. (3) The Grievances Committee shall consist of the following members, namely:-
  - retired Judge not below the rank of the District Judge, nominated by the Vice-Chancellor – Chairperson;
  - one Dean, nominated by the Vice-Chancellor;
  - Chancellor’s nominee on the Management Council;
  - Registrar;
  - one teacher belonging to Scheduled Castes or Scheduled Tribes or De-notified Tribes (Vimukta Jatis) or Nomadic Tribes or Other Backward Classes and one non-teaching employee nominated by the Senate from amongst its members;
  - Law Officer of the University – Member-Secretary.
3. (4) The nomination of a retired Judge as the Chairperson and of a Dean as the member of the Grievances Committee, shall be for such period, not exceeding three years in aggregate, as the Vice-Chancellor may from time to time, in each case decide.
4. (5) The retired judge nominated as the Chairperson of the Grievances Committee shall be entitled for remuneration and conveyance charges, as may be determined by the university.

5. (6) The Grievances Committee shall hear, settle and decide grievances as per the law, as far as may be practicable, within three months, from the date of filing of the complaint.
6. (7) It shall be lawful for the Grievances Committee to entertain and decide grievances or complaints relating to service of the employees, which are not within the jurisdiction of the Tribunal, after giving reasonable opportunity of being heard to both the parties

#### **E. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

##### **7. Prevention of sexual harassment.**

0. No woman shall be subjected to sexual harassment at any workplace.
1. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment>-
  - implied or explicit promise of preferential treatment in her employment; or
  - implied or explicit threat of detrimental treatment in her employment; or
  - implied or explicit threat about her present or future employment status; or
  - interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - humiliating treatment likely to affect her health or safety.

##### **8. Complaint of sexual harassment**

- Any aggrieved woman may make, in writing, a complaint of sexual harassment at work place to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident: Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing: Provided further that the Internal Committee or, as the case may be, the

Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

**9. Punishment for false or malicious complaint and false evidence**

- Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (I) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed: Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.