

93

SANJAY GANDHI ACCIDENTS AND REHABILITATION COMPLEX.,  
BANGALORE - 560 011

GENERAL BYE LAWS

In exercise of the powers conferred by Rule 20 of the Rules and Regulations of Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore, the following Bye-Laws are made by the Governing Council:-

1. TITLE AND COMMENCEMENT:

These Bye-Laws shall be called the Sanjay Gandhi Accidents and Rehabilitation Complex Bye-Laws 1982. They shall come into force from the date of their approval by the Governing Council.

2. DEFINITIONS:

In these Bye-Laws, unless the context otherwise requires -

- (a) "Complex" means the Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore;
- (b) "Governing Council" means the Governing Council of the Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore;
- (c) "Chairman" means the Chairman of the Governing Council;
- (d) "Director" means the Director of the Complex;
- (e) "Appointing Authority" in relation to any post in the complex means the authority competent to make appointments to that post as indicated in the schedule;
- (f) "Controlling Authority" means - (i) in relation to posts in classes A & B, the Governing Council, and (ii) in relation to posts in classes C & D, the Director;
- (g) "Employee" means a person in the service of the complex in any post.
- (h) "Class A, Class B, Class C and Class D" posts in the complex shall correspond to State Civil Services Class A, Class B, Class C and Class D posts respectively;
- (i) "Rules" means the Rules and Regulations of the complex;
- (j) "Year" means the year commencing with the First of April and ending with the last day of March of the succeeding year.



24

- 2 -

### 3. WHOLE TIME SERVICE

Unless in any case it be otherwise distinctly provided, an employee shall be twentyfour hours employee of the complex and may be called upon to perform any functions as required by the authority concerned.

4. The specialist staff may be permitted to offer their services to other institutions, medical colleges, hospitals, Nursing Homes and such other institutions outside the working hours of the complex provided that all material/monetary gains of such services shall be credited to the accounts of the complex. The complex may give to the employee concerned such percentage of his/her earnings as the Governing Council may decide from time to time.

### 5. PERMANENT AND TEMPORARY POSTS:

- (1) The posts created by the Governing Council in accordance with clause III Sub-clause (1) of the Memorandum of Association and may be either permanent or temporary as the Governing Council may specify from time to time.
- (2) Renewal of temporary posts may be determined by the Governing Council from time to time on the recommendations of the Director.
- (3) Notwithstanding anything contained in Rules and Regulations or in the Bye-Laws or in the Cadre and Recruitment Rules of the Complex, the Governing Council may invite a person of high academic distinction and profession attainment to accept post of Director/Surgeon/Specialist/Scientist on such terms and conditions as the Governing Council may approve from time to time.
- (4) The Governing Council may appoint person of high academic distinction or professional attainment in any other University, or Institute or Organisation in India or abroad for undertaking a joint project in accordance with clause 3 Sub-Clause (b) (g) (t) & (u) of the Memorandum of Association of the complex.
- (5) The Governing Council, if it deems fit, may create honorary Consultants posts to fill such specialist lacunae in the interest of delivery of satisfactory patient services or in the interest of furtherance of aims and objectives of the complex.



**PROBATION:**

- 1) Unless otherwise decided by the appointing authority in any case, every employee shall be on probation for a period of one year, provided that such probation is not applicable in the case of an employee who has undergone probation while in Government service or in any recognised autonomous institution and such probation had been declared to be satisfactory.
- 2) During the period of probation, the employee shall be required to put in satisfactory service failing which his services shall be liable to termination at any time without any prior notice and without any reason being assigned for the same by the appointing authority.
- 3) The period of probation may, for reasons to be recorded in writing, be extended by the appointing authority.

**7. TERMINATION:**

- 1) All appointment shall be terminable on a notice in writing either by the appointing authority or the employee without assigning any reason as set out below:

(a) During the period of probation	... 1 month
(b) After completion of the period of probation	... 3 months
- 2) The notice referred to in Bye-Law 7 Sub-Bye-Law (1) above shall not be necessary if in lieu thereof an amount equal to the pay and allowances for the period of notice is paid.
- 3) In the case of permanent appointment if the order of termination is passed by any appointing authority other than the Governing Council, an appeal shall lie to the Governing Council against the order within a period of 30 days from the date.

**8. RETIREMENT ON MEDICAL GROUNDS:**

- 1) Notwithstanding anything contained elsewhere in these Bye-Laws, the appointing authority may retire an employee on 3 month's prior notice from the service of the complex on account of permanent physical or mental disability incapacitating him/her for further service, if so certified by the Medical Board appointed by the Governing Council.



- 46
- 2) The decision of the appointing authority shall be final and binding on the employee concerned.
  - 3) The notice referred in Bye-law 8 Sub-Bye-law (1) shall not be necessary if in lieu thereof an amount equal to the pay and allowances for three months is paid.

9. RETIREMENT ON MORAL GROUNDS:

- 1) Notwithstanding anything contained in these Bye-laws, the appointing authority may retire an employee on 3 month's prior notice from the service of the complex on account of moral turpitude or malpractices if so proven by an enquiry instituted by the appointing authority.
- 2) The decision of the appointing authority shall be final and binding on the employee concerned.
- 3) The notice referred to in Bye-law 9 Sub-Bye-Law (1) above shall not be necessary if in lieu thereof an amount equal to the pay and allowances for 3 months is paid.

10. PERFORMANCE OF DUTIES:

Every employee shall perform such duties as have been entrusted to him and shall, to the best of his ability, carry out the lawful directions of the Governing Council, of the Director or of any other authority he may be subject to.

11. QUALIFICATIONS FOR APPOINTMENT:

- 1) Age, experience and other qualifications for appointment to all posts in the complex shall be as prescribed under the cadre and recruitment Rules. Relaxations, if any, may be provided for in the said rules.
- 2) No person who does not possess any medical qualifications, shall be appointed to the post of the Director, Medical Superintendent and Resident Medical Officer.
- 3) While making appointments to any of the posts in the complex the appointing authority shall take into consideration the interests of the members of the Scheduled Caste, Scheduled Tribes and other backward classes consistent with the maintenance of efficiency of administration at the complex.



-: 5 :-

- 4) As far as may be practicable, the percentage of reservation prescribed by the State Government for the candidates belonging to the scheduled castes and the scheduled tribes and backward classes, in the matter of appointment to posts in the State Government shall be observed.
- 5) Such application fee as may be decided by the Director for each category of posts may be charged from the candidates applying for appointments. Remission of 75% of fees shall be made in the case of scheduled castes and scheduled tribes candidates.

✓12. CONSTITUTION OF SELECTION COMMITTEE FOR APPOINTMENTS:

- 1) There shall be the following Selection Committee to make recommendations to the Governing Council/Director for appointments to the various posts.

a) For the post of Director :

- |   |    |          |   |
|---|----|----------|---|
| i) The Chairman, Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore    | .. | CHAIRMAN | ✓ |
| ii) Secretary to the Government of Karnataka, Health & Family Welfare Department  |    |          |   |
| OR  |    |          |   |
| His Nominee   | .. | MEMBER   | ✓ |
| iii) Director, N.I.M.H.A.N.S., Bangalore  | .. | MEMBER   | ✓ |
| iv) Director of Health & F.W. Services, Bangalore                                 | .. | MEMBER   | ✓ |
| v) Two eminent experts from outside the State nominated by the Governing Council. | .. | MEMBER   | ✓ |

b) For the post of Surgeons/Asst. Surgeons/Deputy Surgeons/

Administrative officer: ✓

- |  |    |                  |   |
|--|----|------------------|---|
| i) Secretary to the Government of Karnataka, Health & F.W. Department, Bangalore, or his NOMINEE                         | .. | CHAIRMAN         | ✓ |
| ii) Director, NIMHANS, Bangalore   | .. | MEMBER           | ✓ |
| iii) Director of Health & F.W. Services, Bangalore.  | .. | MEMBER           | ✓ |
| iv) Two experts in the concerned subjects of whom one shall be from outside the State nominated by the Governing Council | .. | MEMBER           | ✓ |
| v) Director., S.G.R.C., Bangalore  | .. | MEMBER SECRETARY | ✓ |



(c) For the posts of Gazetted technical/Ministerial posts

- |   |                     |
|---|---------------------|
| i) The Director, Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore                            | .. CHAIRMAN         |
| ii) Medical Superintendent, SGARC, Bangalore  | .. MEMBER           |
| iii) One nominee of the Governing Council   | .. MEMBER           |
| iv) One nominee of the Director, Sanjay Gandhi Accidents and Rehabilitation Complex, Bangalore, Bangalore | .. MEMBER           |
| v) Administrative officer, SGARC, Bangalore   | .. MEMBER SECRETARY |

EXPLANATORY NOTES :

The Governing Council may approve a panel experts and nominees every two years from out of whom the Director will select.

(d) For other categories of posts :

- |  |                     |
|--|---------------------|
| i) The Director, SGARC, Bangalore            | .. CHAIRMAN         |
| ii) Medical Superintendent, SGARC, Bangalore | .. MEMBER           |
| iii) Administrative officer                  | .. MEMBER SECRETARY |

2.1. The posts may be filled by invitation/promotion/open advertisement or deputation from State Government as may be deemed fit by the appointing authority.

2.2. Notwithstanding the provision in the Cadre and Recruitment Rules, any post may be filled up by deputation or by transfer from an equivalent cadre and for reasons to be recorded in writing.

3. The Selection Committee shall meet at Bangalore. It shall examine the credentials of all persons who are being considered for appointment to the post.

✓ 4. The Selection Committee shall decide its own procedure for conducting the selection. It shall prepare a panel of names in order of merit.

5. Where a candidate has applied for any post, it shall be open to the Selection Committee to recommend him/her for appointment to any other post whether it be equivalent or higher or lower than the post applied for.

6. When a vacancy occurs in any post owing to death, resignation or any other reason within 6 months of the incumbent joining duty, the appointing authority may offer the appointment to the next candidate, if any, recommended by the Selection Committee.

13. ADVANCE INCREMENTS ON INITIAL APPOINTMENTS:



13. ADVANCE INCREMENTS ON INITIAL APPOINTMENT:

- 1) The Selection committee may recommend advance increments not exceeding seven on initial appointment in any particular case having regard to the qualification, attainments and such other similar aspects of the candidate.
- 2) The appointing authority shall take every such recommendation into consideration while fixing the initial pay of the person appointed.

14. APPOINTMENTS TO POSTS IN ADDITION TO SANCTIONED CADRE:

Notwithstanding anything contained in these bye-laws :-

- 1) The Governing Council may make appointments to posts other than those in sanctioned cadres on such terms and conditions as it may decide in each case.
- 2) Specialists and scholars may be invited by the Director to participate in the work of the complex for specific period on such honoraria as may be fixed by the Governing Council.

15. APPOINTMENT DATE FROM WHICH APPOINTMENT TAKES EFFECT :

All appointments shall take effect from the date on which the appointee reports himself/herself for duty at the complex.

16. CONTRACT APPOINTMENTS:

The following will be the terms and conditions Governing contract appointments:

- a) No person beyond 60 years of age shall be appointed on contract basis to any category of the posts in the complex.
- b) The appointment on contract basis is for a period of one year from the date of reporting for duty by the candidate.
- c) Appointments to A, B and C Classes will be made by the Director of the complex with prior approval of the Governing Council on recommendation by the Sub-Committee for screening and selection of staff. Appointments to category D posts will be made by the Director.
- d) The candidate appointed as on contract basis is entitled to a consolidated salary as decided by the appointing authority.
- e) The appointment of a candidate on contract basis is on full time basis and his acceptance of any private practice or assignments is strictly prohibited.



100  
f) No retirement benefits such as pension, or gratuity, provident fund, etc., are admissible.

g) No travelling allowance is admissible either for joining the appointment or termination of the appointment.

h) Accidental accommodation either free or on payment basis is not guaranteed.

i) All other conditions of services will be as governed by the C.C.S. and such other rules that may be framed in future from time to time or may be amended or notified from time to time.

j) The services are liable to be terminated by giving one month's notice or corresponding compensation in lieu thereof without assigning any reason. If the candidate desires to resign from the services of the complex, one month's advance notice is necessary. Otherwise, proportionate compensation due to the candidate from the complex is liable to be recovered.

k) The appointment will be further subject to the production of original certificates of qualification, date of birth, experience etc., and taking of an oath of allegiance/faithfulness to the constitution of India in the prescribed form.

l) The contract may be renewed after the expiry if found necessary for further period on the same terms and conditions or on terms and conditions to be decided on mutual basis subject to the performance of the candidate for the past year being found otherwise satisfactory.

17) Deputation and permission to visit/work and study outside the complex: -

1) The Director may depute members of staff of the complex to places outside the complex but within India, for the work of the complex or for any other specified purposes. If the period is in excess of six months, approval of the Governing Council shall be obtained.

2) The Governing Council may require in such class or classes of cases as it may consider necessary, that the members of the staff concerned shall furnish an undertaking in writing to serve the complex on return for such periods as it may prescribe.



- 9 -

PROVIDENT FUND, PENSION AND GRATUITY BENEFITS :

The Governing Council may with the approval of the State Government constitute schemes providing benefits like Provident Fund, Gratuity, Pension etc., to the employees of the complex. The Governing Council may frame rules for these schemes and may from time to time add to, amend, alter or vary the same.

Till such time a comprehensive scheme for the above benefits is prepared, the employees shall continue to enjoy the benefits to which they were admitted.

Any employee who has been absorbed in the service of the complex at the time of establishment and who prior to such absorption, was working in the complex on deputation, may opt for benefits available under the complex.

19. LIMIT OF TOTAL ABSENCE FROM DUTY:

A permanent employee shall cease to be in the service of the complex if he is continuously absent from duty for five years whether with or without leave, unless such absence is on foreign service in India or because of suspension. In respect of the temporary employee and staff against temporary post, the limit of absence shall not be more than 3 months except in case of illness.

20. CONDUCT, DISCIPLINE AND PENALTIES:

Till appropriate rules are framed by the Governing Council in this behalf, the Karnataka Civil Service Rules 1957 as amended from time to time and the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957 as amended from time to time shall apply Mutatis Mutandis to the employees of the complex provided that for purposes of this Bye-laws:

(1) Class A, Class B, Class C and Class D posts in the complex shall correspond to the Karnataka Civil Services Rules Class A, Class B, Class C, Class D posts respectively.

(2) The appointing authority, the Disciplinary authority for the penalties that may be imposed and the Appellate Authority in respect of several posts in the complex shall be as provided in the schedule appended to these Bye-Laws.

(3) In respect of State Government servants borrowed by the complex, the provisions of the Rules of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 shall apply and the complex shall exercise the functions of the State Government for the purpose of the said rules.



102

21. SENIORITY:

- 1) The Administrative Officer shall prepare and maintain in respect of each category of member a complete and up-to-date seniority list in accordance with the provisions hereinafter contained.
- 2) Seniority of employees in each category shall be determined by the order of merit in which they were selected for appointment to the grade in question, those selected on or earlier occasion being ranked senior to those selected later.
- 3) Where two persons are appointed on the same date, seniority between them shall be determined as follows:-
  - i) A member recruited by direct appointment shall be senior to a member recruited otherwise;
  - ii) In case of members appointed by promotion, seniority shall be determined according to the seniority of such members in the cadres from which they are promoted;
  - iii) In case of members appointed by promotion from different cadres, their seniority shall be determined according to scale of pay, preference being given to a member who was drawing a higher scale of pay in his previous appointment and if the scale of pay drawn are also the same, they by their length of service in those cadres from which they are promoted and if the length of service is also the same an older member shall be senior to a younger member;
  - iv) If two members join on the same day in the same position, the older shall be senior.
- 4) In case any dispute arises over the seniority list, the Administrative Officer on his own or at the request of any such person submit the matter to the Governing Council whose decision thereon shall be final.

22. SUPERANNUATION:

- 1) The date of superannuation for all the employees shall be on their attaining the age of 55 years.
- 2) The appropriate authority, if it is of the opinion that it is in the complex's interest, shall have the absolute right to retire any employee by giving him/her notice of not less than three months in writing or three month's pay and allowances in lieu of such notice after he/she has attained the age of 50 years.



3) An employee may, by giving notice of not less than three months in writing to the appointing authority, retire from service after he has attained the age of 50 years or has completed 20 years of satisfactory service, provided that it shall be open to the appointing authority to withhold permission to an employee under suspension who seeks to retire under this clause.

23. DEPT. C.S.R.S.: For the period prior to the coming into force of these bye-laws, the provisions of the K.C.S.R.s. shall, so far as matters dealt with by these bye-laws are concerned, apply.

#### 24. INTERPRETATION:

- 1) In the case of any doubt or difficulty, the Governing Council shall interpret these bye-laws.
- 2) The decision of the Governing Council in this regard shall be final and binding on the employees.

#### 25. OTHER CONDITIONS OF SERVICE:

IN respect of matters not provided for in the rules as applicable to State Government servants such as general conditions of service, travelling and daily allowance, leave salary, joining time, foreign service terms and orders and decisions issued in this regard by the State Government from time to time shall be applicable Mutatis Mutandis to the employees of the complex till the rules in this regard are framed by the Governing Council.

APPROVED"

SD/-xxxxx  
DIRECTOR.,  
SANJAY GANDHI ACCIDENT & RE-  
HABILITATION COMPLEX.,  
BANGALORE - 560 011

// COPY //