

BYE LAWS
OF THE
CHITTARANJAN NATIONAL CANCER INSTITUTE
37, S P Mukherjee Road, Kolkata - 700 026

BYE-LAWS in exercise of the powers conferred by Rule 10(4) (b) of the Rules and Regulations of the Chittaranjan National Cancer Institute, Kolkata, Governing Body of the CNCI, Kolkata hereby makes the following Bye-laws, namely :-

1. SHORT TITLE AND COMMENCEMENT :

- a) These Bye-laws may be called the Chittaranjan National Cancer Institute, Kolkata Bye-laws 1990.
- b) They shall come into force from the date of their approval by the Governing Body.

2. Definations :

In these Bye-laws, unless the context otherwise requires –

- (a) Memorandum of Association means – The Memorandum of Association of CNCI, Kolkata.
- (b) Rules and Regulations means – The Rules and Regulations of CNCI, Kolkata.
- (c) Chairman means – Chairman of the Governing Body of the Institute, Kolkata.
- (d) Alternate Chairman means – Alternate Chairman of the Governing Body of the Institute.
- (e) Governing Body means – Governing body of the Institute as per Clause 4 of the Memorandum of Association of the Institute.
- (f) Director means – Director of the Institute.
- (g) Member-Secretary means – Member-Secretary of the Governing Body of the Institute.
- (h) Member means – Member of the Governing Body of the Institute.
- (i) Meeting means – Meeting of the Governing Body of the Institute.

Registered Office: The Registered Office of the Institute
is at 35, 1st Mulherjee Road, Kolkata - 700 026 in the State of
West Bengal

- (k) Standing Finance Committee means – Standing Finance Committee of the Institute constituted as per Clause 13(1) of the Rules and Regulations.
- (l) Academic Committee means – The Standing Academic Committee constituted as per clause 13(2) of the Rules and Regulations of the Institute.
- (m) Years means – The year ending on the 31st March.
- (n) Academic Staff means – Any member of the staff engaged wholly or partly on any research and imparting clinical training for teaching in the Institute.
- (o) Appointing authority means – In relation to any post in the Institute is the authority competent to make appointments to that post as indicated in the schedule attached.
- (p) Controlling Authority means – (i) in relation to post in Group –‘A’, the Governing Body and (ii) in relation to post in Group B, C and D, the Director.
- (q) Group A, B, C and D posts in the Institute shall correspond to Central Civil Services Group A, B, C and D posts respectively.
- (r) Employees means – Person in the service of the Institute in any post including the Academic staff.

3. Removal of doubts :

Interpretations –

- (i) In case any doubt or difficulty arises in interpreting the provisions of these bye-laws, the Governing Body shall interpret these bye-laws,
- (ii) The decision of the Governing Body in this regard shall be final and binding on the employees.

4. Powers and Functions of the Director :

The Director shall be administrative head of the Institute and shall exercise the powers of the Head of the Departments as defined under Fundamental Rules, Supplementary Rules, Delegations of the Financial Power Rules and General Financial Rules, as amended from time to time.

Creation of Post :

Governing body will frame staff pattern of the Institute and shall have powers to create posts subject to specific provisions in the Budget and scales of pay applicable to similar posts under the Government of India, provided that prior approval of the Government of India as well as Government of West Bengal shall be obtained, as per the corresponding provisions applicable in Central Government.

6 (A) Posts in service and appointment thereto :

- (i) The posts in the service of the Institute shall be either permanent posts, posts carrying a definite scale of pay sanctioned without any limit of time, or temporary posts i.e. the posts carrying a definite scale of pay sanctioned for specified period of time.
- (ii) Notwithstanding anything contained in these Bye-laws, or in the cadre and recruitment rules of the Institute, Governing Body may invite a person of high academic distinction and professional attainment to accept an assignment on a short term contract basis not exceeding one year in the Institute on such terms and conditions as it may deem fit.
- (iii) The Governing Body may appoint any academic staff working in any other University, Institute or Organization in India or abroad for undertaking joint project on such terms and conditions as may be approved by the Governing Body.
- (iv) The director shall be appointed by the Governing Body, as per prescribed procedure of Central Government. Governing Body will be the Appointing Authority for all Group – A posts. The Director will be the Appointing Authority for Group B, C and D posts. All appointments may be made as per recruitment rules framed by the Governing Body.

6 (B) Whole time service –

- (i) Unless in any case it is otherwise distinctly provided, an employee shall be twenty four hours employee of the Institute and may be called upon to perform any function, required by the authority concerned without claim for any additional remuneration.

(ii) *Probation & Termination –*

Provision of Central Civil Service (for permanent and Temporary service) as amended from time to time, will be applicable mutatis mutandis as regards probation and termination of service of the employees of the Institute.

6 (c) Retirement on Medical Grounds :

- (i) Notwithstanding anything contained elsewhere in these bye-laws, the appointing Authority may retire an employee 3 months' prior notice from the service of the Institute on account of permanent physical or mental disability, incapacitating him for further service, if so certified by the Medical Board appointed by the Governing Body.
- (ii) The decision of the appointing authority shall be final and binding on the employees concerned.
- (iii) The notice referred to in Sub Bye-laws (i) shall not be necessary if in lieu thereof an amount equal to the pay and allowances for three months is paid.
- (iv) **Performance of duties –**

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

7. Conduct, discipline and penalty :

Till appropriate rules are framed by the Governing Body the Central Civil Service (Conduct) Rules, 1964 as amended from time to time and part iv (Suspension), Part v (Penalties as disciplinary authorities), Part vi (Procedure for imposing implementing penalties) Part vii (Appeals) and Part viii [Review of the Central Civil Services (Classification and Control and Appeal)] Rules, 1965 as amended from time to time, shall apply mutatis mutandis to the employees of the Institute provided that for purposes of the bye-laws :-

- (i) Group A, Group B, C and D posts shall correspond to the Central Civil Services Group A, B, C, and D posts respectively.
- (ii) Appointing authority, Disciplinary authority for the several posts in the Institute shall be as provided in the schedule appended to these Bye-laws.
- (iii) In respect of Central or State Government servants borrowed by the Institute provisions respective of Rule 20 and 21 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall apply and Institute shall exercise the functions of the Centre or State Government, as the case may be for the purpose of the said rule aforesaid.

for the purpose of these regulations except where specifically provided otherwise the Governing Body shall exercise the same powers in respect of the employees of this Institute as are exercisable by the President of the Union of India in respect of Government employees. Powers of the disciplinary authority shall be exercised by the appointing authority and the powers of the appellate authority shall be exercised by the next higher authority. Where the disciplinary authority is the Director, the appellate authority will be the Governing Body.

- (v) No consultation with Union Public Service Commission shall be necessary in any case.

8. Promotion and Recruitment Rules :

(Qualification for appointment)

- (i) Age, experience and other qualifications for appointment to all posts in the Institute shall be as prescribed under the cadre and recruitment Rules. Relaxation, if any, may be provided for in the said Rules with approval of the Governing Body.
- (ii) The Institute will follow the instructions issued by the Government of India from time to time in regard to Reservation of Scheduled Casts, Schedule Tribes & physically handicapped and ex-servicemen.
- (iii) Such application fees as may be decided by the Director for each category of staff may be charged from the candidate applying for appointments. Remission of 75% of fee shall be made in case of Scheduled Caste and Scheduled Tribe candidates.

9. Powers of re-employment :

Governing Body shall have the powers of re-employment of any superannuated persons in bonafide temporary vacancies and pay of such re-employed person shall be fixed as admissible under Government of India Rules subject to observance of instructions issued by Govt. of India, as amended from time to time.

10. Other Conditions of Service :

In respect of matters not provided in Institute's Bye-laws the rules as applicable to Central Government Servants regarding general conditions of service, pay and allowances, T.A. and Daily Allowances, Foreign Service, L.T.C., terms of deputation in India and abroad, joining time, etc. and orders and decisions issued in this regard by the Central Government from time to time shall apply mutatis mutandis to the employees of the Institute.

11. Seniority :

Ordinarily, the principles and procedures prescribed by the Government of India for determination of seniority of its employees shall apply mutatis mutandis to the staff members of Chittaranjan National Cancer Institute (CNCI), Kolkata.

12. Leave Rules :

Central Civil Services (Leave) Rules, 1972 as amended from time to time shall apply mutatis mutandis to the employees of the Institute appointed other than on contract basis. Employees appointed on contract basis under the Institute shall be granted leave under the Leave Rules, as are applicable to contract Officer of the Central Government.

13. General Provident Fund :

Employees of the Institute except those on deputation on foreign service, shall be eligible to join the General Provident Fund Scheme of the Institute. The General Provident Fund Central Services Rules, 1960 (Government of India) and amendment issued thereto by the Government from time to time shall mutatis mutandis apply to the employees of the Institute.

14. Medical Aid :

Employees of the Institute and members of their family shall be entitled to such medical aid as admissible to Central Government Employees of similar categories in Kolkata under CS(MA) Rules.

15. Retirement :

The rules governing retirement of employees of Government of India as amended from time to time shall mutatis mutandis apply to the employees of the Institute, provided that scientific and technical personnel as will be classified by the Governing Body, shall, however, retire on attaining the age of 60 years subject to all other conditions contained in FR 56 of Government of India.

16. Pension and Gratuity :

Central Civil Services (Pension) Rules, 1972 of Government of India, as amended from time to time, shall apply mutatis mutandis to employees of the Institute.

17. Official Residence :

Provision under Fundamental Rules and Supplementary Rules as amended from time to time shall apply mutatis mutandis to the employees of the Institute.

18. **Formation and eligibility of Junior and Senior Research Associates / Junior and Senior House Surgeons :**

The qualifications, experience, age and other conditions of eligibility of candidates for awarding Junior and Senior Research Fellows / Research Associates / Junior and Senior House Surgeons of Institute shall be prescribed by the Academic Committee in accordance with the norms of ICMR / MCI and other similar Central Government Organizations.

19. **Powers and functions of the Standing Finance Committee :**

The following matters shall be referred to Standing Finance Committee for its consideration and recommendation by the Governing Body :

- (i) Budget estimates for the financial year showing the estimates, receipts and expenditure of the Institute.
- (ii) Annual accounts showing the receipts and expenditure of the Institute together with the audited report thereof.
- (iii) Proposals for new research, Clinical and developmental Schemes.
- (iv) Proposals for creation of new posts.
- (v) All other financial matters including invitation and acceptance of tenders as prescribed by the Governing Body.

20. **Powers and Functions of Academic Committee :**

The functions of the Standing Academic Committee shall be to consider and make recommendations to the Governing Body on all matters specified in Clauses 3 to 16 of the aims and objects under the Memorandum of Association of CNCI, Kolkata.

21. **Rules 20 (vii) : Regarding Appointment of Auditors :**

The accounts of the Institute shall be audited annually by the Comptroller and Auditor General of India, New Delhi, or any other person authorised by him in this regard under Section 20 of CAG Act on entrustment basis.

22. **Repeal :**

The Chittaranjan National Cancer Research Centre's Regulation, 1959 and agreement are hereby repealed.

SCHEDULE

The appointing, Disciplinary Appellate Authority for the various posts in the Chittaranjan National Cancer Institute, Kolkata.

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose with reference to rule 11 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965.		Appellate Authority
		Disciplinary Authority	Penalties under Rule 11 of Central Civil Services (Classification, Control & Appeal) Rules, 1965.	
<u>Group "A" posts</u>				
Director	Governing Body	Governing Body	All	Governing Body
Group "A" posts Other than Director	Governing Body	Director, CNCI	All subject to the condition that penalties (v) to (ix) shall not be imposed without the prior approval of the Chairman, Governing Body	Governing Body
Group "B" posts	Director	a) Governing Body b) Director	All (i) to (iv)	Governing Body
Group "C" posts	Director	Director	All (i) to (iv)	Standing Finance Committee
Group "D" posts	Director	Director	All (i) to (iv)	Standing Finance Committee