



**CO-OPERATIVE ACADEMY OF
PROFESSIONAL EDUCATION**

SERVICE RULES

Resolution No. 40.11 dated 07.04.2005 of the Executive Committee

40.11 കേപ്പ് ജീവനക്കാരുടെ സർവ്വീസ് നിയമങ്ങളുടെ കരട് അംഗീകരിക്കുന്നത് സംബന്ധിച്ച്

കേപ്പ് ജീവനക്കാരുടെ സർവ്വീസ് വ്യവസ്ഥകൾ താഴെപ്പറയുന്ന ഭേദഗതികളോടുകൂടി 01.01.2005 മുതൽ പ്രാബല്യം നൽകി അംഗീകരിച്ചു.

1. പ്രസവാവധി മൊത്തം സർവ്വീസിനുള്ളിൽ രണ്ട് പ്രാവശ്യം മാത്രം അനുവദിക്കുന്നതാണ്.
2. ജീവനക്കാരുടെ സംഘടനയ്ക്ക് എക്സിക്യൂട്ടീവ് കമ്മിറ്റിയുടെ അംഗീകാരം ഉണ്ടായിരിക്കേണ്ടതാണ്. കൂടാതെ കേപ്പിലെ ജീവനക്കാർ മാത്രമേ അത്തരം സംഘടനകളുടെ ഔദ്യോഗിക ഭാരവാഹിത്വം വഹിക്കുവാൻ പാടുള്ളൂ.

(As approved by the Resolution No. 40.11 dated 07.04.2005 of the Executive Committee)

CO-OPERATIVE ACADEMY OF PROFESSIONAL EDUCATION (Kerala)

GENERAL SERVICE RULES

In exercise of the powers conferred by the proviso to Rule No. 17 (X) of the *Memorandum of Association and the Rules* relating to the establishment of the Co-operative Academy of Professional Education (Kerala) Society the Executive Committee of the Academy hereby makes the following rules applicable to the employees in the service of the Co-operative Academy of Professional Education.

INTRODUCTION

The Co-operative Academy of Professional Education (Kerala) Society is not a Government organisation, nor a grant-in-aid establishment under the Government. It is established by the Government of Kerala as an autonomous society registered under the Travancore – Cochin Literary, Scientific and Charitable Societies Act – 1955 and the institutions thereunder are run on a self-financing basis. Financial viability will be the core guideline for functioning of the society and its constituents and govern the operation of all associated rules and regulations. Any provision available under Kerala Service Rules or such other Government Rules for any purpose shall not be applicable to the service under the Co-operative Academy of Professional Education (Kerala) Society, unless such rule is specifically adopted by the society, for the purpose.

PART I
PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT:

- (a) These rules shall be called the **Co-operative Academy of Professional Education General Service Rules**.
- (b) They shall come into force with effect from **01-01-2005***

2. The power to modify these rules and to interpret them in case of doubt shall vest with the Executive Committee.

3. APPLICATION:

These rules shall apply to all the whole time employees appointed to the service under the Co-operative Academy of Professional Education unless otherwise provided by terms of any contract, agreement or letter of appointment. The Executive Committee may exclude, wholly or in any part from the operation of these rules, an employee or any class of such employees, to whom the Executive Committee may decide that the rules cannot suitably be applied and the rules thereupon shall cease to operate to the extent of such exemption.

4. DEFINITIONS:

In these rules unless there is anything repugnant in the subject or context:

- (i) **Academy** means the Co-operative Academy of Professional Education (Kerala) comprising of its Registered Office at Thiruvananthapuram and the institutions thereunder, located at different parts of the State.

- (ii) A person is said to be **appointed to a service** when he/she discharges for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof; as the case may be.

Explanation: The appointment of a person holding a post borne on the cadre of one service to hold additional charge of a post borne on the cadre of another service or to discharge the current duties thereof does not amount to appointment to the latter service.

- (iii) **Appointing authority** means the authority empowered to make appointment to the post concerned.

- (iv) **Approved probationer** in a service, class or category means a member of that service, class or category who has satisfactorily completed the probation and awaits appointment as a full member of such service, class or category.

- (v) **Board of Governors** means the Board of Governors of the Co-operative Academy of Professional Education (Kerala) Society.

- (vi) **Cadre** of each service, class or category or grade shall be determined by the Executive Committee.

.....
* Vide decision No. 40.11 dated 07-04-2005 of the Executive Committee

- (vii) **Competent authority** in respect of any officer, in so far as any power delegated under these rules is concerned, means the authority to which such power has been delegated and where no such specific delegation has been made, the competent authority is, unless otherwise stated, the authority in whom the power to appoint such officer has been or is vested from time to time.
- (viii) **Contract appointment** means a temporary appointment made for filling up any vacancy against any regular or temporary post, or for the discharge of a specific function for a fixed/limited period of time and generally on a consolidated rate of remuneration per month or such other period, in the exigencies of service. Contract appointees are not borne to or will not have any lien to any class, category or cadre of service under the Academy. ✓
- (ix) A person is said to be on **duty** as a member of a service, when
- (a) He/she is performing the duties of a post borne on the cadre of such service or is undergoing the probation, instruction or training prescribed for such service:
 - (b) He/she is on joining time: OR
 - (c) He/she is absent from duty, during vacation or on authorised holidays or casual leave taken in accordance with the instructions regulating such leave issued by a competent authority having been on duty immediately before and immediately after such absence.
- (x) **Executive Committee** means the Executive Committee of the Co-operative Academy of Professional Education (Kerala) Society.
- (xi) **Full member** of a service means a member of the service who has been appointed substantively to a permanent post borne on the cadre thereof.
- (xii) **General rules** means rules in Part II of these rules.
- (xiii) **Government** means the Government of Kerala.
- (xiv) **Member of a service** means a person who has been appointed to that service and who has not retired or resigned, been removed or dismissed, been substantively transferred or reduced to another service, or been discharged otherwise than for want of vacancy. He may be a probationer, an approved probationer or a full member of that service.
- (xv) **Probationer** is a person appointed in or against a post in a service with definite conditions of probation, who has not completed the probation.

Note: A person on probation is one appointed to a post for determining his/her fitness for eventual substantive appointment to that post.

- (xvi) **Promotion** means the appointment of a member of any category or grade of a service or a class of service to a higher category or grade of such service or class.
- (xvii) A candidate is said to be recruited **direct** to a service, class, category or grade when the appointment is made by the appointing authority, from a list prepared on the advice of the concerned Staff Selection Committee and approved by a competent authority, after duly advertising the post.

(xviii) *Service* means a group of persons classified by the Executive Committee as a special service.

Note: Where the context so requires, 'service' means the period during which a person holds a post or is a member of a service.

(xix) *Special rules* mean the rules in Part III applicable to each service or class of service.

(xx) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

5. **PAY, ALLOWANCES, LEAVE AND OTHER CONDITIONS OF SERVICE**

The pay, admissible allowances, leave and other conditions of service for all posts shall be as decided by the Executive Committee from time to time, with due regard to the Government guidelines in respect of such self-financing institutions and the pay, allowances and conditions of contract service prevalent in other self-financing institutions in the State.

6. **PROVIDENT FUND**

A person holding a post in any service, class or category under the Academy shall be required, if so mandated, to subscribe to the *Employees Provident Fund Scheme*, which shall be regulated by the rules prescribed therefor.

7. **DISCIPLINE**

Unless otherwise distinctly provided, the whole time of any person, employed under the Academy and whom the Academy pays for the services rendered, shall be at the disposal of the Academy and he/she shall be employed in any manner required by the appropriate authority, without claim for any additional remuneration therefor. No member shall engage himself/herself directly or indirectly in private practice or trade or business or occupation except such work undertaken with the prior permission of a competent authority.

Note: - 1. Every person employed by the Academy should attend office punctually. For every three days' late attendance without permission from an appropriate authority, a day's casual leave will be forfeited. Disciplinary action shall be taken against the employees concerned for late attendance without permission, if there is no casual leave to be forfeited. For this, until separate rules are framed by the Academy, the Kerala Civil Services (C, C & A) Rules, 1960 shall be the guideline.

Note: - 2. Refusal to work by any member, though physically present at the place of duty, by resorting to pen-down strike or stay-in strike or any other method to that extent, shall be treated as unauthorised absence and disciplinary action shall be proceeded against the employees concerned for such offence.

Note: - 3. The concepts of "no-work, no-pay" and "dies-non" will be automatically applicable to all employees of the Academy.

PART II

GENERAL RULES

1. SCOPE OF THE GENERAL RULES

The rules in this part shall apply to all the services contained in Part III (Special Rules) of these rules and the holder of any post whether temporary or permanent in any such service, appointed thereto before or after the date on which these rules come into force as provided in sub-rule (b) of rule (1) in Part I, except to the extent otherwise expressly provided (a) by or under any law for time being in force or (b) in respect of any member of such service by a contract or agreement subsisting between such member and the Academy.

2. RELATION TO THE SPECIAL RULES

If any provision in the general rules contained in this part is repugnant to a provision in the special rules applicable to any particular service contained in Part III, the latter shall, in respect of that service, prevail over the provision in the general rules in this part.

3. APPROVED LIST

- ✓(a) All appointments through direct recruitment to the services shall be made by the appointing authority on the advice of a Staff Selection Committee constituted for the purpose and from a list of candidates prepared in the prescribed manner and approved by a competent authority. The inclusion of a candidate's name in the approved list of candidates for any service or any class or category in a service shall not confer on him/her any claim for appointment to the service, class or category.
- ✓(b) All appointments by way of promotion to higher posts in any class or category of service shall be made by the appointing authority, from a select list of approved members borne on the feeder category posts, who satisfy the mandatory requirements of eligibility for such promotion. For any incumbent, by virtue of his/her being an approved member in the feeder category post alone, shall not confer on him/her any claim for appointment by promotion to a higher post, unless he/she satisfies the mandatory requirements of eligibility prescribed for such promotion.
- (c) In the exigencies of service temporary appointments shall be made on a provisional, contract or adhoc basis or otherwise to fill up short-term vacancies in regular posts or vacancies of temporary posts created for specific purposes. Any person appointed against such a vacancy on provisional, contract or adhoc basis or otherwise shall neither be eligible for any right or privilege of an approved member nor any claim for any regularization and/or future appointment to the service of Academy.

4. APPLICATION FEE

Every candidate for appointment to any service under the Academy, who in response to a notification issued by the appointing authority makes an application shall remit along with such application, a fee as prescribed in such notification.

5. **DISCHARGE AND RE-APPOINTMENT OF PROBATIONERS AND APPROVED PROBATIONERS**

- (a) The order in which probationers and approved probationers shall be discharged for want of vacancies is
 - (i) probationers in the order of juniority.
 - (ii) approved probationers in the order of juniority.
- (b) Approved probationers who have been discharged for want of vacancies shall be re-appointed as and when vacancies arise, in the inverse of the order laid down in (a) (ii) above.

6. **RIGHT OF PROBATIONERS AND APPROVED PROBATIONERS TO RE-APPOINTMENT**

A vacancy in any service, class or category shall not be filled up by appointment of a person who has not commenced his/her probation in any such service, class or category when an approved probationer or a probationer therein is available for the appointment.

7. **LEAVE**

Leave cannot be claimed as a matter of right. When the exigencies of service so require, discretion to refuse or revoke leave of any nature is vested with the competent authority.

(a) **Casual Leave**

- (i) The maximum number of Casual Leave admissible to every employee under the Academy shall be 12 days in a calendar year.
- (ii) Casual leave can be combined with Sundays and authorized holidays, provided that the resulting period of absence from duty shall not exceed 15 days at a stretch.
- (iii) Casual leave for half – day at a time shall be granted, if applied for.
- (iv) Casual leave cannot be clubbed with any other kind of leave.
- (v) An employee shall proceed on casual leave only with prior approval of the sanctioning authority.

(b) **Leave for Non-Vacation Staff**

- (i) Earned leave shall be admissible to all members of the non-vacation staff appointed on a regular basis, at the rate of one day per 22 days of service.
- (ii) The maximum earned leave that shall accumulate is limited to 60 days.
- (iii) Earned leave cannot be surrendered for deriving monetary benefit or encashed at the time of termination of service.

(c) **Leave for Vacation Staff**

- (i) The vacation staff who are on regular service, shall be eligible for an annual vacation of one month in a calendar year. However they shall not be eligible for vacation, during the first year of their service.
- (ii) If any member of the vacation staff is denied of the eligible vacation of one month or part of it, in the exigencies of service, he/she shall be eligible for

earned leave as applicable to the non-vacation staff, on a pro-rata basis, in lieu of such period of vacation denied to him/her.

- (iii) In addition to the vacation, they shall also be eligible for half-pay leave at the rate of one day per 22 days of service.
- (iv) Half-pay leave can be availed as such; however those employees who have satisfactorily completed their probation may avail the same as commuted leave, where one day of commuted leave means 2 days of half pay leave.
- (v) Half-pay leave cannot be surrendered for deriving monetary benefit or encashed at the time of termination of service.
- (vi) Teaching staff may be granted leave without allowances to acquire higher qualifications in the interests of the Academy, subject to the rules and procedures prescribed by the Executive Committee for grant of such leave.

(d) Maternity Leave

- (i) Female employees of the Academy shall be granted maternity leave on full pay for a period of 90 days from the date of its commencement.
- (ii) Maternity leave shall be limited to a maximum of two times in the entire service of the employee.
- (iii) Maternity leave shall not be admissible to provisional/contract appointees.

8. TEMPORARY APPOINTMENT

- (a) (i) Where it is necessary in the interests of the Academy owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a service, class or category and there would be undue delay in making such appointment in accordance with these rules and the special rules, the appointing authority may appoint a person otherwise than in accordance with the said rules temporarily.
- (ii) The person appointed under clause (i) above shall whether or not he/she possesses the qualification prescribed for the service, class or category to which he/she is appointed, be replaced as soon as possible, by a member of the service or an approved candidate qualified to hold the post, under the said rules.
- (iii) A person appointed under clause (i) shall not be regarded as a probationer in such service, class or category or be entitled by reason only of such appointment to any preferential claim to future appointment to such service class or category.

(b) TEMPORARY SERVICE COUNTING FOR PROBATION

- (i) A probationer in one service who is appointed temporarily to another service under sub-rule (a) (i) above, shall be entitled to count towards his/her probation in the former service the period of duty performed by him/her in the latter service during which he would have held the post in the former service but for such appointment.
- (ii) If a person having been appointed temporarily under sub-rule (a) above to a post borne on the cadre of any service, class or category otherwise than in accordance with the rules governing appointment thereto, is subsequently appointed to the service, class or category in accordance with the rules,

he/she shall commence his/her probation from the date of such subsequent appointment.

9. **CONTRACT APPOINTMENTS**

- (i) If in the opinion of the Executive Committee it is necessary to fill up a post under special provisions, it shall be open to the Executive Committee to make an appointment to such post otherwise than in accordance with these rules. Such appointments shall be on mutually agreed terms and an agreement shall be executed to that effect. Nothing in these rules shall apply to any person so appointed in respect of any matter for which provision is made in such agreement.

PROVIDED that in every agreement made in exercise of the powers conferred by these rules it shall further be provided that in respect of which no provision is made in the agreement, the provision of these rules shall apply.

- (ii) A person appointed under sub rule (i) above shall not be regarded as a member of the service in which the post to which he/she is appointed is included and shall not be entitled by reason only of such appointment to any preferential claim to any other appointment in that or in other service.

10. **QUALIFICATIONS**

The educational and other qualifications required for a post shall be as specified in the special rules applicable to the service in which that post is included or as prescribed by a competent authority, in the absence of approved special rules for such post.

11. **NO PERSON SHALL BE ELIGIBLE FOR APPOINTMENT TO ANY SERVICE BY DIRECT RECRUITMENT UNLESS**

- (a) he/she is not within the upper age limit as prescribed in the Special Rules for recruitment to the post concerned. The upper age limit is relaxable in the following cases, to the extent mentioned therein.

(i) Upper age limit is relaxable by five years for SC/ST candidates and three years for OBC candidates.

(ii) For candidates who are already in the service of the Academy, through a regular appointment, there shall be no upper age limit.

(iii) Candidates applying for faculty positions, if they possess qualifications higher than the minimum prescribed for the post concerned, will be allowed age relaxation commensurate with the normal duration of such course(s) of study leading to the higher qualification(s), provided the acquired higher qualifications are relevant and obligatory for appointment to higher posts in the hierarchy. For this purpose, the extent of relaxation shall be 2 years for M. Tech. and 3 years for Ph. D in Engineering College and 3 years for MD/MS and 3 years for DM/M. Ch. In Medical College.

- (b) he/she satisfies the appointing authority that he/she is of sound health, active habits and free from any bodily defect or infirmity rendering him/her unfit for such service.
- (c) the appointing authority is satisfied that his/her character and antecedents are such as to qualify him/her for such service.

12. **SPECIAL QUALIFICATIONS TO BE ACQUIRED OR SPECIAL TEST TO BE PASSED DURING PROBATION**

Where a probationer has, before he/she commenced the probation, already acquired any special qualification or passed any special test prescribed by the special rules or has acquired such other qualification as may be considered by the appointing authority to be equivalent of the said special qualification or special test, he/she shall not be required to acquire such special qualification or to pass such special test again after the commencement of his/her probation.

13. **SPECIAL QUALIFICATIONS**

No person shall be eligible for appointment to any service, class or category or grade or any post borne on the cadre thereof unless he/she possesses such qualifications and has passed such special test as prescribed OR equivalent, as recognized by the appointing authority.

14. **RULES OF RESERVATION**

Reservation in appointments shall be only for the lowest post in each class of service (teaching, technical, ministerial) and shall be in accordance with the rules stipulated by the Government of Kerala.

15. **SUSPENSION, TERMINATION OR EXTENSION OF PROBATION**

- (a) If the work and/or conduct of the probationer is not satisfactory during the prescribed period of probation, or the extended period of probation the appointing authority may
 - (i) at its discretion, by order, terminate the probation of the probationer and discharge him/her from the service after giving him/her a reasonable opportunity to show cause against the action proposed to be taken in this regard, OR
 - (ii) extend the period of probation for a further period as the appointing authority may deem fit.
- (b) (i) If within the period of probation, a probationer fails to acquire special qualification or to pass the special test if any prescribed in the special rules or to acquire such qualification as may be declared by the appointing authority to be equivalent to the said special qualification or special test, the appointing authority shall, by order, discharge him/her from the service unless the period of probation is extended.
- (ii) if within the period of probation prescribed in the special rules for the service or within the extended period of probation, as the case may be, a probationer has appeared for any such tests or for any examinations in connection with the acquisition of any such qualifications and the results of the tests or examinations for which he/she has so appeared are not known before the expiry of such period, he/she shall continue to be on probation until the publication of the results of the tests or examination for which he/she has appeared.

In case the probationer fails in any of the tests or examinations for which he/she has so appeared, the appointing authority shall, by order, discharge him/her from the service.

- (iii) Any delay in issuing the order discharging a probationer under (b)(ii) shall not entitle him/her to be deemed to have satisfactorily completed the probation.

- (c) NOT WITHSTANDING anything contained in clauses (a) and (b) above, the appointing authority may, at any time before the expiry of the prescribed period of probation suspend the probation of a probationer and discharge him/her from service, for want of vacancy.

16. **PROBATIONER'S SUITABILITY FOR FULL-MEMBERSHIP**

- (a) At the end of the prescribed or extended period of probation, as the case may be, the appointing authority shall consider the probationer's suitability for full-membership of the service, class or category for which he/she was selected.

PROVIDED that in case the probation was extended under rule 15(a) (ii) or rule 17 solely to enable the probationer to acquire the special qualifications or to pass the prescribed tests, the appointing authority shall consider the probationer's suitability for full membership of the service class or category as soon as the probationer has acquired the special qualification or has passed the prescribed test.

- (b) If the appointing authority decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed the probation. On issue of such an order the probationer shall be deemed to have satisfactorily completed the probation on the date of expiry of the prescribed period of probation or on the date of expiry of the extended period of probation, as the case may be.

PROVIDED in case to which the proviso to sub-rule (a) above applies, the probationer shall be deemed to have satisfactorily completed the probation on the day following the last day of the whole examination or test in which the probationer has acquired the special qualification or has passed the prescribed tests, if such date is earlier than the date of the expiry of the extended period of probation.

- (c) If the appointing authority decides that the probationer is not suitable for such membership, it shall, unless the period of probation is extended, discharge him/her from the service after giving him/her a reasonable opportunity to show cause against the action proposed to be taken in this regard.

17. **EXERCISE OF POWERS OF APPOINTING AUTHORITY BY A HIGHER AUTHORITY**

The powers conferred on the appointing authority other than the Executive Committee may also be exercised by any higher authority to whom the appointing authority is administratively subordinate whether directly or indirectly.

18. **APPEAL AGAINST DISCHARGE**

- (a) A probationer who is discharged from service shall be entitled to appeal against an order of discharge within one month from the date of receipt of the order by him/her.
- (b) The authority competent to entertain an appeal may decide on the appeal within one year of the date of such order.

- (8)
- (c) When an order discharging a probationer is set aside on appeal and the probationer is readmitted to service, the period from the date of discharge to the date of such readmission shall be treated as "dies-non". The period of probation undergone by such probationer at the time of his/her discharge shall however count towards the period of probation provided the Appellate Authority specifically orders so. Otherwise, he/she has to start his/her probation afresh.

19. **APPOINTMENT OF FULL MEMBERS**

An approved probationer shall be appointed as a full member of the service in the class or category for which he/she was selected, in any substantive vacancy which may exist or arise in the permanent cadre of such class or category. If such vacancy existed as on the date on which he/she became eligible for appointment as a full member, his/her appointment may be made with retrospective effect from that date or as the case may be, from any subsequent date from which he/she was continuously on duty as a member of the service in such class or in a higher class or category.

PROVIDED that where more than one approved probationer is available for appointment as full member, the seniormost approved probationer on the date of occurrence of the vacancy shall be appointed.

20. **MEMBERSHIP OF MORE THAN ONE SERVICE**

No person shall at the same time be a full member of more than one service.

A probationer, an approved probationer or full member of one service who is appointed to be a full member of another service shall cease to be a member to the former service.

21. **SENIORITY**

- (a) Seniority of a person in a service, class, category or grade shall be determined by the date of the order of the first appointment to such service, class, category or grade. If more than one person is appointed by the same order their inter-se seniority shall be in the order given in the appointment order. If more than one person is appointed on the same date by different orders, their inter-se seniority shall be as announced by the appointing authority based on the rank list and rules of reservation wherever applicable.

22. **PROMOTION**

- (a) No member of a service or class of a service shall be eligible for promotion to a promotion post, if any, from the category in which he/she was appointed to that service, unless:
- (i) he/she has satisfactorily completed probation.
 - (ii) his/her work and conduct are satisfactory, and
 - (iii) no disciplinary action is pending against him/her.
- (b) (i) Promotion and appointment according to merit

Appointment to a selection category or grade in a service or class shall be made from the select-list prepared from among members eligible for appointment to such category or grade in accordance with these rules and the special rules, on the basis of merit and ability, the seniority being considered only where merit and ability are approximately equal. The persons included in the select list shall be ranked in the order of their merit.

- (ii) Promotion and appointment according to seniority.

All other promotions, subject to the provisions of these rules and special rules shall be made in accordance with the seniority and subject to the person's fitness for appointment.

- (iii) Promotion which depends upon the passing of any prescribed examination or test:

Promotion in a service or class which depends upon the passing of any examination or test shall ordinarily be made with reference to the condition existing at the time of occurrence of the vacancies and not with reference to those at the time when the question of promotion is taken up.

23. REVISION OF ORDERS OF APPOINTMENT TO SELECTION CATEGORIES

An order appointing a member of a service or class to a selection category or grade by promotion may be revised by the Executive Committee on an appeal petition submitted by any aggrieved member within six months from the date of passing the order.

24. RESIGNATION

A member belonging to any service, class or category or grade contained in Part III of these rules shall give one month's clear notice to the appointing authority, before he/she tenders his/her resignation of the post he/she is holding. In case he/she does not give one month's notice, he/she shall be liable to pay one month's gross salary to the Academy, in lieu of such notice.

The appointing authority in respect of the service or post in question shall be the authority competent to accept the resignation of a member. The competent authority shall decide the date from which the resignation should become effective.

6 A member of the service shall, if he/she resigns his/her appointment forfeit not only the service rendered by him/her in the particular post held by him/her at the time of resignation but all his/her previous service under the Academy. He/she shall also forfeit his/her claim for any arrears in pay and allowances or such other pending payments, borne to the Academy funds, which would otherwise have been sanctioned to him/her, but for the resignation.

The re-appointment of such a person to any service under the Academy shall be treated in the same way as a first appointment to such service by direct recruitment and all rules governing such first appointment shall apply to him/her. On such re-appointment he/she shall not be entitled to count any portion of his/her previous service for any benefit or concession under any rule or order.

25. REDUCTION OF FULL MEMBERS:

If a full member of any service, class or category or grade is substantively reduced to a lower service, class, category or grade, he/she shall be deemed to be a full member of the latter. The permanent cadre thereof shall, if there is no vacancy in which he/she could be absorbed, be deemed to be increased by one, temporarily to be adjusted against the next arising regular vacancy.

26. ASSOCIATION OF EMPLOYEES:

No Association of Employees under the service of the Academy shall be formed without the formal approval of the Executive Committee of CAPE. Provided that such approved Association shall not have, as any of its office bearers, any person who is not in service under the Academy.

27. NOTWITHSTANDING anything contained in these rules or in the special rules, the Executive Committee shall have power to deal with the case of any person serving in any capacity under the Academy or any candidate for appointment to a service in such manner as may appear to it, to be just and equitable.

PROVIDED that, where any such rule is applicable to any person, the case shall not be dealt with in any manner less favourable to him/her than that provided by such rule.

28. THE POWERS TO MODIFY, AMEND AND INTERPRET THESE RULES SHALL VEST WITH THE EXECUTIVE COMMITTEE OF THE ACADEMY.