



SERVICE RULES

National Education Society for Tribal Students (NESTS)

An Autonomous Society of Ministry of Tribal Affairs

CONTENT

S. No.	Chapter	Title	Pages
1.	CHAPTER I	SHORT TITLE, COMMENCEMENT AND APPLICATION	3-4
2.	CHAPTER II	THE ORGANISATIONAL SET-UP	5-9
3.	CHAPTER III	CREATION OF POST AND RECRUITMENT OF STAFF	10
4.	CHAPTER IV	APPOINTMENTS, PROMOTION, LEAVE RULE, RETENTION OF LIEN	11-13
5.	CHAPTER V	RETIREMENT, FOREIGN SERVICE TERMS	14-18
6.	CHAPTER VI	JURISDICTION	19
7.	CHAPTER VII	CODE OF CONDUCT	20-21
8.	CHAPTER VIII	SERVICE BOOK	22
9.	CHAPTER IX	DISCIPLINE	23
10.	CHAPTER X	ANNUAL PERFORMANCE ASSESSMENT REPORTS	24-25
11.	CHAPTER XI	CENTRAL CIVIL SERVICES (LEAVE TRAVEL CONCESSION) RULES, 1988	26
12.	CHAPTER XII	NATIONAL PENSION SYSTEM	27
13.	CHAPTER XIII	MEDICAL	28
14.	CHAPTER XIV	PERSONAL FILE	29

CHAPTER – I

1. Short Title, Commencement and Application:

- i. These rules may be called the National Education Society for Tribal Students (Staff Service) Rules, 2023
- ii. They shall come into force with effect from the --, 2023
- iii. These rules shall apply to all employees of NESTS including those on deputation in respect of all matters whether it is regulated by the terms of the deputation as the case may be.

2. Definitions:

- i. NESTS means National Education society for Tribal students (NESTS), an autonomous organization set up by Ministry of Tribal Affairs. where “Society” means an autonomous organization established by Ministry of Tribal Affairs, Government of India under Societies Registration Act, 1860 i.e., NESTS, for achieving the aims and objectives set out in the MOA/By-laws.
- ii. Eklavya Model Residential School (EMRS) are set up in the States/UTs with Grants under Article 275(1) of the Constitution of India/EMRS Scheme of Ministry of Tribal Affairs, Government of India.
- iii. Commissioner means the Commissioner of the National Education society for Tribal students (NESTS)
- iv. “Governing body” is a Committee with Hon’ble Minister of Tribal Affairs as its Chairperson and other members consisting of Officers from Ministry of Tribal Affairs along with other officers of Government/ Semi Government/ Autonomous bodies which shall meet at least once in a year to take policy decisions and supervise functioning of NESTS.
- v. Executive Committee is a committee of members constituted under the Commissioner for overseeing discharge of all policies and administrative functions.
- vi. "Appointing Authority" in relation to an employee means the authority empowered to make appointment to the category or grade of post which the employee for the time being holds. (More fully described in Schedule-1)
- vii. "Disciplinary Authority" means an authority empowered to impose penalty on an employee, under the conduct and disciplinary rules of NESTS as mentioned in chapter VII
- viii. "Employee" means a person who in the whole-time regular service under NESTS
- ix. "Pay" has the same meaning as in Rule 9(21)(a) of the Fundamental Rules of the Central Government as amended from time to time.

- x. "Probationer" is an employee who is provisionally employed with a view to being considered for employment of longer duration than the period of probation. NESTS has the right to extend the probationary period stipulated in the letter of appointment unless the services are otherwise terminated within or on the completion of the probationary period without assigning any reasons, thereof.
- xi. Probationary period shall not be less than two years, as the case may be as mentioned in the terms of engagement, in accordance with the provisions/instructions notified in the recruitment rules of NESTS.
- xii. "Confirmation" An employee shall be confirmed in the post to which he/she has been appointed provided he/she is found to have completed the period of probation satisfactorily by the competent authority.

CHAPTER II

THE ORGANISATIONAL SET-UP

1. About NESTS

National Education Society for Tribal Students (NESTS) has been established as an autonomous body under the Ministry of Tribal Affairs to manage the EMRSs in similar pattern as Navodaya Vidyalaya Samiti. The head office of EMRSs has been functioning since December, 2020 at Jeevan Tara Building, Patel Chowk, New Delhi-110001.

2. Governing Body

2.1 The existing Governing Body consists of following members (Ex Officio):

1. Hon'ble Union Minister of Tribal Affairs - Chairperson
2. Hon'ble Ministers of State, Ministry of Tribal Affairs - Member
3. Secretary, Ministry of Tribal Affairs - Member
4. Joint Secretary (EMRS), Ministry of Tribal Affairs - Member
5. Financial Adviser, Ministry of Tribal Affairs - Member
6. Deputy Director General, Ministry of Tribal Affairs - Member
7. Chairperson, Central Board of Secondary Education - Member
8. Director, National Council of Educational Research and Training (NCERT) - Member
9. Director General, Sports Authority of India - Member
10. Commissioner, Navodaya Vidyalaya Samiti (NVS) - Member
11. Commissioner, Kendriya Vidyalaya Samiti (KVS) - Member
12. CEO, National Skill Development Corporation (NSDC) - Member
13. One Principal Secretary / Secretary (Tribal Development/ Welfare) from Schedule V States - Member
14. One Principal Secretary / Secretary (Tribal Development/ Welfare) from Schedule VI States - Member
15. Director (General Administration), Ministry of Tribal Affairs - Member
16. Director (EMRS) in the Ministry of Tribal Affairs - Member

17. Commissioner, National Education Society for Tribal Students – Member & Convener.

18. Additional Commissioner, NESTS- Ex-officio Secretary of the Society

2.3 The Annual General Meeting of the Governing Body shall be held once a year at such time, date and place as may be determined by the Chairman to consider the Annual Report (including Annual Accounts) of NESTS.

2.4 Special meetings may, however, be convened by the Chairman, whenever necessary.

2.5 One-third of the members of the Governing Body shall form a quorum at every meeting of the Governing Body.

3. National Steering Committee for EMRS

3.1 National Steering Committee for EMRS comprises of:

1. Hon'ble Minister of Tribal Affairs - Chairperson.
2. Secretary, Ministry of Tribal Affairs - Member
3. Joint Secretary (EMRS), Ministry of Tribal Affairs - Member
4. Financial Adviser, Ministry of Tribal Affairs - Member
5. Chairperson, Central Board of Secondary Education - Member
6. Director, National Council of Educational Research and Training (NCERT) - Member
7. Director General, Sports Authority of India - Member
8. Commissioner, Navodaya Vidyalaya Samiti - Member
9. CEO, National Skill Development Corporation (NSDC) - Member
10. One Principal Secretary/ Secretary, Tribal Welfare from Schedule V State - Member
11. One Principal Secretary/Secretary, Tribal Welfare from Schedule VI States - Member
12. Commissioner, National Education Society for Tribal Students – Member & Convener
13. Other Members can be co-opted with approval of Chairperson.

3.2 Meeting of National Steering Committee for EMRS will be held twice in a financial year preferably once in each half year i.e., one between April to September and other October to March.

3.3 Special meetings may, however, be ordered to be convened by the Chairman, whenever necessary.

3.4 Chairperson and five members of the National Steering Committee will constitute a quorum at every meeting of the Steering Committee.

4. Executive Committee under the Governing Body of NESTS

4.1 Executive Committee consists of following members:

1. Commissioner, National Education Society for Tribal Students (NESTS) - Chairperson
2. Joint Secretary (EMRS), Ministry of Tribal Affairs - Member
3. Financial Adviser, Ministry of Tribal affairs - Member
4. Commissioner, Navodaya Vidyalaya Samiti (NVS) - Member
5. Director/ Representative, Sports Authority of India - Member
6. One Principal Secretary/Secretary from Tribal Welfare, State/ UT Government- Member
7. Director, EMRS, Ministry of Tribal Affairs - Member
8. Additional Commissioner, National Education Society for Tribal Students (NESTS)- Member & Convener
9. Other Members can be co-opted with approval of Chairperson.

4.2 Executive Committee shall meet at least once in each quarter.

4.3 Special meetings may, however, be convened by the Chairman, whenever necessary.

4.4 Presence of Chairperson and three members will constitute quorum.

5. Finance Committee of NESTS

5.1 Finance Committee shall consist of following members:

1. Joint Secretary & Financial Adviser, Ministry of Tribal Affairs – Chairperson
2. Commissioner, NESTS – Member
3. Joint Secretary (EMRS), Ministry of Tribal Affairs – Member
4. One Principal Secretary/Secretary, State Government – Member
5. Chief Finance / Accounts officer/Deputy Commissioner (Finance), NESTS - Member

6. Chief Controller of Accounts, Ministry of Tribal Affairs – Member
7. Commissioner, Navodaya Vidyalaya Samiti – Member
8. Director, IFD, Ministry of Tribal Affairs - Member
9. Deputy Commissioner (Finance), NESTS - Member & Convener
10. Other Members can be co-opted with approval of Chairperson

5.2 Finance Committee shall meet at least once in each quarter.

5.3 Special meetings may, however, be convened by the Chairman, whenever necessary.

5.4 Presence of Chairperson and three other members will constitute quorum.

6. Academic Committee of NESTS

6.1 Academic Committee shall consist of following members: -

1. Commissioner, NESTS – Chairperson
2. Joint Secretary (EMRS), Ministry of Tribal Affairs – Member
3. One Principal Secretary, State Government – Member
4. Commissioner of Navodaya Vidyalaya Samiti – Member
5. Representative of Director, NCERT – Member
6. Representative of Chairperson, CBSE – Member
7. Representative of Sport Authority of India – Member
8. Representative from National Skill Development Corporation - Member
9. Deputy Commissioner in-charge Academics, NESTS- Member & Convener
10. One Principal of EMRSs – Member
11. One EMRS Teacher, preferably National Awardee – Member
12. Other Members can be co-opted with approval of Chairperson

6.2 Academic Committee shall meet at least once in six months.

6.3 Special meetings may, however, be convened by the Chairman, whenever necessary.

6.4 Chairperson and four members will constitute quorum.

7. NESTS shall function through the Executive Committee, Finance Committee & Academic Committee under the Governing Body. The Executive Head of the administrative pyramid will be the Commissioner (Joint Secretary Level) who shall execute the laid down policies. NESTS will be guided by a National Steering Committee, Governing Body shall be headed by the Hon'ble Minister for Tribal Affairs.

8. Commissioner

The Commissioner shall be the Chairperson of the Executive Committee, responsible for the due discharge of functions and policies laid down by the Governing body. At the Headquarters office in New Delhi, he shall be assisted in his work by One Additional Commissioner, 2 Joint Commissioners, 2 Deputy Commissioners and other officers and staff, as sanctioned and appointed from time to time.

9. Additional Commissioners

Additional Commissioner shall be the Principal Officer under the Commissioner and in-charge of the registered office of NESTS. He shall be assisted by 2 Joint Commissioners in the Division.

10. The overall team composition will have Joint Commissioners, Deputy Commissioners, Assistant Commissioners and other support manpower.

CHAPTER III

Creation of posts and Recruitment of staff

1. All posts in NESTS shall be approved by Department of Expenditure, Ministry of Finance.
2. All posts in NESTS shall be classified as grouping norms notified and amended by Government of India from time to time.
 - i. Group 'A'
 - ii. Group 'B'
 - iii. Group 'C'

2. Recruitment of Staff

1. Recruitment Rules

NESTS' Recruitment Rules as notified shall be followed for the purpose of making appointments/promotions etc. of officers and staff in NESTS.

2. Nature of appointment

As per recruitment rules notified by NESTS.

3. Strength of Staff

The requirement of manpower will be assessed periodically and suitable recommendations will be forwarded for creation and upgradation of posts to MoF after seeking clearance from MoTA.

4. Commencement of service

The service of a person (s) appointed by NESTS shall be deemed to have commenced from the working day on which he/she reports for duty in response to a valid appointment letter before lunch break, else the service shall be deemed to have commenced from the next working day.

5. Training

An employee may be required to undergo training for such period or periods, as may be considered necessary by the competent authority from time to time. Competent Authority may require an employee to sign a service bond/agreement on such terms and conditions as may be deemed necessary in the event an employee is required to undergo training for a period exceeding sixty days.

Chapter IV

Appointments, Promotion, Leave rule, Retention of Lien

All appointments to posts in NESTS (including promotions) will be made in accordance with the Recruitment Rules already notified or may be amended from time to time in respect of the matter of Recruitment, each category of posts in NESTS.

1. Production of Certificates on Appointment

Appointments will be subject to:

- (i) Submission of a certificate of fitness from competent medical authority (Civil Surgeon or Medical Officer of equivalent rank).
- (ii) Submission of declaration about the marital status.
- (iii) Taking of oath of allegiance/faithfulness to the Constitution of India or making solemn affirmation to that effect. Oath shall be taken before Chairman/Principal at the time of joining on first appointment.
- (iv) **Production of the following original certificates at the time of interview/joining the post, as the case maybe**
 - a) Character certificates from two Gazetted Officers of Central/State Govt. or stipendiary magistrate in the prescribed form in the case of candidates who are not already in Government service and certificate of character and antecedents. Certificate is pending from the concerned district authorities.
 - b) All certificates required for fulfilling eligibility criteria for the given post including proof of age.
 - c) Discharge certificate/Relieving letter, NOC in the prescribed format, from previous employer, if any

Requirement in respect of items (i) to (iv) may be waived in respect of candidates who are in the service of Govt. or autonomous bodies and have already satisfied these requirements. If any declaration given or information by the appointee is found to be false or he/she is found to have willfully suppressed any material information, the offer of appointment shall be withdrawn.

2. Promotion

1. Assessment of vacancies – The number of regular vacancies to be filled during the year, shall be assessed taking into account vacancies arising due to retirements, promotions and deputation or arising due to any exigencies of service.
2. Date of Eligibility – The length of service prescribed for eligibility for promotion taking the cut off as on 1st January of the year unless prescribed otherwise in the service regulations.
3. Method of promotion - The modes of promotion for different category of posts shall be, as prescribed in Recruitment rules.

3. Leave Rules

Leave will be admissible to employees in accordance with the provisions of the Central Civil Services (Leave) rules, 1972 as amended from time to time.

4. Leave for Foreign Travel

Employee who intends to travel abroad is on a private foreign visit shall seek prior permission of the Competent authority for such visit and apply for suitable leaves. Permission for travelling abroad and sanctioning of leave will be subject to the condition that the employee is free from the vigilance angle and departmental/disciplinary proceedings are pending against the employee. The employee who is desirous for proceeding abroad, should apply for grant of permission and leave, at least 30 days in advance, so that necessary documentation can be completed prior to the grant of NOC. The Competent Authority at its discretion, may seek additional documents, clearance from the employee to assure that the employee has no travel restrictions whatsoever from the policies.

5. Requirement of taking prior permission by Government servants for leaving station/headquarters

PROFORMA

(See O.M. No. 11013/7/2004-Estt.(A) dated 5th October, 2004)

1.	Name	
2.	Designation	
3.	Pay	
4.	Ministry/Department (Specify Centre/State/PSU)	
5.	Passport No.	
6.	Details of private foreign travel to be undertaken	

Period abroad		of	Names of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel; board/ lodging, visa, misc. etc.)	Source of Funds	Remarks
From	To						

Details of previous private foreign travel, if any undertaken during the last four years (as under item No.4)

6. Retention of Lien

Permanent employees of NESTS who are selected for appointment in Central Govt. or State Govt. institutions/Public Sector Undertakings/Autonomous Bodies / Semi-Government Organizations etc. will be permitted to retain their lien on their permanent post for a period of two years from their date of deputation or till they are permanently absorbed in the borrowing Department/Undertaking, whichever is earlier, as per the instructions of DoPT and the law on the subject.

Chapter V

Retirement, Foreign Service Terms

1. Age of Retirement

Every employee of NESTS shall retire in the afternoon of the last day of the month in which he attains the age of sixty (60) years, except those who are born on the 1st day of the month who shall retire on the last day of the previous month.

2. Resignation and Voluntary Retirement

- (a) In cases where an employee tenders his/her resignation and seeks to be relieved before the expiry of one month from the date of notice, the Appointment Authority or an Authority equivalent to the Appointing Authority may at its discretion accept the resignation, forthwith waving off the balance notice period or directs the employee for render service for the full notice period, and relieve thereafter or accept payment of salary in lieu of shortfall in the notice period. Relieving prior to the completion of Notice period is subject to the condition that the Appointing Authority is satisfied that alternative arrangement can be made and/or NESTS's work can be carried on uninterruptedly.
- (b) Employees of NESTS covered under the CCS (Pension) Rules, 1972, who have put in not less than 20 years of qualifying service may seek voluntary retirement by giving 3 months' notice in writing to the Appointing Authority as per the provisions of Rule 48-A of the CCS(Pension) Rules, 1972.

3. Premature Retirement

In order to maintain the efficiency and for strengthening the administrative machinery at all levels, NESTS employee under Fundamental Rules (Rule 56J) and CCS (Pension) Rules (Rule 48) may retire an employee in public interest before his normal date of retirement, on attaining a specific age or on completing a specific length of service. NESTS will in addition of Govt. of India follow the instructions for premature retirement as a preventive measure to curb violation of Conduct Rules and corruption.

The instruction of the Govt. of India shall, mutatis mutandis be applicable to the employees of NESTS and detailed procedure for reviewing the cases of NESTS employees and for taking action to retire the employees prematurely wherever public interest warrants shall be as under:

A) Composition of the Review Committee and Representation Committee for NESTS Head Quarters:

Sl. No.	Category of Employee	Composition of Review Committee	Composition of Representation Committee
1.	Officers holding posts initial appointment to which is referable to the appointments committee of the cabinet	Central Establishment Board will make its recommendations which will be placed before the appointment committee of the Cabinet for orders.	The senior selection board shall make its recommendations to the Appointments Committee of the Cabinet for orders. For this purpose, representation of the Officers concerned should be sent by Ministry of tribal Affairs to the Office of the establishment officer.
2.	Other Officers working in NESTS (Addl. Commissioner, Joint Commissioners, Deputy Commissioners	1. Joint Secretary in the Ministry of Tribal Affairs, Chairman 2. Commissioner, NESTS 3. Another senior officer (From outside NESTS office) nominated by the Commissioner, NESTS from Officers in the Ministry of Tribal Affairs or affiliated autonomous organizations below the rank of Director/ Deputy Secretary. Final orders may be passed by the Chairman, Governing Body of NESTS.	1. Additional Secretary Ministry of Tribal Affairs, Chairman 2. An officer of the rank of Joint Secretary to be nominated by the Chairman Final orders may be passed by the Chairman, Governing Body of NESTS.
3.	All other officers of NESTS of group B and C	1. Joint Commissioner, (Admn.)/ Dy. Commissioner (Admn.) Chairman 2. One senior officer who does not exercise	A committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely to be constituted.

		<p>direct immediate control or supervision over the officers being screened to be nominated by Commissioner, NESTS, member</p> <p>Where action is proposed to be taken on grounds of lack of integrity, the Chief Vigilance Officer of NESTS will be associated as a member. Final orders may be passed by the Chairman, Governing Body of NESTS.</p>	<p>Final orders may be passed by the Chairman, Governing Body of NESTS after obtaining the approval of Additional Secretary, Ministry of Tribal Affairs.</p>
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B) Composition of the Review Committee and Representation Committee for NESTS Employee posted at EMRSs:

Sl. No.	Category of Employee	Composition of Review Committee	Composition of Representation Committee
1.	Principal/Vice-Principal	<p>1. Commissioner, NESTS</p> <p>2. One senior officer who does not exercise direct immediate control or supervision over the officers being screened to be nominated by Commissioner, NESTS, member</p> <p>Where action is proposed to be taken on grounds of lack of integrity, the Chief Vigilance Officer of NESTS will be associated as a member.</p>	<p>1. Additional Secretary Ministry of Tribal Affairs, Chairman</p> <p>2. An officer of the rank of Joint Secretary to be nominated by the Chairman</p> <p>Final orders may be passed by the Chairman, Governing Body of NESTS</p>
2.	PGTs/TGTs/Non-	1. Joint Commissioner,	A committee of Officers of

	Teaching staff of NESTS	(Admn.)/ Dy. Commissioner (Admn.) Chairman 2. Principal/Vice Principal of the School	appropriate status unconnected with the original decision to retire the employee prematurely to be constituted. Final orders may be passed by the Chairman, Governing Body of NESTS after obtaining the approval of Additional Secretary, Ministry of Tribal Affairs.
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C) Role of the review committee

All cases which come under the purview of review will be referred to the Review Committee by the appropriate authority, as per the time schedule. The appropriate authority shall take further action based on the recommendations of the Review committee. As per the instructions of the DOPT referred to above, whenever it is proposed to retire an employee, the appropriate authority should follow the procedure prescribed in Chapter II of Appendix 10 of CCS (Pension) Compilation.

D) Role of the Representation Committee

NESTS employee who has been served with a notice/order of premature retirement by the appropriate authority based on the recommendations of the Review Committee, may submit a representation within three weeks from the date of service of such notice/order addressed to the authority who served the notice/order. On receipt of such representation, the appropriate authority should examine the same to see whether it contains any new facts or any aspect/facts not known. After such examination, the case shall be placed before the Representation Committee. The Representation Committee after considering the facts shall give its recommendations within two weeks from the date of receipt of such references, to the competent authority who made the reference. The competent authority indicated in the Representation Committee shall pass final orders on the representation within 2 weeks from the date of receipt of the recommendations of the Representation Committee. The procedure as given in Chapter III of Appendix 10 of CCS (Pension) Compilation shall be followed.

E) Nature of Authority and Statutory Rules

1) In accordance with the provisions of Fundamental Rule 56 (j), the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any government employee as follows: -

(i) If he is in Group 'A' or 'B' service or post in a substantive quasi permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years.

(ii) In any other case, after he has attained the age of 55 years.

Thus, government servants belonging to Groups 'A' and 'B' who have entered government service after attaining the age of 35 years, and officials belonging to Group 'C' can be prematurely retired after they have attained the age of 55 years with the exception of sub staff officials, who entered service on or before 23rd July 1966.

In addition, a government servant in Group 'C' service or post who is not governed by any pension rules, can also be retired after he has completed thirty years' service, under FR56 (j).

2) Provisions also exist in Rule 48 of the CCS (Pension) Rules, 1972, for the retirement of a govt. employee by giving him three months' notice, if it is necessary to do so in public interest, after he has completed 30 years of qualifying service for pension. In other words, government employee who may belong to Group 'A', 'B', 'C' can be prematurely retired, irrespective of the age at the appropriate time, after he has completed 30 years of qualifying service. In order to ensure that the Review is undertaken regularly and in due time the Government has prescribed the following time schedule.

Quarter in which review is to be made	Cases of Government servants, in the quarter indicated below to be reviewed
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

3) Maintenance of Register: - A register of the Government servants who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department / Cadre and the review be undertaken according to the above schedule so as to ensure timely completion of the review for retention/pre-mature retirement of the Government servants.

4. Foreign Service Terms

The Central Government employees or State Govt. employees, appointed on deputation on foreign service, to post in NESTS, will be governed by the terms and conditions of deputation as per Government of India rules and regulation.

Chapter VI

Jurisdiction

In case of any dispute or claim arising as a result of employment under NESTS, the courts at Delhi only shall have the jurisdiction.

Chapter VII

Code of conduct

The provisions of the CCS (Conduct) Rules, 1964 and its amendments notified from time to time shall apply mutatis mutandis to all the employees of the NESTS. Violation of these shall make an employee liable for action under the CCS (CCA) Rules, 1965.

[DOPT OM No. 11013/6/94-Estt. (A), dated 27.05.1994]

1. Every Government servant shall at all times--

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a government servant.

2. Every Government servant

- (i) Holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;
- (ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;
- (iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
- (iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I: A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-rule (1).

Explanation II: Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

3A. Promptness and Courtesy

No Government servant shall-

- (i) in the performance of his official duties, act in a discourteous manner;

- (ii) in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.

3B. Observance of Government policies

Every Government servant shall, at all times-

- (i) act in accordance with the Government's policies regarding age of marriage, Preservation of environment, protection of wildlife and cultural heritage;
- (ii) observe the Government's policies regarding prevention of crime against women.

3C. Prohibition of sexual harassment of working women

- (i) No Government servant shall indulge in any act of sexual harassment of any women at her work place.
- (ii) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation - For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behavior, whether directly or otherwise, as --

- (i) physical contact and advances;
- (ii) demand or request for sexual favors;
- (iii) sexually colored remarks;
- (iv) showing any pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013 ("POSH"), aims to create a safe and conducive work environment for women and provide protection against sexual harassment.

The important provisions under the POSH ACT have been outlined as under:

- **Prevention and Prohibition:** The Act places a legal obligation on employers to prevent and prohibit sexual harassment in the workplace.
- **Internal Complaints Committee (ICC):** Employers are required to constitute an ICC at each workplace with 10 or more employees to receive and address complaints of sexual harassment. The Complaints Committees have the powers of civil courts for gathering evidence.
- **Duties of Employers:** Employers must undertake awareness programs, provide a safe working environment, and display information about the POSH Act at the workplace.
- **Complaint Mechanism:** The Act lays down a procedure for filing complaints, conducting inquiries, and providing a fair opportunity to the parties involved.
- **Penalties:** Non-compliance with the Act's provisions can result in penalties, including fines and cancellation of business licenses.

Chapter VIII

Service Book

Service records: In respect of each individual member of staff, a Service Book in the form as applicable to Central Government servants shall be maintained to show the date of appointment, name of the post, scale of pay, date of increment, date of promotion, period of leave and nature of leave taken, leave travel concession taken, suspension, awards and nominations for Provident Fund, Family Pension and Group Insurance Scheme etc. In short, every event in the official career of the employee shall be noted therein. Maintenance of service book shall be as per instructions of the FRs & SRs and the GFRs.

Chapter IX

Discipline

Extension of the application of Central Civil Services (Classification, Control and Appeal) Rules, 1965: All the employees of the NESTS shall be subject to the disciplinary control of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, as amended from time to time. These rules will apply mutatis mutandis to all members of the staff of the NESTS except when otherwise decided.

Chapter X

ANNUAL PERFORMANCE ASSESSMENT REPORTS

Introduction

The Performance Appraisal Report is an important document. It provides the basic and vital inputs for the further development of an officer. The appraisee, the Reporting Authority and the Reviewing Authority should, therefore, undertake the duty of filling up the form with a high sense of responsibility.

Performance appraisal should be used as a tool for human resource development. Reporting Officers should realize that the objective is to develop an officer so that he/she realizes his/her true potential. It is not meant to be a fault-finding process but a development tool. The Reporting Officer and the Reviewing Officer should not shy away from reporting shortcomings in performance, attitudes or overall personality of the officer reported upon.

The columns should be filled with due care and attention and after devoting adequate time. Any attempt to fill the report in a casual or superficial manner will be easily discernible to the higher authorities.

Although the actual documentation of performance appraisal is a year-end exercise, in order that it may be a tool for human resource development, the Reporting Officer and the appraisee should meet during the course of the year at regular intervals to review the performance and to take necessary corrective steps

Proforma

The revised proforma for the annual performance appraisal comprises of 4 sections. The requirement under each section and the authority responsible for filling up these sections is indicated in the table below:

Section No.	Information required	Authority responsible for filling up
I	Basic Information	Administration division/ Personnel Dept
II	Self-appraisal	Appraisee
III	Appraisal	Reporting officer/ Review Officer, if necessary
IV	Review	Review Officer

Thus, the portions to be filled up by each authority are the following: -

Administration Department	Division/ Personnel	Section I
Appraisee		Section II
Reporting Officer		Section III
Review Officer		Sections IV and Section III (part), if required

Guidelines for filling up the different components of the 4 sections have been given in the rest of this note.

The format is placed at Annexure-I

Instructions on filling up the different sections as per extant guidelines of Govt. of India.

Chapter XI

CENTRAL CIVIL SERVICES (LEAVE TRAVEL CONCESSION) RULES, 1988

The leave travel concession will cover the Government servant himself and his family.

In these Rules, unless the context otherwise requires, -

- (a) "**a place in India**" will cover any place within the territory of India, whether it is on the mainland India or overseas;
- (b) "**controlling officer**" means an officer declared as such under Supplementary Rule 191;
- (c) "**Disciplinary Authority**" shall have the same meaning as assigned in clause (g) of Rule 2 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965;
- (d) "**Family**" means: -
 - (i) the Government servant's wife or husband, as the case may be, and two surviving unmarried children or step children wholly dependent on the Government servant, irrespective of whether they are residing with the Government servant or not;
 - (ii) married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the Government servant and are wholly dependent on the Government servant;
 - (iii) parents and/or step mother residing with and wholly dependent on the Government servant;
 - (iv) unmarried minor brothers as well as unmarried, divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependent on the Government servant, provided their parents are either not alive or are themselves wholly dependent on the Government servant.

These rules will be applicable on the employees of NESTS as per the Government of India rules and regulations.

Chapter XII

CCS (IMPLEMENTATION OF NATIONAL PENSION SYSTEM) RULES

A New Pension Scheme (Contribution based Pension Scheme) now called National Pension System (NPS), was introduced for Central Government employees vide Ministry of Finance (Department of Economic Affairs) Notification No. 5/7/2003- ECB & PR dated 22nd December, 2003. NPS was made mandatory for all new recruits to the Central Government service (except the armed forces) from 1st January, 2004. After the enactment of the PFRDA Act, 2013, as per Section 20 of the Act, the pension scheme notified on 22.12.2003 has become the National Pension System under the Act. NPS is now regulated under PFRDA Act, 2013 and regulation framed thereunder by Department of Financial Services and PFRDA. With the introduction of NPS w.e.f. 01.01.2004, amendments were made on 30.12.2003 to Central Civil Services (Pension) Rules, 1972, Central Civil Service (Commutation of Pension) Rules, Central Civil Services (Extraordinary Pension) Rules, General Provident Fund Rules and Contributory Provident Fund Rules to the effect that the benefits under these rules would not be applicable to the Government employees appointed on or after 1.1.2004 and covered by NPS.

All the employees of NESTS will be covered under NPS as per the rules and regulations defined by Government of India.

Chapter XIII

MEDICAL

All the employees of NESTS shall be covered under the Medical Guidelines of NESTS.

Chapter XIV

PERSONAL FILE

For each employee of NESTS, a Personal File shall be opened in the office soon after he/ she joins the NESTS. On his/ her appointment, the documents submitted by employee shall be incorporated in the personal file of the respective employee maintained in the Office.

All the rules and regulations will be applicable as per Government of India rules and their amendments time to time.

Format for Annual Performance Assessment Report

Performance Appraisal Report for the period from _____ to _____

Section I – Basic Information

(To be filled in by the Administration Division/Personnel Department)

1.Name of the officer reported upon:

2.Service: 3.Cadre: 4.Year of allotment: 5.Date of Birth:

6.Present Grade: 7.Present post:

8.Date of appointment to present post:

9.Reporting, Reviewing and Accepting Authorities

	Name & Designation	Period worked
Reporting Authority		
Reviewing Authority		
Accepting Authority		

10.Period of absence on leave, etc.

	Period	Type	Remarks
On Leave (specify type)			
Others (specify)			

11.Training Programs attended

Date from	Date to	Institute	Subject

12. Awards/Honours

13. Details of PARs of AIS officers not written by the officer as reporting/reviewing authority for the previous year

14. Date of filing the property return for year ending December

--

15. ⁵Date of last prescribed medical examination (for officers over 40 years of age). Attach copy of the summary of the medical report

--

Date: **Signature on behalf of** _____
Admn/Personnel Dept

Section II – Self Appraisal

1. Brief description of duties:

(Objectives of the position you hold and the tasks you are required to perform, in about 100 words)

--

4. What are the factors that hindered your performance?

5. Please indicate specific areas in which you feel the need to upgrade your skills through training programs:

For the current assignment:

For your future career

Please Note: You should send an updated CV, including additional qualifications acquired/ training programs attended/ publications/ special assignments undertaken, in a prescribed proforma, to the cadre controlling authority, once in 5 years, so that the records available with the cadre controlling authority remain updated.

6. Declaration

Have you filed your immovable property return, as due. If yes, please mention date.	Yes/No	Date
Have you undergone the prescribed medical check up?	Yes/No	
Have you set the annual work plan for all officers for the current year, in respect of whom you are the reporting authority?	Yes/No	

Signature of officer reported upon _____

Date:

Section III

Appraisal

1. Please state whether you agree with the responses relating to the accomplishments of the work plan and unforeseen tasks as filled out in Section II. If not, please furnish factual details.

2. Please comment on the claim (if made) of exceptional contribution by the officer reported upon.

3. Has the officer reported upon met with any significant failures in respect of his work? If yes, please furnish factual details.

4. Do you agree with the skill up-gradation needs as identified by the officer?

5. Assessment of work output (This assessment should rate the officer vis-à-vis his peers and not the general population. Grades should be assigned on a scale of 1-10, in whole numbers, with 1 referring to the lowest grade and 10 to the best grade. Weightage to this Section will be 40%).

		Reporting Authority	Reviewing Authority	Initial of Reviewing Authority
i.	Accomplishment of planned work			
ii	Quality of output			
iii.	Accomplishment of exceptional work / unforeseen tasks performed			
Overall Grading on 'Work Output'				

6. Assessment of Personal Attributes (on a scale of 1-10. Weightage to this Section will be 30%).

		Reporting Authority	Review Authority	Initials of Reviewing Authority
i.	Attitude to work			
ii	Sense of responsibility			
lii	Overall bearing and personality			
iv	Emotional stability			
v	Communication skills			
vi	Moral courage and willingness to take a professional stand			
vii.	Leadership qualities			
viii.	Capacity to work in time limit			
Overall Grading on Personal Attributes				

7. Assessment of Functional Competency (on a scale of 1-10. Weightage to this Section will be 30%).

		Reporting Authority	Review Authority	Initials of Reviewing Authority
i.	Knowledge of laws/rules/procedures/ IT skills and awareness of the local norms in the relevant area			
ii.	Strategic planning ability			
iii.	Decision making ability			
iv.	Initiative			
v.	Coordination ability			
vi.	Ability to motivate and develop subordinates / work in a team.			
Overall Grading on 'Functional competency'				

8.Integrity

Please comment on the integrity of the officer:

9. Pen picture by Reporting Officer. Please comment (in about 100 words) on the overall qualities of the officer including areas of strengths and lesser strengths and his attitude towards weaker sections.

10. Recommendation relating to domain assignment (Please tick mark any four)

<input type="checkbox"/>	Agriculture and Rural Development	<input type="checkbox"/>	Public Finance & Financial Management
<input type="checkbox"/>	Social Development	<input type="checkbox"/>	Industry and Trade
<input type="checkbox"/>	Culture and Information	<input type="checkbox"/>	Internal Affairs and Defence
<input type="checkbox"/>	Natural Resource Management	<input type="checkbox"/>	Housing & Urban Affairs
<input type="checkbox"/>	Energy and Environment	<input type="checkbox"/>	Personnel & General Administration, Governance Reform, Regulatory Systems
<input type="checkbox"/>	Communication Systems and Connectivity Infrastructure	<input type="checkbox"/>	Science & Technology

11. Overall grade (on a score of 1-10)

Signature of Reporting Authority _____

Date:

Section IV – Review

1. Do you agree with the assessment made by the reporting officer with respect to the work output and the various attributes in section III? Do you agree with the assessment of the reporting officer in respect of extraordinary achievements and/or significant failures of the moS / officer reported upon?

(In case you do not agree with any of the numerical assessments of attributes please record your assessment in the column provided for you in that section and initial your entries).

Yes	No
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2. In case of difference of opinion details and reasons for the same may be given.

3. ¹⁰Comments, if any, on the pen picture written by the Reporting Authority.

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4. Recommendation relating to domain assignment (Please tick mark any four)

<input type="checkbox"/>	Agriculture and Rural Development	<input type="checkbox"/>	Public Finance & Financial Management
<input type="checkbox"/>	Social Development	<input type="checkbox"/>	Industry and Trade
<input type="checkbox"/>	Culture and Information	<input type="checkbox"/>	Internal Affairs and Defence
<input type="checkbox"/>	Natural Resource Management	<input type="checkbox"/>	Housing & Urban Affairs
<input type="checkbox"/>	Energy and Environment	<input type="checkbox"/>	Personnel & General Administration, Governance Reform, Regulatory Systems
<input type="checkbox"/>	Communication Systems and Connectivity Infrastructure	<input type="checkbox"/>	Science & Technology

5. Overall grade on a scale of 1-10

Signature of Reviewing Authority _____

Date:

Section V

Acceptance

1. Do you agree with the remarks of the reporting / reviewing authorities?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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2. In case of difference of opinion details and reasons for the same may be given.

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3. Overall grade (on a score of 1-10)

Date

Signature of Accepting Authority _____

Schedule-1

S.No.	Post	Group	Grade Pay/Level	Appointing Authority	Disciplinary Authority	Appellate Authority
POSTS AT HQ						
1	Commissioner	A	14/144200-218200	Ministry of Tribal Affairs	Ministry of Tribal Affairs	Minister, Tribal Affairs
2	Addl. Commissioner	A	13/123100-215900	Commissioner, NESTS	Commissioner, NESTS	Secretary, Tribal Affairs
3	Joint Commissioner	A	12/ 78800-209200/-	Commissioner, NESTS	Commissioner, NESTS	Secretary, Tribal Affairs
4	Deputy Commissioner	A	11/ 67700-208700/-	Commissioner, NESTS	Commissioner, NESTS	Secretary, Tribal Affairs
5	Assistant Commissioner	B	8/ 47600-151100/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
6	Office Superintendent	B	7/ 44900-142400/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
7	Office Assistant	C	4/25500-81100	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
8	MTS	C	1/18000-56900	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
POSTS AT EMRSs						
1.	Principal	A	12/ 78800-209200/-	Commissioner, NESTS	Commissioner, NESTS	Secretary, Tribal Affairs
2.	Vice-Principal	A	10/ 56000-177500/-	Commissioner, NESTS	Commissioner, NESTS	Secretary, Tribal Affairs
3.	PGT	B	8/ 47600-151100/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
4.	TGT	B	7/ 44900-142400/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
5.	Librarian	B	7/ 44900-142400/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
6.	TGT	B	6/ 35400-	Joint	Joint	Addl.

S.No.	Post	Group	Grade Pay/Level	Appointing Authority	Disciplinary Authority	Appellate Authority
	(Art/Music/PET)		112400/-	Commissioner, NESTS	Commissioner, NESTS	Commissioner, NESTS
7.	Accountant	B	6/ 35400-112400/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
8.	Counsellor	B	6/ 35400-112400/-	Joint Commissioner, NESTS	Joint Commissioner, NESTS	Addl. Commissioner, NESTS
9.	Staff Nurse	C	5/29200-92300	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
10.	Hostel Warden	C	5/29200-92300	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
11.	Catering Assistant	C	4/25500-81100	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
12.	Senior Secretariat Assistant	C	4/25500-81100	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
13.	Junior Secretariat Assistant	C	2/19900-63200	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
14.	Cook	C	2/19900-63200	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
15.	Driver	C	2/19900-63200	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
16.	Electrician cum plumber	C	2/19900-63200	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
17.	Lab Attendant	C	1/18000-56900	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
18.	Chowkidar	C	1/18000-56900	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
19.	Mess Helper	C	1/18000-	Deputy	Deputy	Joint

S.No.	Post	Group	Grade Pay/Level	Appointing Authority	Disciplinary Authority	Appellate Authority
			56900	Commissioner, NESTS	Commissioner, NESTS	Commissioner, NESTS
20.	Gardener	C	1/18000-56900	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS
21.	Sweeper	C	1/18000-56900	Deputy Commissioner, NESTS	Deputy Commissioner, NESTS	Joint Commissioner, NESTS

Acronyms

1. NESTS- National Education Society
for Tribal Students
2. GB – Governing Body
3. EMRS- Eklavya Model Residential School
4. DoPT- Department of Personnel and Training