

ANNEXURE K-A

***THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS
EMPLOYEES (SECURITY OF SERVICE) RULES, 1979**

Punjab Act No. 18 of 1979

An Act to provide for security of service to employees of privately managed recognised schools in the State of Punjab and for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of the State of Punjab in the Thirtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Punjab Privately Managed
Short title, Recognised Schools Employees (Security of Service)
extent and. Act, 1979.
commencement.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may [by] notification appoint.

2. In this Act, unless the context otherwise requires,—
Definition.

(a) 'aided post' means the post of the establishment of a privately managed recognised school against which such a school gets grant-in-aid from the State Government ;

(b) 'Director' means the Director of Public Instruction (Schools), Punjab and Director of Public Instructions (primary Education), as the case may be, and includes any other officer authorised by him in this behalf ;

(c) 'employee' means any person employed on an aided post in any privately managed recognised school for hire or reward (whether the terms of employment be express or implied) and for the purposes of any proceeding under this Act in relation to any employment dispute includes the person dismissed or removed from service but does not include a part-time employee;

(d) 'existing school' means a privately managed recognised school which is in existence at the commencement of this Act ;

(e) 'managing committee' means the body of the individuals who are entrusted with the management of any privately managed recognised school ;

(f) 'prescribed' means prescribed by rules made under this Act ;

(g) 'privately managed recognised school' means a school, which is not run by the Central Government, the State Government, a local authority or any other authority designated or sponsored by the Central Government, State Government or local authority, as the case may be, and is recognised by

*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1979, page, 1494.

The assent of the Governor of Punjab was given for this act on the 12th November, 1979, and was first published for general information in the Government Gazette (Extraordinary) Legislative Supplement, dated the 16th November, 1979.

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the State Government for imparting pre-primary, primary, middle, high and higher secondary education or training below the degree level, but does not include an institution which imparts technical education ;

(b) 'School Tribunal' means a School Tribunal constituted under section 8 of this Act.

CHAPTER II

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES

3. The minimum qualifications for recruitment and the conditions of service of the employees shall be such as may be prescribed :

Terms and conditions of service of employees.

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee of an existing school shall be varied to the disadvantage of such employee :

Provided further that every such employee shall be entitled to opt for the terms and conditions of service as were applicable to him immediately before the commencement of this Act.

4. (1) Subject to any rule that may be made in this behalf, no employee shall be dismissed, removed or reduced either in rank or within a time scale nor shall his services be otherwise terminated except with the prior approval of the Director.

Dismissal, removal etc. of employees

(2) Any employee who is dismissed, removed or reduced either in rank or within a time scale under sub-section (1) may, within three months from the date of communication to him of the order of such dismissal, removal or reduction, appeal against such order to the School Tribunal.

(3) The managing committee aggrieved with the order of the Director may also appeal to the School Tribunal within a period of three months from the date of communication of the order.

(5) No employee shall be kept under suspension for a period exceeding six months without the prior approval of the Director.

Suspension of employees

6. Every employee shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct the employee shall be liable to such disciplinary action as may be prescribed.

Employees to be governed by a Code of conduct.

7. Notwithstanding anything contained in section 3, the scale of pay and dearness allowance of the employees shall not be less than those of the employees of the State Government holding corresponding posts in the schools run by the State Government :

Salaries of employees

Provided that where the scales of pay and dearness allowance of the employees are less than those of the employees of the State Government holding corresponding posts in the schools run by the State Government, the Director shall direct the concerned managing committee to bring the same at par with those of such employees of the State Government.

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8. (1) *School Tribunal* The State Government may, by notification, constitute one or more School Tribunals for the purpose of this Act for such area as may be specified in such notification.

(2) A School Tribunal shall consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as a Presiding Officer of a School Tribunal unless :—

- (a) he is, or has been a Judge of the High Court ;
- (b) he is, or has been a District Judge or an Additional District Judge.

(4) The terms and conditions of service of the Presiding Officer of the School Tribunal shall be such as may be prescribed.

(5) If any vacancy, other than a temporary absence, occurs in the office of the Presiding Officer of a School Tribunal, the State Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the School Tribunal from the stage at which the vacancy is filled.

(6) The State Government shall make available to the School Tribunal such staff as may be necessary in the discharge of its functions under this Act.

(7) All expenses incurred in connection with the School Tribunal shall be borne by the State Government.

(8) The School Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the places at which it shall hold its sittings.

(9) The School Tribunal shall for the purposes of disposal of an appeal preferred under this Act have the same powers as are vested in a court of appeal by the Code of Civil Procedure, 1908, and shall also have the power to stay the operation of any order appealed against on such terms as it may think fit.

(10) The order of the School Tribunal made in any appeal preferred under section 4 shall be final.

CHAPTER III

MISCELLANEOUS PROVISIONS

9. *Jurisdiction of Civil Courts barred.* No civil court shall have jurisdiction in respect of any matter in relation to which the State Government or the Director is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

10. *Protection of action taken in good faith.* No suit, prosecution or other legal proceedings shall lie against the State Government or the Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

11. *Non-compliance with order or direction* Without prejudice to any other action, that may be taken under any other provision of this Act, the failure to carry out any orders of the School Tribunal or of any direction of the Director under this Act, the State Government may take such action as it may think fit including stoppage of the grant-in-aid.



12. Any person who entrusted with the management of the affairs of a privately managed recognised school omits or fails, without any reasonable excuse to carry out any orders made by the School Tribunal shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

13. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or convenience of, or is attributed to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section —

- (a) "company" means any body corporate and includes a firm or other association of individuals ; and
- (b) "director" in relation to a firm, means a partner in the firm.

14. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

15. (1) The State Government may, by notification and subject to the conditions of previous publication, make rules for carrying out the purpose this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

- (a) the minimum qualifications for, and method of recruitment, and terms and conditions of service of employees ;
- (b) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof ;
- (c) the terms and conditions of service of Presiding Officer of the school Tribunal ;
- (d) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made. the

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rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. (1) The punjab Aided School (Security of Service) Act, 1969, *Repeal and saving* is hereby repealed.

(2) Notwithstanding such repeal—

- (i) anything done or any action taken under the Act so, repealed shall be deemed to have been done or taken under the corresponding provisions of this Act ;
 - (ii) any case pending before the Deputy Commissioner under sub-section (2) or sub-section (4) of section 3 of the Act so repealed shall stand transferred to and be dealt with by the Director in accordance with the provisions of the Act so repealed and the rules made thereunder as if he were the Deputy Commissioner ;
 - (iii) until the School Tribunal is constituted under this Act, the Commissioner of a Division shall be deemed to be a School Tribunal constituted under this Act, and any appeal pending before him under sub-section (5) of section 3 of the Act so repealed or any appeal preferred under sub-section (2) or sub-section 4 of this Act shall be dealt with by him under the provisions of this Act ;
 - (iv) on the constitution of the School Tribunal under this Act, all appeals which could not be decided under sub-clause (iii) shall stand transferred to the said Tribunal and be decided by it under the provisions of this Act and rules made thereunder.
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ANNEXURE L

***THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS EMPLOYEES (SECURITY OF SERVICE) RULES, 1981**

The Governor of Punjab is pleased to make the following rules regarding the Punjab privately—Recognised Schools Employees (Security of Service) Rules, 1981 namely :—

1. These rules may be called the Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rules, 1981.

(a) 'Act' means the Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rule, 1981.

2. In these rules, Unless the Context otherwise requires 80—
Definitions

(b) 'Government' means the Government of the State of Punjab in the Department of Education ;

(c) 'Punishing authority' means the managing Committee or any person, otherwise competent to impose on an employee any of the Penalties specified in rule 16.

(d) 'recognised University' means—

(i) any University incorporated by Law in any of the States of India ;

(ii) in the case of degrees, diplomas or certificates obtained as a result of examinations held before the 15th August, 1947, the Punjab, Sind or Dacca University ; or

(iii) any other University which is recognised by the Government for the purpose of these rules.

3. These rules shall apply to all the employees employed on Application aided Posts but shall not apply to—

- (i) Persons appointed on Part-time basis against aided Posts ;
- (ii) Persons re-employed on aided Posts ; and
- (iii) a person employed on aided post previously held by an employee under suspension.

PART II

(1) No Person shall be appointed to an aided Post unless he is—
Nationality

(a) a citizen of India, or

(b) a citizen of Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over to India before 1st January, 1962, with the intention of permanently setting in India, or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Shri Lanka, East Africa Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyike and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently setting in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

*Commissioner for Education and Secretary to Government of Punjab, Department of Education Notification No. G.S.R. 63/P.A. 18/79/S, 15/80 dated the 5th August, 1980 Published vide Punjab Government Gazzette (Extra), January 23, 1981.

(2) No person shall be appointed to an aided Post, unless he produces a certificate of character from the Principal academic officer of the University College, School or institution last attended, if any, and similar certificate of character from two responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his University, College, School or institution.

**5. No person—
Disqualification**

- (i) who has entered into or contracted a marriage with any person having a spouse living ; or
- (ii) Who having a spouse living has entered into or contracted marriage with any Person, shall be eligible for appointment to an aided Post ;

6. (1) No Person shall be appointed to an aided post, unless he Possess the qualifications and experience as specified against that Post in the Appendix to these rules.

(2) Unless otherwise specified in the Appendix to these rules, an employee who has not attained the knowledge of Hindi and Punjabi language of matriculation standard or its equivalent, shall have to acquire the same within a period of two years from the date of his appointment or the commencement of these rules, whichever is earlier, failing which he shall not earn his future grade increments till he acquires such knowledge when the increments shall be released respectively :

Provided that he shall not be entitled to get arrears of the released grade increments for the period during which he could not acquire the aforesaid knowledge.

D.P.I. Order :—

ਹਰਿਆਣਾ ਰਾਜ ਤੋਂ ਪਾਸ ਕੀਤੇ ਦੋ ਸਾਲਾ ਜੇ.ਬੀ.ਟੀ. ਟਰੇਨਿੰਗ ਕੋਰਸ ਦੀ ਮਾਨਤਾ ਬਾਰੇ ਸਪਸ਼ਟੀਕਰਨ—ਹਰਿਆਣਾ ਸਰਕਾਰ ਵਲੋਂ ਜਿਨ੍ਹਾਂ ਉਮੀਦਵਾਰਾਂ ਨੇ ਮਿਤੀ 28.4.81 ਤੱਕ ਪੰਜਾਬ ਰਾਜ ਤੋਂ ਜੇ. ਬੀ. ਟੀ. ਪਾਸ ਕੀਤੀ ਹੈ ਉਨ੍ਹਾਂ ਨੂੰ ਮਾਨਤਾ ਦਿੱਤੀ ਹੋਈ ਹੈ ਅਤੇ ਇਸ ਮਿਤੀ ਤੋਂ ਬਾਅਦ ਉਹਨਾਂ ਨੇ ਪੰਜਾਬ ਰਾਜ ਦੇ ਜੇ.ਬੀ.ਟੀ. ਕੋਰਸ ਨੂੰ ਮਾਨਤਾ ਬੰਦਾ ਕਰ ਦਿਤੀ ਹੈ, ਰੈਸੀਪਰੋਕਲ ਬੇਸਿਸ (reciprocal) ਦੇ ਸਿਧਾਂਤ ਨੂੰ ਮੁੱਖ ਰੱਖ ਕੇ ਪੰਜਾਬ ਸਰਕਾਰ ਨੇ ਇਸ ਮਾਮਲੇ ਨੂੰ ਦੁਆਰਾ ਵਿਚਾਰ ਕੇ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਹਰਿਆਣਾ ਰਾਜ ਦੇ ਜੇ.ਬੀ.ਟੀ. ਕੋਰਸ ਨੂੰ ਮਿਤੀ 28.4.81 ਤੱਕ ਮਾਨਤਾ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਬਸ਼ਰਤ ਕਿ ਹਰਿਆਣਾ ਪ੍ਰਾਂਤ ਦਾ ਜੇ.ਬੀ.ਟੀ. ਦਾ ਕੋਰਸ ਦੋ ਸਾਲ ਦਾ ਹੋਵੇ। ਇਹ ਫੈਸਲਾ ਉਹਨਾਂ ਉਮੀਦਵਾਰਾਂ ਤੇ ਲਾਗੂ ਹੋਵੇਗਾ ਜਿਨ੍ਹਾਂ ਨੇ ਮਿਤੀ 28.4.81 ਤੱਕ ਹਰਿਆਣਾ ਰਾਜ ਤੋਂ ਜੇ.ਬੀ.ਟੀ. ਕੋਰਸ ਪਾਸ ਕੀਤਾ ਹੋਵੇ।

[D.F.I. School Govt. of Punjab Memo No. 72(S) 9/10-83. T.T. (3) dated 24.2.89 & Director Employment Memo No. O.I. 16/89/14346-411 dated the 30th March, 1989.]

7. (1) All appointments to the aided posts shall be made by the Appointment authority and managing Committee in the following manner :
Method of appointment

- (i) **Appointing authority shall advertise in both English and Vernacular daily newspapers in the State, vacancy or vacancies to be filled in by giving full particulars thereof including the requisite qualifications, number of vacancies to be filled in and the last date by which the applications may be submitted ;**
- (ii) **The recommendations for appointment of the candidates shall be made by a sub-committee consisting of five members of managing committee.**

2. The members of the sub-committee shall be appointed by the managing committee.

8. (1) Persons appointed to the aided posts shall remain on probation for a period of one year ;

Provided that in the case of an appointment by transfer any period of work in equivalent or higher rank prior to appointment to an aided post may, in the discretion of the appointing authority, be allowed to count towards the period of probation.

(2) if in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may dispense with his services.

(3) On the completion of the period of probation of a person, on the appointing authority may,—

(a) if his work or conduct has in its opinion, been satisfactory,—

(i) Confirm such person from the date of his appointment, if appointed against a regular vacancy ; or

(ii) confirm such person from the date from which a regular vacancy occurs if appointed against a temporary vacancy ; or

(iii) declare that he has completed his period of probation satisfactorily if there is no regular vacancy ; or

(d) If his work or conduct has not been, in its opinion, satisfactory, it may,—

(i) dispense with his services ; or

(ii) extend his period of probation by six months at a time and there after pass such orders as it could have passed on the expiry of the original period of probation :

Provided that the total period of probation including extension, if any, shall not exceed two years.

9. (1) The managing committee, which is running two or more privately managed recognised schools, may transfer any employee from one school to another school under its control :—

(a) with the prior approval of the Director ; or

(b) on the request of the employee ; under intimation to the Director ;

Provided that no employee shall be transferred to a post lower in rank or carrying a pay or pay scale which is less than, the basic pay or the pay scale he would have drawn but for his transfer.

(2) An employee may seek appointment to an aided post in another privately-managed recognised school through his previous employer.

10. The employees shall retire from service on attaining the age of 58 years :

Provided that the employees holding the posts corresponding to the Posts held by class IV employees in the schools run by the Government shall retire on attaining the age of sixty years.

11. The employees may be granted casual leave as under :—

(1) Employees with not more than ten years service. Ten days in a calendar year.

- (2) Employees with more than ten years service, but less than twenty years service. Fifteen days in a calendar year.
- (3) Employees with twenty years service or more. Twenty days in a calendar year.

(2) In respect of earned leave, half pay leave and maternity leave, the conditions of service of the employees as applicable to them immediately before the commencement of these rules shall not be varied to their disadvantage without the previous approval of the Government.

12. On the revision of pay scales of the employees or on their *Pay fixation* appointment to any higher aided post-in a school under the same managing committee, their pay shall be fixed in accordance with the rules applicable to the employees of the State Government holding corresponding posts-in the schools run by the State Government.

13. The appointing authority or any other authority empowered by it *Suspension* in this behalf, may place an employee under suspension—

- (a) where a disciplinary proceeding against him is contemplated or is pending ; or
- (b) where the case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that where the order of suspension is made by an authority Lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made :

Provided further that no employee shall be kept under suspension for a period exceeding six months without the prior approval of the Director.

14. (1) An employee under suspension shall be entitled to an *Subsistence of allowance* amount of subsistence allowance equivalent to fifty per cent of his basic pay and the allowances admissible thereon from the managing committee :

Provided that the employee under suspension shall not leave his headquarters without the prior approval of his appointing authority and shall submit every month a certificate to the effect that—

- (a) he is not employed anywhere gainfully in any capacity.
- (b) he is not carrying on any business, and
- (c) he has not left his headquarters without the prior approval of his appointing authority.

(2) If the employee is kept under suspension beyond the period of six months under section 5 of the Act, the subsistence allowance shall be raised to seventy-five per cent of the basic pay and the allowance admissible thereon :

Provided that the delay is not due to non-cooperation or negligence of the employee concerned.

15. In case a suspended employee is exonerated of the charges *Allowance on reinstatement* levelled against him by the managing committee or is re-instated in appeal or otherwise, he shall be entitled to full pay and allowances to which he would have been entitled had he not been suspended less subsistence allowance already paid to him under rule 14 by the managing committee.