

# **The Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rules, 1981**

PUNJAB

India

## **The Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rules, 1981**

### **Rule**

### **THE-PUNJAB-PRIVATELY-MANAGED-RECOGNISED-SCHOOLS-EMPL of 1981**

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The Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rules, 1981Published vide Notification Punjab Government Gazette Legislative Supplement Part 3, dated 23.1.1981.

### **1. Short title.**

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

### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Punjab Privately-Managed Recognised Schools Employees (Security of Service) Act, 1979 (Punjab Act No. 18 of 1979);(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 purposes of these rules.(e)[ 'Scheme' means the Scheme made under rule 22-A of these rules.] [Added vide Punjab Government Gazette Leggislative Supplement Part III, dated 16.1.1991.]

### **3. Application.**

- These rules shall apply to all the employees employed on 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 – 4. Nationality.**

- Sections 3 and 15. - (1) No person shall be appointed to an aided post unless he is -(a) a citizen of India; or (b) a citizen of Nepal; or (c) a subject to Bhutan; or (d) a Tibetan refugee who came over to India before 1st January, 1962, with the intention of permanently settling in India; or (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling 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. (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. Disqualifications.**

- [Sections 3 and 15]. - No person -(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. Qualifications.**

- [Sections 3 and 15]. - (1) No person shall be appointed to an aided post, unless he possesses 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 retrospectively : 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.

### **7. Appointing authority and method of appointment.**

(1) All appointments to the aided posts shall be made by the managing committee in the following manner :- (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 the managing committee.(2)The members of the sub-committee shall be appointed by the managing committee.

## **8. Probation.**

(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, 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 occur 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(b)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 thereafter 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. Power to transfer.**

- [Sections 3 and 15]. - (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. Age of retirement.**

- [Sections 3 and 15]. - 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. Grant of leave.**

- [Sections 3 and 15]. - The employees may be granted casual leave as under :-(1)Employees with not more than ten years serviceTen days in a calendar years(2)Employees with more than ten years, 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. Pay fixation.**

- [Sections 3 and 15]. - On the revision of pay scales of the employees or on their 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. Suspension.**

- [Sections 3 and 15]. - The appointing authority or any other authority empowered by it 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 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. Subsistence allowance.**

- [Sections 5 and 15]. - (1) An employee under suspension shall be entitled to an 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 the non-co-operation or negligence of the employee concerned.

## **15. Allowance on re-instatement.**

- [Sections 3, 5 and 15]. - In case a suspended employee is exonerated of the charges levelled against him by the managing committee or is reinstated 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.

## **16. Penalties.**

-[ Sections 4, 6 and 15]. - (1) The following penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed on the employees :-Minor Penalties

### **1. Censure;**

Major Penalties

### **1. Dismissal from service;**

### **2. Removal from service;**

### **3. Reduction either in rank or within the time scale.**

(2)The following shall not amount to a penalty within the meaning of this rule, namely:-(i)Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the efficiency bar;(ii)Termination of services -(a)of an employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or(b)of a temporary employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post before the due time in accordance with the terms of his appointment; or(c)of an employee employed under an agreement on temporary basis in accordance with the terms of such agreement.

## **17. Procedure for imposing penalties.**

- [Sections 5, 6 and 15]. - (1) Whenever the punishing authority is of opinion that there are ground for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into or appoint under this rule an authority to inquire into the truth thereof.(2)Where it is proposed to hold an enquiry against an employee, the punishing authority shall draw or cause to be drawn up -(i)the substance of the imputations of misconduct or misbehaviour, as the case may be, into definite and distinct articles of charges;(ii)a statement of imputation of misconduct or misbehaviour in support of each article of charge, which shall contain -(a)a statement of all relevant facts including any admission or confession made by the employee;(b)a list of documents by which and a list of witness by whom the articles of charges are proposed to be sustained.(3)The punishing authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which or whom each article of charge is proposed to be sustained and shall require the employee to submit within fifteen days a written statement of his defence.Note. - For computing the period of fifteen days, the time required for

making available such record to the employee for inspection or taking extracts there from shall be excluded.(4)The employee may, on his written request, be permitted to engage a legal practitioner to defend him, and to inspect or take extracts from the records, pertaining the case for the purpose of preparing a written statement.(5)On receipt of the written statement of defence, the punishing authority may itself inquire into such of the articles of charges as are not admitted or, if it considers it necessary so to do, appoint an authority for the purpose, and where all the articles of charges have been admitted by the employee in his written statement of defence, the punishing authority shall record its findings on each charge.(6)If no written statement of defence is submitted by the employee within the specified time, or he does not appear in person or through his lawyer before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the punishing authority may itself hold the inquiry ex parte or if it considers necessary to do so appoint an inquiring authority for the purpose and this authority shall forward the records of the inquiry to the punishing authority who is competent to impose the penalty.(7)During the course of inquiry the employee shall be entitled to cross examine the witnesses examined in support of the articles of charges and to give evidence in person and to have such witnesses as may be produced, examined in his defence.(8)Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise its jurisdiction therein and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself:Provided that if the succeeding inquiring authority is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may record, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.(9)After the conclusion of the enquiry, a report shall be prepared and it shall contain-(a)the articles of charges and the statement of imputations of misconduct or misbehaviour;(b)the defence of the employee in respect of each article of charge; and(c)an assessment of the evidence in respect of each article or charge;(d)the finding on each article of charge and the reasons therefor.Explanation. - (i) If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge :Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasons opportunity of defending himself against such article of charge.(ii)The inquiring authority, where it is not itself the punishing authority, shall forward to the punishing authority the records of inquiry which shall include -(a)the report prepared by it under sub-rule (9).(b)the written statement of defence, if any, submitted by the employee;(c)the oral and documentary evidence produced in the course of the inquiry;(d)written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the enquiry; and(e)the orders, if any, made by the punishing authority and the inquiring authority in regard to the inquiry.

## **18. Action on inquiry report.**

- [Section 15]. - (1) The punishing authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such article of charge, if the evidence on record is sufficient for the purpose.(2)If the

punishing authority, having regard to the evidence on all or any of the articles of charges, is of opinion that any of the penalties specified in rule 16 should be imposed on the employee, it shall - (a) furnish to the employee a copy of the report of the inquiry held against him and its findings on each article of charge or where the enquiry has been held by an inquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each article of charge together with brief reason for its disagreement, if any, with the findings of the inquiring authority; (b) give the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or within such further period not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty: Provided that such representation shall be based on the evidence adduced during the inquiry. (3) The punishing authority shall after considering the representation, if any, made by the employee, determine what penalty, if any, should be imposed on the employee and make such order as it may deem fit: Provided that no order of dismissal, removal, reduction in rank or within a time scale or termination shall be passed without the prior approval of the Director: (4) The Director shall not accord or refuse approval under sub-section (1) of section 4 of the Act, unless an opportunity of being heard has been afforded to the official concerned or the managing committee as the may be.

## **19. Orders against which appeal lies.**

- [Section 15]. - An employee may prefer an appeal to the Director against all or any of the following orders :- (i) an order of suspension made under rule 13; (ii) an order which - (a) denies or varies to his disadvantage his pay, allowances, or other conditions of service as regulated by these rules; or (b) interprets to his disadvantage the provisions of any such rule or agreement. (iii) an order - (a) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof; or (b) determining his pay and allowances - (i) for the period of suspension; or (ii) for the period from the date of his dismissal or removal from service, or from the date of his reduction to the time scale or a lower rank to the date he ceases to be in service; (c) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, termination or reduction to a lower rank, grade, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post, is to be treated as a period spent on duty for any purpose.

## **20. Form and contents of appeal.**

- [Sections 4 and 15]. - (1) Every employee or the managing committee preferring an appeal to the School Tribunal shall do so separately in his or its own names. (2) The appeal shall be presented to the School Tribunal to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself. (3) The authority which made the order appealed against shall, on the receipt of a copy of the appeal, forward the same together with the relevant record to the appellate authority without any avoidable delay and without waiting for any direction from the School Tribunal.

## 21. Agreement.

- Any agreement relating to the terms and conditions of service of an employee entered into by the managing committee with that employee in violation of the provisions of the Act and these rules shall not be enforceable.

## 22. [ Provident Fund. [Substituted vide Punjab Government Gazette Legislative Supplement Part III, dated 16.1.1991.]

(1) Every managing committee of a privately managed recognised school shall establish Provident Fund for the employees of such school who, -(i) had attained the age of superannuation before the 5th day of February, 1987; and (ii) opt to remain out of the Scheme as provided under rule 22-A. (2) An employee referred to in sub-rule (1) shall be entitled to contribute to Provident Fund established or to be established by the managing committee at such rate as may be specified by the Government from time to time : Provided that an employee who is governed by the provisions of the Scheme shall contribute towards the General Provident Fund in accordance with the provisions thereof. (3) The standard Provident Fund rules as contained in Appendix III of the Punjab Educational Code, Twelfth Edition, 1956, shall mutatis mutandis apply to the Provident Fund of the employees.]

## 22A. [ Retirement Benefit. [Added vide Punjab Government Gazette Legislative Supplement Part III, dated 16.1.1991.]

- The Government shall make a scheme for the grant of retirement benefits to the employees of the privately managed recognised schools who, -(a) are appointed to the aided posts on or after the 5th day of February, 1987; and (b) were working on aided posts on the 5th day of February, 1987 : Provided that the provisions of the Scheme so made shall not apply to the employees who retired from such posts before the 5th day of February 1987; Provided further that the employees who were appointed to the aided posts, -(i) before the 5th day of February, 1987, and who have attained or will attain the age of superannuation on or after that date; and (ii) on or after the 5th day of February, 1987, but before the date of commencement of the Punjab Privately Managed Recognised Schools Employees (Security of Service) (First Amendment) Rules, 1991; shall have the right to exercise option within a period of four months from the date of publication of the Scheme to be or not to be governed by the provisions of the Scheme.] Appendix (See Rule 6)

| Serial No. | Designation of post | Qualifications and experience  |
|------------|---------------------|--|
| 1          | 2                   | 3  |
| 1          | Principal           | Degree of a recognised university with B.T.<br>(i) In the case of M.A. or M.Sc. with M.Ed. six years;<br>(ii) in the case of M.A. or M.Sc. with B.T. or B.Ed. seven years;<br>(iii) in the case of B.A. or B.Sc. with B.T. or B.Ed. eight years; |



|    |                                      |  |
|----|--------------------------------------|--|
|    |                                      | (iv) in the case of D.P.Ed. eight years from the date Physical Education was introduced compulsory in the school; and<br>(v) in the case of B.A. or B.Sc. with M.Ed. seven years.  |
| 2  | Headmaster                           | Degree of recognised university with B.T. B.Ed. or Senior Basic Training with the following minimum teaching experience :-<br>(i) In the case of M.A. or M.Sc. with M.Ed. six years;<br>(ii) in the case of M.A. or M.Sc. with B.T. or B.Ed. seven years;<br>(iii) in the case of B.A. or B.Sc. with B.T. or B.Ed. eight years;<br>(iv) in the case of D.P.Ed. eight years from the date Physical Education was introduced compulsory in the school; and<br>(v) in the case of B.A. or B.Sc. with M.Ed. seven years. |
| 3  | Lecturer for General Education       | M.A. or M.Sc. or M.Com.<br><br>OR<br>M.A. with B.T. or B.Ed. or M.Ed.  |
| 4  | Science Master or Science Mistress   | Degree of a recognised university with B.T. or B.Ed. and Senior School Teachers Certificate or B.Ed. Senior or Basic Trained with any two or the four subjects in B.Sc. namely Physics, Chemistry, Botany and Zoology or B.A. with Mathematics 'A' course and Physics or Physics and Geography with Senior School Teachers Certificate B.T. B.Ed. or Senior Basic Trained.   |
| 5  | Mathematics Master or Mistress       | B.T. B.Ed. or Senior Basic Trained or B.A. (T.D.C.) with Mathematics as elective subject.  |
| 6  | Social Studies Master or Mistress    | B.A. with subject combination as approved by the Director from time to time with Senior School Teachers Certificate, B.T.  |
| 7  | Commerce Master                      | B.Com.   |
| 8  | Physical Training Master or Mistress | Graduate with Degree or Diploma of training in advanced Physical Training Course.  |
| 9  | Home Science Mistress                | Diploma in Home Science from a recognised university with B.T. or B.Ed.  |
| 10 | J.B.T. Teacher                       | (i) Matric with two years course in J.B.T. Training; and<br>(ii) Knowledge of Punjabi and Hindi Language of Matriculation Standard or its equivalent.  |
| 11 | Arts and Crafts Teachers             | Matric with two years Diploma in Arts and Crafts from any institution approved by the Industrial Training Organisation.  |
| 12 | Physical                             | Matric with Certificate in Physical Education of any institution/Board   |

|    |                           |  |
|----|---------------------------|--|
|    | Training Instructor       | approved by the State Government or National Discipline Scheme Instructor trained.   |
| 13 | Punjabi Teacher           | Giani (Honours in Punjabi) O.T.  |
| 14 | Hindi Teacher             | Matric Prabhakar (Honours in Hindi) O.T.   |
| 15 | Sanskrit Teacher          | Matric Shastri with O.T.   |
| 16 | Drawing Teacher           | Drawing Master Certificate preferably from the Government School of Arts, Simla or Government School of Arts, Nabha.   |
| 17 | Music Teacher             | Higher Secondary Part-II with Music as Elective subject with two years J.B.T. or Matric with Diploma in Music or Sangeet Prabhakar or Sangeet Rattan or Sangeet Vishard. |
| 18 | Urdu Teacher              | Matric Adib Fazal (Honours in Urdu) with two years   |
| 19 | Sewing Teacher            | Matric with two year Industrial Training along with one year's Teachers Training Course from the Industrial Training Department Punjab or its equivalent.                |
| 21 | Clerk                     | Matric with knowledge of Punjabi and Hindi languages of Matriculation Standard or its equivalent.  |
| 21 | Junior Librarian          | Matric with Certificate/Diploma in Library Science from a recognised University/Board/Institution.   |
| 22 | Librarian                 | B.A./B.Sc. with Degree in Library Science from any recognised University.  |
| 23 | Agriculture Master        | B.Sc. (Agriculture).   |
| 24 | Type Shorthand Instructor | B.A./B.Com./B.Sc. M.A./M.Sc. with one year's course of Stenography from the I.T.I. or with 5 years minimum experience in Stenography and typing.                         |
| 25 | Laboratory Assistant      | Matric with Science.   |
| 26 | Tabla Teacher             | Diploma in Sangeet Prabhakar or Sangeet Rattan or Sangeet Vishard Tabla Playing from any Institution recognised by the State Government University.                      |