

# **The Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974**

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### **Act 23 of 1974**

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The Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 Act 23 of 1974 Statement of Objects and Reasons - The teachers working in the affiliated colleges have been pressing the Government to take necessary steps to legislate measures for the security of their service because the managing committees of the said colleges terminate their services or reduce them in rank without any cogent reasons. The Government made a statement on the floor of the House on 13th December, 1972, that a suitable legislation in this regard would be undertaken. To honour the commitment of the Government and to meet the standing demand of the teachers working in the affiliated colleges a suitable legislation is being undertaken. Hence the Bill. Published vide Punjab Government Gazette (Extraordinary), August 3, 1974 page 1734. Received the assent of the Governor of the Punjab on the 28th August, 1974, and was published in the Punjab Gazette, (Extraordinary), Legislative Supplement, Part I, dated September 12, 1974/Bhadra 21, 1896. An Act to provide for the security of service to [employees] [Substituted for the word 'teacher' by Punjab Act 25 of 1975.] of [affiliated colleges in the State of Punjab and to grant pensionary benefits to the employees appointed against the aided posts.] [Substituted for the words 'affiliated colleges' vide Punjab Act 8 of 1999.] Be it enacted by the legislature of the State of Punjab in the Twenty-fifth Year of the Republic of India as follows :-

### **1. Short title and extent.**

(1) This Act may be called the Punjab Affiliated Colleges (Security of Service [-] [Words of Teachers omitted vide Act 25 of 1975.] Act, 1974. (2) It extends to the whole of the State of Punjab.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a)"affiliated college" means a college associated with and admitted to the privileges of a University constituted or established under any law for the time being in force but does not include a Government college or a college established or maintained by such a University;(aa)[ "aided post" means an aided post on the establishment of an affiliated college against which such a college gets grant-in-aid from the State Government from time to time.] [Inserted vide Punjab Act 8 of 1999.](b)"Director" means the Director of Public Instruction, Punjab, and includes any other officer authorised by the State Government to perform the functions of the Director under this Act;(c)"College Tribunal" means a College Tribunal constituted under section 7-A of this Act.\*\*\*] [Sections 2-A and 2-B added by Punjab Act 6 of 1983.](d)"Managing Committee" means the Managing Committee of an affiliated college and includes a person or body of persons for the time being entrusted with the management of the affairs of an affiliated college;(e)[ 'employee' means a person in the employment of an affiliated college but does not include a work charged employee.] [Clause (e) substituted by Punjab Act 25 of 1975.][2A. Period of probation. - An employee appointed against a vacancy likely to exist for more than one year shall remain on probation for a period of one year which may be extended from time to time :Provided that the total period of probation including extension, if any, shall not exceed two years.

## **2B. Suspension of employees.**

(1)No employee shall be placed under suspension, unless:-(a)disciplinary proceedings against him are contemplated or are pending; or(b)a case against him in respect of any criminal offence is under investigation, inquiry or trial.(2)No employee shall be kept under suspension for a period exceeding six months without the prior approval of the Secretary to Government of Punjab, Department of Education.] [Sections 2-A and 2-B added by Punjab Act 6 of 1983.]

## **3. Dismissal, removal or reduction in rank not to be ordered except after inquiry.**

- No employee shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

## **4. Procedure to be observed before dismissal and removal.**

(1)The penalty of dismissal or removal from service shall not be imposed unless the same is approved by the Director.(2)Where after the inquiry referred to in section 3, it is proposed to impose the penalty of dismissal or removal from service the proposal shall be referred to the Director alongwith the relevant record and intimation about the proposal having been so referred shall be sent to the [employee] [Substituted for the word 'teacher' by Punjab Act 25 of 1975.] concerned also simultaneously.(3)The [employee] [Substituted for the word 'teacher' by Punjab Act 25 of 1975.] may, within a period of thirty days of the receipt of the intimation referred to in sub-section (2),

make a representation against the proposed penalty to the Director who may, after examining the record and giving to the parties an opportunity of being heard, by an order in writing, give his approval to the imposition of the proposed penalty of dismissal or removal from service, as the case may be, or refuse to give approval if the proposal is found to be mala fide or by way of victimisation or not warranted by the facts and circumstances of the case.(4)Any party aggrieved by an order of Director [under sub-section (3) may file an appeal to the College Tribunal, which may] [Vide Punjab Act No. 6 of 1983.] after giving to the parties an opportunity of being heard, pass such order as he may deem fit.

## **5. Procedure to be observed before reduction in rank.**

(1)Where after the inquiry referred to in section 3, it is proposed to impose the penalty of reduction in rank the [employee] [Substituted for the word 'teacher' by the Punjab Act 25 of 1975.] shall be given a reasonable opportunity of making representation on the penalty proposed to be imposed and no order of reduction in rank shall be passed unless such an opportunity has been given.(2)An [employee] [Substituted for the word 'teacher' by the Punjab Act 25 of 1975.] against whom an order of reduction in rank is passed may, within the prescribed period and in the prescribed manner, file an appeal to the [College Tribunal] [Vide Punjab Act No. 6 of 1983.] and it may, after examining the record and giving to the parties an opportunity of being heard, set aside the order of reduction in rank, if the same is found to be mala fide or by way of victimisation or not warranted by the facts and circumstances of the case.

## **6. Sections 3, 4 and 5 not to apply in certain cases.**

- The provisions of sections 3, 4 and 5 shall not apply -(i)to the termination of service of any [employee] [Substituted for the word 'teacher' by the Punjab Act 25 of 1975.] who is appointed for a temporary period only;(ii)to the termination of service of any [employee] [Substituted for the word 'teacher' by the Punjab Act 25 of 1975.] appointed on probation, during or at the end of the period of probation, on account of his work or conduct being unsatisfactory; and(iii)to an [employee] [Substituted for the word 'teacher' by the Punjab Act 25 of 1975.] who is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.

## **7. Retrenchment.**

(1)No employee of an affiliated college shall be retrenched on account of reduction in work load without prior approval of the Director who shall before according approval examine each case in accordance with the norms of work load laid down by the University with which such college is affiliated.(2)An employee who is relieved from an affiliated college as a result of retrenchment, shall have preference for appointment to future vacancies in the affiliated college in which he was serving immediately before retrenchment or in another affiliated college under the same Managing Committee.[7A. College Tribunal. - (1) The State Government may, by notification, constitute one or more College Tribunals for the purposes of this Act for such area as may be specified in such notification.(2)A College 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 College

Tribunal unless he has been a Judge of the High Court or an officer of the State Government not below the rank of a Commissioner of a Division.(4)The terms and conditions of service of the Presiding Officer of a College Tribunal shall be as such as may be prescribed by rules made under this Act :Provided that no person shall hold office as the Presiding Officer of a College Tribunal beyond the age of sixty-five years.(5)If any vacancy, other than a temporary absence, occurs in the office of the Presiding Officer of a College 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 College Tribunal from the stage at which the vacancy is filled.

## **6. The State Government shall make available to a College Tribunal such staff as may be necessary in the discharge of the functions under this Act.**

(7)All expenses incurred in connection with a College Tribunal shall be borne by the State Government.(8)A College Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places or at which it shall hold its sittings.(9)A College 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 College Tribunal made in any appeal shall be final.] [Vide Punjab Act 6 of 1983.]

## **8. Jurisdiction of Civil Court barred.**

- No Civil Court shall have jurisdiction in respect of any matter in relation to which the State Government, the Director or a College Tribunal 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.

## **9. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government or any authority or any officer appointed under this Act for anything which is in good faith done or intended to be done in pursuance of this Act.

## **9A. [ Non-compliance with order or direction. [Vide Punjab Act No. 6 of 1983.]**

- If the Managing Committee fails to carry out any order of the College Tribunal or any directions 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.]

## **9B. [ Grant of pensionary benefits. [Added vide Punjab Act 8 of 1999.]**

- The State Government, may grant to teh employees appointed against the aided posts such pensionary benefits and on such terms and conditions, as may be prescribed.

## **9C. Punishment for failure to comply with the provisions of pensionary benefits.**

- if any person, -(a)fails or refuses to submit any return, statement or other document required under the rules made under this Act, or submits a false return, statement or other document or makes a false declaration; or(b)obstructs any officer or official in the discharge of his duties or fails to produce any record for verification by such officer or official, as the case may be; or(c)is guilty of non-compliance of any of the provisions of this Act or the rules made thereunder,he shall be punishable with imprisonment, which may extend to one year or with fine, which may extend to fifty thousand rupees or with both.]

## **10. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions which appear to it to be necessary or expedient for the purpose of removing the difficulty.

## **11. Overriding effect of this Act.**

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force including any regulation or statute of any university.

## **12. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, makes rules for carrying out the purposes of 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 :-(i)the procedure to be observed for an inquiry under section 3;(ii)the manner of filing an appeal to the [College Tribunal] [Vide Punjab Act No. 6 of 1983.] under section 5 and the period within which the same is to be filed;[(ii-a) the terms and conditions of service of the Presiding Officer of a College Tribunal.] [Added vide Punjab Act No. 6 of 1983.][(ii-b) the grant of pensionary benefits under Section 9-B.] [Added vide Punjab Act 8 of 1999.](iii)any other matter which has to be, or may be, prescribed;(3)Every rule made under this section 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 in more successive sessions and if, before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the 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 or omitted to be done under the rule.