

# **The Punjab Aided Schools (Security of Service) Act, 1969**

PUNJAB

India

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### **Rule**

### **THE-PUNJAB-AIDED-SCHOOLS-SECURITY-OF-SERVICE-ACT-1969 of 1969**

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The Punjab Aided Schools (Security of Service) Act, 1969 Published vide Punjab Notification No. GSR 15/PA 19/69/S7/74 dated 13.2.1974 Statement of Objects and Reasons - The Punjab Aided Schools (Security of Service) Bill, 1969 is being sponsored to provide security of services to teaching and non-teaching staff working in the privately-managed recognised aided schools. The necessity of this Bill has been felt because there have been representations from the staff concerned that the managements of the said schools terminate their services or reduce them in rank without any cogent reasons. Published vide Punjab Government Gazette (Extraordinary), April 21, 1969 page 582. Received the assent of the Governor of Punjab on the 25th November, 1969 and was first published for general information in the Punjab Government Gazette (Extraordinary), dated the 27th November, 1969. An Act to provide for the security of service to employees of aided Schools. Be it enacted by the Legislature of the State of Punjab in the Twentieth Year of the Republic of India as follows :-

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

- This Act may be called the Punjab Aided Schools (Security of Service) Act, 1969.

### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a)"aided school" means a school receiving aid from the State Government;(b)"Commissioner" means the Commissioner of Division in which an aided school is situate and includes any other officer authorised by the State Government in this behalf;(c)"Deputy Commissioner" means the Deputy Commissioner of the District in which an aided school is situate and includes any other officer authorised by the State Government in this

behalf;(d)"Director" means the Director of Public Instruction Punjab and includes any other officer authorised by the State Governments in this behalf;(e)"employee" means a person in wholetime employment of an aided school.

### **3. Procedure of punishing employees of aided schools.**

(1)No employee shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of such charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry.(2)No order of dismissal or removal or reduction in rank of an employee shall take effect unless it has been confirmed by the Deputy Commissioner who may refuse to do so, if in his opinion, the provisions of sub-section (1) have not been complied with.(3)Nothing in sub-section (1) or sub-section (2) shall apply to an employee who is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.(4)An employee against whom an order of the nature specified in sub-section (1) is passed without complying with the provisions of sub-section (1) or sub-section (2) may within a period of thirty days of the date of communication of the order, make an application to the Deputy Commissioner, challenging such an order on the ground that he is an employee to whom the provisions of sub-section (1) and sub-section (2) apply and the Deputy Commissioner may, after giving the parties an opportunity of being heard and after making such further inquiry as he may think fit, make an order refusing the application or setting aside the impugned order.(5)Any person aggrieved by any decision or order made by the Deputy Commissioner under this section may within a period of thirty days from the date of communication to such person of the decision or order prefer an appeal to the Commissioner who may, after giving the parties an opportunity of being heard, and after making such further inquiry, if any, as he may consider necessary, pass such order as he thinks fit, confirming, modifying or reversing the decision or order appealed against.(6)The order passed by the Commissioner under sub-section (5) and subject only to such an order the order passed by the Deputy Commissioner under sub- section (2) or sub-section (4) shall be final and binding on the parties.

### **4. Director's power to stop, reduce or suspend aid.**

- It shall be lawful for the Director to stop, reduce or suspend the aid of an aided school for violation of any of the provisions of this Act or of any rules made thereunder or of any order passed under this Act, by the Managing Committee, Manager or any other authority charged with the administration thereof :Provided that before taking action under this section, the Director shall give a reasonable opportunity to the Managing Committee to show cause against the action proposed to be taken.

### **5. 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.

## **6. 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.

## **7. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)Every rule made under this section shall be laid as soon as may be after it is made, before [ - ] [The words 'each House of' omitted by the Adaptation of Punjab Laws Order, 1970.] the State Legislature while it is in session for a total period of ten days which may be comprised in one session or two successive sessions and if before expiry of the session in which it is so laid or the session immediately following, [the Legislature] [Substituted for the words 'both Houses' by ibid.] agree in making any modification in the rule of [the Legislature] [Substituted for the words 'both Houses' by ibid.] agree 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 under that rule.

## **8. Repeal and Saving.**

(1)The Punjab Aided Schools (Security of Service) Ordinance, 1969 (Punjab Ordinance No. 6 of 1969) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on 4th July, 1969.