

The M.P. Local Authorities School Teachers (Absorption in Government Service) Act, 1963

MADHYA PRADESH

India

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Act 25 of 1963

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The M.P. Local Authorities School Teachers (Absorption in Government Service) Act, 1963M.P. Act No 25 of 1963Statement of Objects and Reasons. - In the erstwhile, States of Madhya Bharat, Vindhya Pradesh and Bhopal, the Primary and Middle Schools were run by the State Government whereas in old Madhya Pradesh, they were run by local authorities. This position continued even after the States reorganization resulting in disparity in the scales of pay and other conditions of service of the Government teachers and teachers of the local authorities. With a view to bring uniformity in these, the State Government has now decided to assume the responsibility of providing teachers even in schools run by local authorities. It is also proposed to absorb in Government service all such teachers in the employment of the local authorities as are considered suitable. As it was considered necessary to give effect to the scheme from 1st October, 1963, the Madhya Pradesh Local Authorities School Teachers (Absorption in Government Service) Ordinance, 1963 was promulgated. It is now proposed to replace the said Ordinance by an Act of the Legislature.² Hence this Bill.Received the assent of the Governor on 27-10-1963; assent first published in the "Madhya Pradesh Gazette" Extraordinary on 31-10-1963.An Act to facilitate absorption of certain teachers attached to certain schools run by local authorities in Government service.Be enacted by the Madhya Pradesh Legislature in the Fourteenth Year of the Republic of India as follows :

1. Short title.

- This Act may be called the Madhya Pradesh Local Authorities School Teachers (Absorption in Government Service) Act, 1963.

2. Definitions.

- In this Act, unless the context otherwise requires, (a) "absorbed employees" means the teachers absorbed in Government Service under Section 8; (b) "appointed date" means the first day of October, 1963; (c) "competent authority" means the District Education Officer of the district in which the absorbed employee is employed immediately before the appointed date; (d) "existing teacher" means the teacher imparting instructions on the 19th day of August, 1963 to primary and/or middle classes in a school run by a local authority and includes a teacher who, but for his being on leave, training or deputation or under suspension, would have been so imparting instructions on the said date; (e) "teacher" means a teacher imparting instructions to primary and/or middle classes in a school run by a local authority.

3. Act not to apply to schools run by Cantonment Board.

- Nothing in this Act shall apply to a school run by a Cantonment Board.

4. Providing staff in schools run by local authorities.

- Notwithstanding anything contained in any law relating to local authorities, as from the appointed date, the State Government shall, except as otherwise provided in this Act, provide teachers for imparting instructions to primary and/or middle classes in schools run by local authorities in the State as may be considered necessary in such schools.

5. Constitution of Screening Committee.

(1) The State Government shall constitute a Screening Committee for each district wherein schools imparting instructions to primary and/or middle classes are run by local authorities, consisting of the following members : (i) Collector of the district-Chairman. (ii) District Educational Officer of the district-Member. (iii) All Chief Municipal Officers of the Municipal Committees within the district-Members. (iv) If there is any Municipal Corporation within the district, Commissioner of such Corporation-Member. (v) In areas having Janapada Sabhas, all the Chief Executive Officers of Janapada Sabhas within the district-Member. (2) The District Education Officer shall also act as the Secretary of the Committee. (3) The Committee shall follow such procedure as may be prescribed.

6. Functions of the Screening Committee.

(1) The Screening Committee shall, after scrutiny of the past service record and academic qualifications and on the basis of such other principles as may be prescribed in this behalf, draw up a list of existing teachers who in its opinion, are considered suitable for absorption in Government Service. (2) The list prepared under sub-section (1) shall be published in such manner as may be prescribed, and the list so published shall be final and shall, except as hereinafter provided, not be called into question on any ground whatsoever. (3) The State Government may, within six months from the date of the publication of the list, either on its own motion or otherwise, correct any clerical

or printing error in the said lists.

7. Local authorities to furnish service record of existing teachers.

- It shall be the duty of every local authority to furnish to the District Educational Officer on demand necessary particulars and other service record in respect of each existing teacher attached to schools run by it on or before such date as may be fixed by the Collector for this purpose.

8. Teachers, etc., included in the list published under Section 5 to be Government servants from the appointed date.

(1) Subject to any corrections made under sub-section (3) of Section 6, on the publication of the list under sub-section (2) of the said section, the teachers included in the said list shall be deemed to be Government servants as from the appointed date, any agreement or contract notwithstanding. (2) The teachers deemed to be Government servants under sub-section (1) shall be deemed to be appointed in the district to which the list referred to in the said sub-section pertains and the competent authority shall, for all purposes, be deemed to be the appointing authority in respect of such teachers. (3) Notwithstanding anything contained in Section 4, the existing teachers not included in the said lists shall continue to be the employees of the local authority concerned on the terms and conditions applicable to them immediately before the appointed date.

9. Liability of local authorities in certain matters.

- The local authority shall be liable-(i) for the payment of any claim including the claim on account of salary or any other dues of its absorbed employees relating to any period prior to the appointed date; and (ii) for contributing proportionately to any leave allowance, gratuity, annuity, contributory provident fund, pensionary or other benefits to which the absorbed employee may have become entitled in relation to any period prior to the appointed date in accordance with the conditions of his service under the local authority.

10. Terms and conditions of absorbed employees.

(1) The absorbed employees shall be governed by the Madhya Pradesh New Pension Rules, 1951 : Provided that an absorbed employee may, within such period as may be prescribed, opt for the provident fund or, as the case may be, pension scheme applicable to him immediately before the appointed date. (2) Except as provided in sub-section (1), the conditions of service including the salary, scales of pay, leave rules, etc., applicable to the absorbed employees shall be such as may be prescribed by the State Government : Provided that the conditions of service applicable immediately before the appointed date to any such employee shall not be varied to his disadvantage.

11. Powers to make rules.

- The State Government may make rules for carrying out the purposes of this Act.

12. Repeal.

- The Madhya Pradesh Local Authorities School Teachers (Absorption in Government Service) Ordinance, 1963 (No. 13 of 1963), is hereby repealed.