

The U.P. High Schools And Intermediate Colleges (Payment Of Salaries Of Teachers And Other Employees) Act, 1971

UTTAR PRADESH

India

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Act 24 of 1971

- Published on 30 August 1971
- Commenced on 30 August 1971
- [This is the version of this document from 30 August 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. High Schools And Intermediate Colleges (Payment Of Salaries Of Teachers And Other Employees) Act, 1971(U.P. Act No. 24 of 1971 as amended upto date)Received the assent of the Governor on August 29, 1971, and published in the U.P. Gazette, Extraordinary, dated 30.8.1971.An Act to regulate the payment of salaries to teachers and other employees of High Schools and Intermediate Colleges receiving aid out of the State funds and to provide for matters connected therewith.It is hereby enacted in the twenty-second year of the Republic of India as follows :

1. Short title, extent and commencement. -

(1)This Act be called the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971.(2)It extends to the whole of Uttar Pradesh.(3)It shall be deemed to have come into force on August 1, 1971.

2. Definitions. -

In this Act unless the context otherwise requires, -(a)"Inspector" means the District Inspector of Schools, and in relation to 'girls' institution, the District Inspectress of Girls' Schools, as the case may be, and in each case includes any other officer authorised by the State Government to perform all or any of the functions of the Inspector under this Act;(b)["Institution" means recognized institution for the time being receiving maintenance grant from the State Government and includes a Sanskrit Mahavidyalaya or a Sanskrit Vidyalaya receiving maintenance grant from the State Government.] [Substituted by U.P. Act No. 3 of 2007.](c)"Maintenance Grant" means such grant-in-aid of an institution, as the State Government by general or special order in that behalf

direct to be treated as maintenance grant appropriate to the level of the institution;(d)"Management" in relation to any institution, means the Committee of Management constituted in accordance with the scheme of administration, if any, and includes the Manager or other person vested with the Authority to manage and conduct the affairs of the institution;(e)"Teacher" of an institution means a Principal, Headmaster or other teacher in respect of whose employment maintenance grant is paid by the State Government to the institution and includes any other teacher employed in fulfillment of the conditions of recognition of the institution or its recognition in a new subject or for a higher class or as a result of the opening with the approval of the Inspector of a new section in an existing class;(f)"Employee" of an institution means non-teaching employees in respect of whose employment maintenance grant is paid by the State Government to the institution;(g)"Salary" of teacher or employee means the aggregate of the emoluments including dearness or any other allowance, for the time being payable to him at the rates approved for the purpose of payment of maintenance grant.(h)other words and expressions in the Intermediate Education Act, 1921 (U.P. Act II of 1921), not herein defined, shall have the meaning assigned to them in that Act.

3. Payment of salary within time and without unauthorised deduction. -

(1)Notwithstanding any contract to the contrary, the salary of a teacher or other employee of an institution in respect of any period after the thirty-first day of March, 1971 shall be paid to him before the expiry of the twentieth day, or such earlier day as the State Government may, by general or special order in that behalf appoint, of the month next following the month in respect of which or any part of which it is payable.(2)The salary shall¹ [subject to the provisions of sub-section (3), be paid without deduction of any kind except those authorised by the regulations or by any rules made under the Act or by any other law for the time being in force.] [Inserted by U.P. Act No. 26 of 1975.](3)[Where the salary of a teacher employee of an institution is not paid in accordance with sub-section (1) due to any default on the part of the management, the Inspector may, without prejudice to any other provision of this Act, pay or cause to be paid within ten days from the date mentioned in sub-section (1) of Section 4 at the rate of salary last drawn by such teacher or employee as the case may be, and in case fresh appointment at the rate of the minimum of the pay scale in which he has been appointed and any adjustment in respect of such payment shall, thereafter be made as soon as possible.] [Inserted by U.P. Act No. 26 of 1975.]

4. Power to inspect, etc. -

(1)The Inspector may, at any time, for the purposes of this Act, inspect or cause to be inspected any institution or call for such information and records (including registers, books of account and vouchers) from its management with regard to the payment of salaries to it teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee or for prohibition of any wasteful expenditure) as he thinks fit.(2)Where a direction under sub-section (1) is given for retrenchment of any teacher or employee, it shall be complied with in accordance with the provisions of the Intermediate Education Act, 1921 and the regulations or, as the case may be, the conditions of service.

5. Procedure for payment of salary in the case of certain institutions. -

(1)The management of every institution shall, for the purpose of disbursement of salaries to its teachers and employees, open [in a Scheduled Bank or a Cooperative Bank] [Substituted by U.P. Act No. 26 of 1975.] a separate account to be opened jointly by a representative of the management and by the Inspector or such other officer as may be authorised in that behalf :Provided that after the account is opened, the Inspector may, if he is, subject to any rules made under this Act, satisfied that it is expedient in the public interest so to do, instruct the bank that the account shall be operated by the representative as the management alone, and may at any time revoke such instruction :Provided further that in the case referred to in the provision to subsection (2), or where a difficulty arises in the disbursement of salaries due to any default of the management, the Inspector may instruct the Bank that the account shall be operated only by himself or by such other officer as may be authorised by him in that behalf and may at any time revoke such instruction.(2)The management shall deposit in the said account by such date as may be specified by general or special orders by the Inspector, eighty per cent or where the State Government or an officer authorised by the State Government having regard to the money required to be disbursed directs a higher percentage, then such higher percentage as it or he may direct of the amount received from students as fees which in accordance with the general or special orders of the State Government in that behalf [and for so along as such orders are not made in accordance with the direction of the Inspector] [Inserted by U.P. Act No. 26 of 1975.] form part of the maintenance fund :Provided that where the said percentage of fees is not deposited as aforesaid the Inspector may by order prohibit the management from making any realization of fees from the students, and thereupon the Inspector may recover the fees (either through the teachers of the institution or in such other manner as the thinks fit) directly from the students and shall deposit the fees so recovered in the said account.(3)The entire amount of the maintenance grant and the amount of eighty per cent or such higher percentage as the State Government or an officer authorised by the State Government, may be general or special order in that behalf determine, of the grants for reimbursement of freeships and other similar concessions shall also be paid by the State Government into the said account.(4)No money credited to the said account shall be applied for any purpose except the following, namely :(a)payment of the said salaries falling due for any period after March 31, 1971;(b)credit of the institution's contribution, if any, to the provident fund accounts of the teachers and employees;and such portion of the balance in the accounts at the end of the month of July each year as exceeds the aggregate of one month's salary of the teachers and employees of the institution after meeting the liability for payment of their salaries for the period for which fees have been realised from the students shall be made over to the management for expenditure on the institution;(c)[such other expenditure for the purposes of the institution as may be directed by the State Government or by an officer authorised by the State Government in that behalf;] [Inserted by U.P. Act No. 26 of 1975.](5)The salary of a teacher or employee shall be paid by transfer of the amount from the said account, in any, in the same bank, or if he has no account in that bank, then by cheque.(6)In respect of a place where there is no [Scheduled Bank or a Cooperative Bank] [Substituted by U.P. Act No. 26 of 1975.], the provisions of this section shall apply with such modifications as the State Government may, by notification in the Gazette specify, and the reference in this section to bank shall in that case be construed as reference to a post office savings bank.

6. Enforcement of provisions and directions. -

(1) Where the Inspector, on the basis of an inspection of an institution or its records or otherwise, is satisfied that its management has committed default in complying with any direction given under Section 4 or with any provisions of Section 3 or Section 5, he may recommend to the Regional Deputy Director, Education, that action be taken against the institution under sub-section (2). (2) On receipt of a recommendation under sub-section (1) the Regional Deputy Director, Education, may call upon the management to comply with the said direction or provisions or to show cause with a weeks why the management should not be suspended. (3) Where the management fails to comply as aforesaid or to show cause, or the Regional Deputy Director, Education, considers the cause shown to be insufficient, he may by order supersede the management for such period not exceeding one year as may be specified in the Order, and authorise any person (hereinafter referred to as Authorised Controller) to take over the management of the institution for the said period : Provided that the Regional Deputy Director, Education, may where he considers it necessary or expedient so to do, - (i) extend the said period, from time to time, so however, that the period so extended does not exceed five years in the aggregate; or (ii) revoke the order at any time : Provided further that nothing in clause (ii) of the preceding proviso shall bar the passing of a fresh order under this section. (4) On an order being made under sub-section (3) the Authorised Controller shall, to the exclusion of the management and subject only to the Direction, the Director or the State Government, exercise all the powers and perform all the functions of the management, including management of the property belonging to or vested in the institution and in particular, operate singly the bank account referred to in Section 5 : Provided that nothing in this section shall be construed to confer on the Authorised Controller the power to transfer any such property (except by way of letting from month to month in the ordinary course of management) or to create any charge thereon (except as a condition of receipt of any grant-in-aid of the institution from the State Government). (5) Any order made or direction given under this Section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument relating to the management and control of the institution (including any scheme of administration) or relating to the property belonging to or vested in the institution.

7. Appeal. -

An appeal against the order of the Regional Deputy Director, Education, superseding the management under sub-section (3) of Section 6 may be preferred to the Director within one month from the date on which the order is communicated to the management and the Director may after such further inquiry, if any, as he considers necessary, either set it aside or confirm or modify it and pending the disposal of appeal may stay the operation of the order on such terms, if any, as he thinks fit.

8. Revision. -

The State Government may call for and examine the record of any appeal decided by the Director under Section 7 for the purpose of satisfying itself as to the correctness or propriety of any order passed by him, and it may pass such order thereon as it thinks fit : Provided that no order

superseding the management of an institution or extending the period of supersession thereof shall be passed under this Section unless an opportunity has been given to the management to show cause against the proposed order.[9. Approval for post. - No institution shall create a new post of teacher or other employee except with the previous approval of the Director, or such other officer as may be empowered in that behalf by the Director] [Substituted by U.P Act No. 26 of 1975.].

10. Liability in respect of salary. -

(1)The State Government shall be liable for payment of salaries of teachers and employees of every institution due in respect of any period after March 31, 1971.(2)The State Government may recover any amount in respect of which any liability is incurred by its under sub-section (1) by attachment of the income from the property belonging to or vested in the institution as if that amount were an arrear of land revenue due from the institution.(3)Nothing in this Section shall be deemed to derogate from the liability of the institution for any such dues to the teacher or employee.

11. Punishment, penalties and procedure. -

(1)If any default is committed in complying with any direction under Section 4 or with the provisions of Section 3 or Section 5 every person who at the time the default was committed was manager or any other person vested with the authority to manage and conduct the affairs of the Institution shall, unless he proves that the default was committed without his knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable in the case of a default in complying with the provisions of Section 3 with fine which may extend to one thousand rupees and in the case of any other default, with imprisonment which may extend to six months or with fine may extend to one thousand or with both.(2)No Court shall take cognizance of any offence punishable under this Section except with the previous sanction of the Regional Deputy Director, Education.(3)Every offence under this Section shall be cognizable, but no police officer below the rank of a Deputy Superintendent shall investigate any such offence without the order of a Magistrate of the first class or make arrest therefor without a warrant.(4)No Court below the rank of a Magistrate of the First Class shall take cognizance of an offence this Section.

12.

No order made direction given by the State Government, the Director, the Regional Deputy Director, Education, or the Inspector or other officer in exercise of any power conferred by or under this Act shall be called in question in any Court.

13. Exemption in relation to institutions maintained by local authorities etc. -

Nothing in this Act, shall apply to institutions maintained [* * *] [The words 'by a local authority or' omitted by U.P. Act No. 26 of 1975.] by a railway administration or any industrial undertaking owned or controlled by the Government of India or the State Government.

14. Protection of acts in good faith. -

No suit, prosecution or other legal proceedings shall lie against the State Government, the Director, the Regional Deputy Director, Education, the Inspector, the Authorised Controller or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or direction made or given thereunder.

15. Powers to remove difficulties. -

(1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act, the State Government may, as occasion requires by notification in the Gazette, make such incidental or consequential provisions for adapting or modifying any provisions of this Act or of the Intermediate Education Act, 1921 or the regulation but not affecting the substance, as it may think necessary, or expedient for the purposes of this Act. (2) No order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act. (3) Every order made under sub-section (1) shall be laid as soon as may be, before both the House of the State Legislature.

16. Powers to make rules. -

(1) The State Government may, by notification in the Gazette, make rules for carrying out the purpose of this Act. (2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of fourteen days extending in its one session or more than one successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the official Gazette, subject to such modification or annulment as the two Houses of Legislature may, during the said period, agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

17. Repeal and saving. -

(1) The Uttar Pradesh High School and Intermediate College (Payment of Salaries of Teachers and other Employees) Ordinance, 1971 (U.P. Ordinance No. 3 of 1971), the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) (Second) Ordinance, 1971 (U.P. Ordinance No. 7 of 1971), and the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) (Amendment) Ordinance, 1971 (U.P. Ordinance No. 10 of 1971) are hereby repealed. (3) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if the Act had come into force on January 16, 1971.