

# The Haryana Affiliated Colleges (Security of Service) Act, 1979

HARYANA

India

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### Act 15 of 1979

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The Haryana Affiliated Colleges (Security of Service) Act, 1979 Act No. 15 of 1979 Statement of Objects and Reasons. - The teachers working in the non-Government affiliated colleges have been pressing the Government for taking necessary steps to provide them protection against the high-handedness of the College Managing Committees in regard to matters relating to their conditions of service. With a view to provide security of service to the employees working in the non-government college and also tone up the educational administration government propose to enact a suitable legislation in this behalf. Hence the Bill. Haryana Gazette Extraordinary dated 23.3.1979 page 583. Received the assent of the Governor of Haryana on the 17th April, 1979 and published for general information, in the Haryana Government Gazette Legislative Supplement dated 19th April, 1979. An Act to provide for the security of service to employees of affiliated colleges. Be it enacted by the Legislature of the State of Haryana in the Thirtieth year of the Republic of India as follows :-

#### 1. Short title.

- This Act may be called the Haryana Affiliated Colleges (Security of Services) Act, 1979.

#### 2. Definitions.

- In this Act, unless the subject or context otherwise requires, -(a) [ "affiliated College" means a college which is not run by the Central Government or the State Government or a local authority which is recognised by the Kurukshetra University under the Kurukshetra University Act, 1956, or is admitted to the privileges of the Maharishi Dayanand University under the Maharishi Dayanand University Act, 1975.] [Words 'and is receiving or but for suspension would be receiving grant-in-aid from the Government, a local authority or a university' omitted vide Haryana Act 12 of 1984.]. (b) "Director" means the Director of Public Instruction, Haryana, and includes any other

officer of the State Government authorised by the Government to exercise the powers and perform the functions of the Director under this Act;(c)"employee" means any person who is in the whole-time employment of an affiliated college;(d)"Government" means the Government of the State of Haryana.(e)"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 such a college;(f)"prescribed" means prescribed by rules made under this Act; and(g)"university" means the Kurukshetra University as incorporated under the Kurukshetra University Act, 1956, or the Maharishi Dayanand University as incorporated under the Maharishi Dayanand University Act, 1975.

### **3. Qualification.**

- The minimum qualification for recruitment of various classes of employees shall be such as may, from time to time, be laid down by the University concerned :Provided that the qualification of an existing employee at the commencement of this Act shall not be varied to his disadvantage.

### **4. [ Method of Recruitment and conditions of service. [Substituted vide Haryana Act No. 9 of 1992.]**

- The method of recruitment, and the conditions of service, of the employees shall be such as may be prescribed :Provided that the condition of service of an existing employee at the commencement of this Act shall not be varied to his disadvantage].

### **5. [ Code of conduct. [Substituted vide Haryana Act No. 9 of 1998.]**

- The employees shall be governed by such code of conduct as may be prescribed]..

### **6. Salary.**

- The scales of pay and other allowances and privileges of the employees shall be such as may, from time to time, be specified by the Government.

### **7. [ Procedure to be observed before dismissal, removal, reduction in rank or withholding of annual increment of pay with cumulative effect. [Substituted vide Haryana Act 9 of 1998.]**

(1)No employee shall be dismissed, removed, reduced in rank or no annual increment or increments of pay of any employee shall be withheld with cumulative effect after an enquiry in which he has been informed of the charge against him and given a reasonable opportunity of being heard in respect of those charges :Provided that this section shall not apply where an employee is dismissed, removed, reduced in rank or where the annual increment or increments of pay of any employee is or are withheld with cumulative effect on the ground of conduct which has led to his conviction on a criminal charge.(2)The penalty of dismissal, removal from service, reduction in rank and

withholding of annual increment or increments of pay with cumulative effect shall not be imposed unless the same is approved by the Director.(3)Where after the enquiry is referred to in sub-section (1) it is proposed to impose the penalty of dismissal, removal from service, reduction in rank or withholding of annual increment or increments of pay with cumulative effect, the proposal along with the relevant record shall be referred to the Director and the employee concerned shall be informed.(4)The employee may, within a period of thirty days of the receipt of the intimation referred to in sub-section (3), make a representation against the proposed penalty to the Director who may, after examining the record and giving the parties an opportunity of being heard, by an order in writing, approve the proposed penalty or reduce it or refuse to approve it, 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].

## **7A. [ Continuous of suspension beyond six months. [Vide Haryana Act No. 9 of 1982.]**

(1)In case the Managing Committee of an affiliated college considers it expedient to keep an employee under suspension beyond the period of six months, it shall submit a detailed report to the Director at least one month before the expiry of the period of six months specifying reasons warranting the extension of the suspension period of the employee beyond six months.(2)After considering the report under sub-section (1), the Director shall pass an order whether the extension be granted or not. In the event of his refusal to grant the extension, the Managing Committee shall reinstate the employee within a fortnight from the date of receipt of the order, failing which the employee concerned shall be deemed to have been reinstated on the expiry of the aforesaid period.]

## **8. Bar of jurisdiction of Civil Courts.**

- No Civil Courts shall have jurisdiction to entrain any suit in respect of any proceedings taken under the provisions of this Act.

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

- No suit, prosecution or other legal proceedings shall lie against the 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 or the rules made thereunder.

## **10. Appeal.**

(1)Any employee aggrieved by an order imposing any penalty on him other than dismissal, removal or reduction in rank may, within thirty days of the date of communication to him of such order prefer an appeal to the Director in such form and manner as may be prescribed :Provided that the Director may entertain the appeal after expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)The Director may, after hearing the parties, confirm, vary or reverse the order appealed from and may pass such

orders, as he deems fit.

## **11. Power of revision.**

- The State Government may, either of its own motion or an application received in this behalf, at any time call for the record of any proceedings which is either pending before the Director or in which the Director has passed any order for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit :Provided that the State Government shall not pass order under the section prejudicial to any party without giving such party a reasonable opportunity of being heard.

## **12. Power to issue directives.**

- The State Government shall be competent to issue such directives to the Managing Committee of an affiliated college as may be necessary for the proper enforcement of the provisions of this Act and the rules made thereunder.

## **13. Over-riding 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 rule, regulation, statute or any ordinance of the university concerned.

## **14. [ Power to stop, reduce or suspend grant-in-aid or to make payment therefrom to employees in certain cases. [Proviso omitted by Haryana Act of 1982.]**

(1)It shall be lawful for the Government to stop, reduce or suspend the grant-in-aid to an affiliated college for the violation of any of the provisions of this Act or the rule made thereunder or of any directive issued under Section 12, by the Managing Committee, Manager or any other authority charged with the administration thereof] :-(2)In the case of non-compliance of an order of a competent authority, or of any directive, issued under the Act, it shall be lawful for the Government to pay, out of grant-in-aid payable to the affiliated college such sum of money as is found to be due to any employee from such affiliated college or the Managing Committee.(3)[ Before taking any action under the section, the Government shall give a reasonable opportunity to such Managing Committee, Manager or authority concerned to show cause against the action proposed to be taken.] [Inserted vide Haryana Act No. 9 of 1982.].

## **15. 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 appears to it to be necessary or expedient for the purpose of removing the difficulty.

## **16. Power to make rules.**

(1)The Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing provisions such rules provide for all or any of the following matters, namely :-(a)the form and manner in which appeal may be preferred to the Director;(b)form and mode of service of any notice issued under the provisions of this Act; and(c)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 Legislative while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it so laid or the successive sessions aforesaid, the House agrees in making any modification in the rules 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 under that rule.