

The Medical College Rohtak Act, 1978

HARYANA

India

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Act 2 of 1979

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The Medical College Rohtak Act, 1978 Haryana Act No. 2 of 1979 Received the assent of the Governor of Haryana on the 9th January, 1979, and first published in Haryana Government Gazette (Extraordinary) Legislative Supplement Part-I of January 10, 1979. An Act to provide for the management of the Medical College, Rohtak and matters connected therewith and ancillary thereto. Be it enacted by the Legislature of the State of Haryana in the Twentyninth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Medical College Rohtak Act, 1978.

2. Definitions.

- In this Act, unless the context otherwise requires -(a) "Chairman" means the Chairman of the Governing Body; (b) "Governing Body" means the Governing Body of the Medical College, Rohtak; (c) "Government" means the State Government of Haryana; (d) "Medical College" means the Medical College, Rohtak and includes all hostels attached to it, the Medical College, Hospital and its attached Nursing Hostels, Nursing School of Medical College Hospital, School of Pharmacy, Primary Health Centres located at Dighal, Tehsil Jhajjar and Kathura, District Sonapat and sub-centres at present attached to the said Primary Health Centres, Civil Dispensary and Female Dispensary at Beri and Chittranjan Mobile Hospital and such other institutions as may be attached to the Medical College from time to time; (e) "regulation" means a regulation made by the Governing Body; (f) "rule" means a rule made by the Government; (g) "teacher" includes Registrar, Lecturer, Reader, Assistant Professor, Associate Professor and Professor; (h) "University" means the Maharshi Dayanand University, Rohtak established under the Maharshi Dayanand University Act, 1975 (Haryana Act 25 of 1975).

3. Management of Medical College.

(1)The Medical College shall be managed through a Governing body to be constituted by the Government.(2)The University shall be duly represented on the Governing Body.

4. Powers and functions of Governing Body.

- The Governing Body shall have the following powers and functions :-(a)to hold, control and administer the revenue, property and funds of the Medical College;(b)to frame the budget of the Medical College for the approval of the Government;(c)to administer funds placed at the disposal of the Medical College;(d)to make appointments to various non-teaching posts in the Medical College on the recommendation of an Establishment Committee, which shall be constituted by the Governing Body from amongst its members and such other person or persons as the Governing Body may deem fit to associate;(e)to make appointments against teaching posts in the Medical College on the recommendations of a Selection Committee which shall be constituted in accordance with the provisions of this Act;(f)to make ad hoc appointments against teaching or non-teaching posts pending regular appointments through the Establishment Committee or the Selection Committee, as the case may be;(g)to make rules regulating the recruitment and the conditions of service of persons appointed to all services and posts in connection with the affairs of the Medical College;(h)to accept transfer of any moveable or immovable property on behalf of the Medical College;(i)to provide buildings, premises, furniture and other means needed for carrying on the work of the Medical College;(j)to enter into, vary, carry out and cancel contracts on behalf of the Medical College;(k)to frame regulations for the management of the Medical College :Provided that regulations concerning conditions of service of the employees shall require previous approval of the Government; and(l)to constitute sub-committees and to delegate any powers or assign any function to any such sub-committee or to any functionary of the Medical College or of the University :Provided that if, in the opinion of the Chairman, it is expedient to take a certain action, he shall take such action as he deems necessary and shall report the same for confirmation at the next succeeding meeting of the Governing Body :Provided further that if the action taken by the Chairman, is not approved by the Governing Body, he shall refer the matter to the Government whose decision thereon shall be final.

5. Constitution of Selection Committee.

- The Selection Committee for recruitment to teaching posts shall be constituted as follows :-(1)the Chairman of the Governing Body or his nominee who shall be Chairman of the Selection Committee;(2)Principal of the Medical College;(3)the Head of the department concerned;(4)one of the representatives of the University on the Governing Body;(5)one or more experts to be nominated by the Governing Body from out of a panel available with the Academic Council of the University :Provided that where the recruitment is to be made to the post of Principal of the Medical College, the Selection Committee shall also include a person to be nominated by the Government.

6. Powers of Government.

- The Government shall have the power, -(a)to issue general directives as regards policy matters concerning financial and general administration of the Medical College including number and reservation of seats in the Medical College;(b)to hear appeals against the decision of the Governing Body in disciplinary matters relating to the employees of the Medical College.

7. Maintenance and audit of accounts.

(1)The Governing Body shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as the Government may, by rules, prescribe, and in accordance with such general directions as may be issued from time to time.(2)The accounts of the Medical College shall be audited by the Examiner, Local Fund Accounts, Haryana.

8. Transfer of service of existing employees.

- Subject to the provisions of this Act, every person who was employed in the Medical College immediately before 29th November, 1978, shall on and from the commencement of this Act, become an employee of the Government and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held if this Act had not been enacted, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered :Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Government.

9. Effect of contracts etc.

- All contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature, subsisting or having effect immediately before the commencement of this Act, and to which the University or any person on behalf of the University shall, in so far as they relate to any purpose, or affairs, of the Medical College, be of as full force and effect against, or in favour of, the Government, and may be enforced or acted upon as fully and effectively as if in place of the University, the Government had been a party thereto or as if they had been made in favour of the Government.

10. Effect on pending matters.

(1)If, on the coming into force of this Act, any suit, appeal or other proceeding of whatever nature in relation to the Medical College or any of its affairs is pending by, or against, the University or any other person, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the Medical College to the Government, but such suit, appeal or other

proceeding may be continued, prosecuted and enforced by or against the Government.(2)All disciplinary matters pending on the commencement of this Act shall stand transferred to the Governing Body and the same shall be disposed of by the Governing Body in accordance with the rules applicable to the employee concerned.

11. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by a notified order, not inconsistent with the provisions of this Act, remove the difficulty.

12. Power to make rules.

(1)Government may, by notification, make rules to carry out the provisions of this Act.(2)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 more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, 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 any thing previously done under that rule.

13. Repeal.

- The Medical College (Taking over of Management) Ordinance, 1978 (Haryana Ordinance No. 3 of 1978), is hereby repealed.