

# **The Punjab Aided Schools (Security of Service) Rules, 1974**

PUNJAB

India

## **The Punjab Aided Schools (Security of Service) Rules, 1974**

### **Rule**

### **THE-PUNJAB-AIDED-SCHOOLS-SECURITY-OF-SERVICE-RULES-1974 of 1974**

- Published on 13 February 1974
- Commenced on 13 February 1974
- [This is the version of this document from 13 February 1974.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Aided Schools (Security of Service) Rules, 1974Published vide Punjab Notification No. GSR 15/PA19/69 S.7/74 dated 13.2.1974

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

- These rules may be called the Punjab Aided Schools (Security of Service) Rules, 1974.

#### **2. Definitions.**

- In these rules unless the context otherwise requires -(a)'Act' means the Punjab Aided Schools (Security of Service) Act, 1969;(b)'Managing Committee' in relation to an employee of an aided school means the Managing Committee of the Aided School and includes a person or body of persons for the time being entrusted with the management of the aided school;(c)'punishing authority' in relation to an employee means the Managing Committee or any person authorised by the Managing Committee or otherwise competent to impose on the employee any of the penalties specified in sub-section (1) of section 3 of the Act.[Explanation. - The term 'otherwise competent' means the Director of Public Instructions, Punjab or any other officer of the Education Department authorised by him who shall assume the powers of the Managing Committee, when -(i)it is non-existent;(ii)its authority is disputed; or(iii)the management of any School is taken over by the Government on account of its mal-functioning].

### **3. Procedure for imposing penalties. -**

[Section 7 (1)]. - (1) Whenever the punishing authority is of the opinion that there are grounds for enquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into or appoint an authority to enquire into truth thereof.(2)Where it is proposed to hold an enquiry against an employee, the punishing authority shall draw or cause to be drawn up(i)the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charges;(ii)a statement of imputation of misconduct or misbehaviour in support of each article of charge, which shall contain -(a)a statement of all relevant facts including any admission or confession made by the employee;(b)a list of documents by which and a list of witnesses by whom the articles of charges are proposed to be sustained.(3)The punishing authority shall deliver or cause to be delivered to the employee a copy of the articles of charges, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit within [fifteen days a written statement of his defence unless the said authority for reasons to be recorded in writing, wanted the written statement of his defence to be given earlier] [Ist Amendment Rules, 1974.].(4)The employee may on his written request be permitted to inspect or take extracts from the records pertaining to the case for the purposes of preparing a written statement;Provided that the punishing authority may, for reasons to be recorded in writing, refuse him access to any record, if in its opinion, such records are not strictly relevant to the case.[Provided further that in computing the period of fifteen days, referred to in sub-rule (3), the time requisite for making available such record to the employee for inspection of or taking extracts therefrom, shall be excluded] [Ist Amendment Rules, 1974.].(5)(a)On receipt of the written statement of defence, the punishing authority may itself enquire into such of the articles of charges as are not admitted or if it considers it necessary so to do, appoint an authority for the purpose, and where all the articles of charges have been admitted by the employee in his written statement of defence, the punishing authority shall record its findings on each charge.(b)If no written statement of defence is submitted by the employee within the specified time, the punishing authority may itself enquire into the articles of charges or may, if it considers necessary to do so, appoint an authority for the purpose.(c)During the course of enquiry the employee shall be entitled to cross examine the witnesses examined in support of the articles of charges and to give evidence in person and to have such witnesses as may be produced, examine in his defence. The person presenting the case in support of the articles of charges shall be entitled to cross-examine the employee and the witnesses examined by him in his defence. If the enquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

### **4. Report. -**

[Section 7 (1)]. - After the conclusion of the enquiry a report shall be prepared and it shall contain :- (a)the articles of charges and the statement of imputation of misconduct or misbehaviour;(b)the defence of the employee in respect of each article of charge;(c)an assessment of the evidence in respect of each article of charge;(d)the finding on each article of charge and the reasons therefor.

## 5. Action on Report

- [Section 7 (1)]. - (i) The punishing authority shall, if it disagrees with the findings of the enquiring authority on any articles of charge, record its reasons for each disagreement and record its own findings on such articles of charges; if the evidence on record is sufficient for the purpose.(ii)If the punishing authority having regard to the evidence on all or any of the articles of charges, is of the opinion that any of the penalties specified in sub-section (1) of section 3 of the Act should be imposed on the employee, it shall -(a)furnish to the employee a copy of the report of the enquiry held against him and its findings on each article of charge or where the enquiry had been held by an enquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for disagreement, if any, with the findings of the enquiring authority;(b)give the employee a notice stating the penalty proposed to be imposed on him calling upon to him to submit within fifteen days on receipt of the notice or within such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty; provided that such representation shall be based only on the evidence adduced during the enquiry.

## 6. Punishment

- [Section 7 (1)]. - (1) The punishing authority shall after considering the representation, if any, made by the employee, determine what penalty, if any, should be imposed on the employee and may make such order as it may deem fit.(2)The Punishing Authority shall, within fifteen days of the making of an order under sub-rule (1), send a copy of the same to Deputy Commissioner, for confirmation.(3)If the order made under [sub-rule (1)] [Ist Amendment Rules, 1974.] is confirmed by the Deputy Commissioner, it shall be served on the employee by the punishing authority and shall take effect immediately.[Inserted vide Punjab Notification dated 6.8.1974.]