

The Karnataka State Civil Services (Regulation of transfer of staff of Department of Collegiate Education) Act, 2012

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Act 06 of 2013

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The Karnataka State Civil Services (Regulation of transfer of staff of Department of Collegiate Education) Act, 2012(Karnataka Act No. 06 of 2013)Statement of objects and Reasons - Act 6 of 2013. - It is considered necessary to regulate transfer of Principals, teaching and non-teaching staff in the Department of the Collegiate Education in order to ensure availability of principals, teaching and non teaching staff by classifying as areas Zone-A, Zone-B and Zone-C depending on the distance from the limits of Bruhat Bangalore Mahanagara Palike, city corporation, city municipal council, and city municipality and also to provide for,-(1) to transfer a Principal, teaching and non-teaching staff on initial appointment and also to transfer a teaching and non teaching staff to Zone `C' on his immediate next transfer who has not worked before the commencement of this Act in any area;(2) not to transfer any Principal, teaching and non-teaching staff outside the Zone `C' who is appointed in Zone `C' before the completion of prescribed number of years to another zone in the order of priority from Zone-C to Zone-B and Zone-B to Zone-A;(3) to prohibit transfer of a Principal, teaching and non teaching staff from one unit of seniority in which he is appointed to another unit of seniority; and for other matters connected therewith or incidental thereto.Hence the Bill.[L.A. Bill No.46 of 2012, File No. Samvyashae 69 Shasana 2012][Entry 41 of List II of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the Fifteenth day of January, 2013)(Received the assent of the Governor on the Tenth day of January, 2013)An Act to provide for regulation of transfer of Principals, teaching or non-teaching staff of Department of Collegiate Education so as to ensure the availability of Principals, teaching or non-teaching staff in Government First Grade Colleges of the State.Whereas it is expedient to provide for regulation of transfer of staff of Department of Collegiate Education so as to ensure transparency and availability of Principals, teaching or non-teaching staff in Government First Grade Colleges throughout the State and for the matters connected therewith or incidental thereto:Be it enacted by the Karnataka State Legislature in the sixty third year of the Republic of India, as follows:-

1. Short title, application and commencement.

(1) This Act may be called The Karnataka State Civil Services (Regulation of transfer of staff of Department of Collegiate Education) Act, 2012. (2) The provisions of this Act shall be applicable to teaching or non-teaching staff of the Department of Collegiate Education except the post of the Director, Additional Director, Joint Director, Deputy Director. (3) It shall come into force from such date as the State Government may, by notification, appoint.

2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "appointment" means appointment by direct recruitment, by posting or by promotion; (b) "appointing authority" means the concerned authority competent to make appointment to any post in the Karnataka Collegiate Education Department Service. (c) "competent authority" means the authority competent to make orders of transfer or appointment of staff of the Department of Collegiate Education: Provided that the Government shall be the competent authority to issue appointment or transfer orders in respect of Principals. The Commissioner of Collegiate Education shall be the competent authority to issue appointment or transfer orders to other teaching or non-teaching staff; (d) "deputation" means deployment of the services of staff, fully or partially, from one Office/Government First Grade College of the Department of Collegiate Education where he is working to another Office or Government First Grade College without shifting the lien; (e) "Government First Grade College" means all First Grade Colleges belonging to the State Government in whatever name they are called; (f) "non-teaching staff" means a person appointed to any category of non-teaching posts of Group-A, Group-B Group-C or Group-D in various offices or Government First Grade College or Department of Collegiate Education belonging to the State Civil Services and such other posts as specified in the Schedule. (g) "principal" means a person appointed to a category of post of a Principal Grade-1 (U.G.) or Principal Grade-II (P.G) in a Government First Grade College belonging to the Department of Collegiate Education specified in the Schedule. (h) "Process of Counseling" means, the process of computerized counseling by giving opportunity to a person considered for appointment or a Government servant considered for transfer to opt a place or post on priority which is being given based on the length of the service put in by him in the place where he is working and such other criteria as may be prescribed. (i) "Staff of Department of Collegiate Education" means Principal, teaching staff or non-teaching staff of the Department of Collegiate Education. (j) "Schedule" means Schedule appended to this Act; (k) "teaching Staff" means, - (i) a person appointed to any of the category of teaching posts such as professor, Associate Professor/Assistant Professor in a Government First Grade College belonging to the Department of Collegiate Education Services as specified in the Schedule; (ii) a person appointed to the category of posts of Librarian in a Government First Grade College belonging to the Department of Collegiate Education Services as specified in the Schedule; and (iii) a person appointed to the category of posts of Physical Culture Instructor in a Government First Grade College belonging to the Department of Collegiate Education Services as specified in the Schedule. (l) "transfer" means posting of a staff from one post or office to another post or office from one place of working to a post in another place of working and includes transfer within or outside the same Zone or cadre; (m) "Unit of Seniority" means, - (i) for the purpose of posting of Principal, all teaching and non-teaching staff (except in the

category of Group-D posts), of the Department of Collegiate Education shall be the State.(ii)for Group-D category of posts of the Department of the Collegiate Education, the unit of seniority shall be the district.(n)"Zone" means the specific areas classified as zone for purpose of transfer of staff and:-I. "Zone-A" means,-(a)the areas falling under the Bruhath Bangalore Mahanagara Palike (BBMP) limits and the area falling under Bangalore Development Authority (BDA) limits;(b)the areas falling under the limits of City Corporations constituted under the Karnataka Municipal Corporations Act, 1976; and(c)the areas falling under the limits of District Head Quarters and City Municipal Council/City Municipality of all Districts.II. "Zone-B" means the areas falling under the Taluk Head Quarters and Town Municipality of all Districts, excluding the area falling under Zone -A;III. "Zone-C" means the areas falling out side Zone-A and Zone-B.(2)other words and expressions used but not defined in this Act shall have the same meaning assigned to them in the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990).

3. Compulsory appointment of a Principal, teaching or non-teaching staff to Zone-C.

(1)Every appointing authority while making initial appointment of a Principal, teaching or non-teaching staff to various offices/Government First Grade College of the Department of Collegiate Education shall ensure that vacancies in zone-C shall be filled in the first instance.(2)If no vacancy is available for initial appointment or transfer a vacancy may be created by transfer of a Principal, teaching or non- teaching staff who has completed minimum number of years of service or more number of years of service to another Zone in the order of priority from Zone-C to Zone -B and Zone-B to Zone-A:Provided that the above condition shall not be applicable to the cadre where there is no post is available in any zone.(3)(a)The minimum length of services required to be completed, to become eligible for transfer is Zone- C, Zone-B and Zone-A shall be as stipulated in the rules.(b)if, no Principal, teaching or non-teaching staff is available who has completed minimum length of service, a person who has completed maximum number of years below the stipulated period as Principal, teaching or non-teaching staff may be considered for transfer as above:Provided that, in a case, any Principal, teaching or non- teaching staff is who is serving in Zone-C is eligible to be transferred to Zone-B and similarly in case a Principal, teaching or non-teaching staff who is serving in Zone-B is eligible to be transferred to Zone-A but if, he desires to continue to serve in Zone-C or Zone-B, as the case may be, he may be allowed to continue to serve in their respective Zones.Explanation: - order of priority shall be calculated interalia, on the basis of the total number of years of service, of a Principal, teaching or non-teaching staff in a zone in different cadres and on the basis of any other criteria as may be prescribed.(c)A Principal, teaching or non-teaching staff who is in Zone -A or Zone-B and who is undergoing any time bound -penalty imposed under the Karnataka Civil Services(Classification Control and Appeal) Rules, 1957 or who is facing any criminal charges in court of law may be transferred to Zone-C, if no vacancy is available in Zone-C, a vacancy may be created in the manner specified in sub-section (2):Provided that if, such Principal, teaching or non-teaching staff is working in Zone-C, he shall be transferred from the place where he is working to another place in the same Zone, but he shall not be transferred outside Zone-C till the completion of such disciplinary proceedings, criminal proceeding or penalty as the case may be.

4. Transfer by Counseling.

- Transfer of a Principal, teaching or non-teaching staff under this Act shall be through a process of counseling conducted in such manner as may be prescribed. Provided that a person who is working in the Department of Collegiate Education, in the category of Group-D posts may be transferred within the District. Provided further that a person working in the Department of Collegiate Education, in the post of Group-D category may be transferred from one District to another District only on his/her request.

5. Transfer of Principal, teaching or non-teaching staff (excluding Group-D) in the interest of public service.

- (i) Principal, teaching or non-teaching staff who is in service on the date of commencement of this Act and has served in any Office or Government First Grade College of the Department of Collegiate Education continuously for more than prescribed number of years in the same place in any of the Zone-C shall be transferred to another Zone in public interest. Provided that Principal, teaching or non-teaching staff who has less than two years of service for superannuation shall not be transferred outside the limits of Zone -A unless on his request.

6. Restriction on transfer.

- The total number of such transfers in a unit of seniority shall not exceed eight percent of the sanctioned strength of respective cadre in that unit of seniority. Provided that, out of 8% of total number of transfer as mentioned above, the percentage of transfers to be made under special category shall be as prescribed.

7. Shifting of Posts.

- If sufficient workload is not available for Teaching staff in any Government First Grade College of the Department of Collegiate Education in any subject, such number of post as determined as surplus may be shifted to any other College within the same Zone where the workload is sufficient, by the competent authority. Provided further that if such Office or College with sufficient workload in that subject or cadre is not available in the same Zone , such number of posts in that subject may be shifted from Zone -C to Zone-B and from Zone-B to Zone A.

8. Transfer of Teaching Staff/Non - Teaching Staff working in a shifted post.

- The teaching or non-teaching Staff working in the posts shifted as per the section-7 shall be transferred in the same zone as per section 3, 4 and 5.

9. Exceptions to the tenure.

- In the case of transfer, the minimum period of stay in a place or zone as may be prescribed from time to time, shall be relaxed in the following cases namely:-(i)In the case of both the spouses being Government employees and if one of the spouse is working in a different zone then the other spouse may be transferred to the same place or nearby place if he is in the same zone subject to availability of clear vacancy;(ii)Where a Principal, teaching or non-teaching staff is a widow;(iii)Where a Principal, teaching or non-teaching staff is physically challenged;(iv)Where a Principal, teaching or non-teaching staff has a spouse or children and they are suffering from serious ailment, for which medical treatment is not available at his place of work and his transfer is necessary to a place where such treatment is available so as to provide the required medical treatment. Provided that no transfer shall be considered unless the Principal, teaching or non-teaching staff concerned produces a certificate from the District Medical Board Specifying the nature of ailment, stating the fact that the required treatment is not available at his place of work, specifying the place where the required treatment is available and certifying that his transfer is necessary to such a place to provide him the required medical treatment.

10. Regulation of deputation.

- In unavoidable circumstances where deputation from one Office or Government First Grade College to the Department of Collegiate Education to another Office or Government First Grade College of the Department of Collegiate Education becomes absolutely necessary, then such deputation of teaching or non-teaching staff shall be made within the same zone.

11. Penalties.

- If, any competent authority or any officer or Authority makes an order of posting or appointment or transfer in contravention of the provisions of this Act or the rules made thereunder, such competent authority or officer or Authority as the case may be, shall be liable for disciplinary action under the disciplinary rules applicable to civil servants.

12. Cognizance of offences.

- No court shall take cognizance of any offence under this Act except on a complaint made in writing by an officer authorized by the Government by notification published in this behalf in the official Gazette.

13. Act to override other laws.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

14. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official Gazette make provisions not inconsistent with the provisions of this Act as it appears to be necessary or expedient for removing the difficulty.

15. Power to amend the schedule.

- The State Government may, by notification, add, alter or remove any of the entries specified in the Schedule.

16. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything done in good faith or intended to be done under this Act.

17. Power to make rules.

(1) The State Government may by notification and after previous publication, make rules or amend rules from time to time to carry out the purposes of this Act. (2) Any rule made under this Act may be made with retrospective effect and when such a rule is made, the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature and subject to any modification made under sub-section (3). Every rule made under this Act shall have effect as if it enacted under this Act. (3) Every rule made or notification issued under this Act shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty 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 sessions immediately following both Houses agree in making any modification, in the rule or notification or decide 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 or notification.

18. Transitory provision.

- Any rule, notification, order or appointment, made or issued under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) or otherwise providing for or relating to any of the matters for the furtherance of which this Act is enacted, before the commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any Act action taken or any rule, notification, order or appointment made under this Act.

Schedule

(see section 2(f), (g) and (j) and section 12

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No. Designation of the Posts of the Department of Collegiate Education.

(1) (2)

1. Government First Grade College. - Principal Grade-I(PG)
2. Government First Grade College. - Principal Grade-I(UG)
 - i. Lecturers/Associate Professors
 - ii. Lecturers/Associate Professors
 - iii. Librarians
 - iv. Librarians
3. Senior Scale. Librarians Selection Grade. Physical Culture Instructor. Senior Scale Physical Culture Instructor. Selection Grade Physical culture Instructor
4. Assistant Director
5. Manager
6. Superintendent/Warden
7. First Division Assistant
8. Second Division Assistant
9. Stenographer
10. Senior Typist
11. Typist
12. Library Assistant
13. Senior Driver
14. Driver
15. Attender
16. Peons/equal cadres

The above translation of PÀÈÁðlPÀgÁdâ 1« ¯i , ÉÃªÉUÀ¼À(vÁAwæPÀ ²PÀèt
E¯ÁSÉAiÀÄ¹§âAçAiÀÄªÀUÁðªÀuÉªAiÀÄAvÀæt) CçsªAiÀÄªÀÄ,