

# Haryana Aided School (Security of Service) Act, 1971

HARYANA

India

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### Act 10 of 1971

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Haryana Aided School (Security of Service) Act, 1971(Haryana Act No. 10 of 1971)Last Updated 27th January, 2020(Received the assent of the Governor of Haryana on the 15th of March, 1971 and first published in the Haryana Government Gazette (Extraordinary) of March 18, 1971.

#### 1. Short Title.

- (i) This Act may be called the Haryana Aided Schools (Security of Service) Act, 1971.(ii)It shall come into force with effect from 1st April, 1971.

#### 2. Definitions.

- In this Act, unless the context otherwise requires(a)'aided school' means a school receiving aid from the State Government;(b)'Director' means the Director of Public Instruction, Haryana and includes any other officer authorised by the State Government in this behalf;(c)'District Education Officer' means the District Education Officer of the District in which an aided school is situated and includes any other officer authorised by the State Government in this behalf;(d)'employee' means a person in whole-time employment of an aided school; and(e)'Prescribed' means prescribed by rules made under this Act.

#### 3. procedure of punishing employees of aided school.

- (i) No employee shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and give a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such enquiry to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such enquiry.Provided that this section shall not apply where an employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge involving moral

turpitude.(2)No order of dismissal or removal or reduction in rank of an employee shall take effect unless it has been confirmed by the District Education Officer who may refuse to do so, if in his opinion, the provisions of sub-section (1) have not been complied with.(3)An employee against whom an order of the nature specified in sub-section (1) is passed without complying with the provision of subsection (1) or sub-section (2) may, within a period of thirty days of the date of communication of the order, make an application to the District Education Officer challenging such an order on the ground that he is an employee to whom the provisions of sub-section (1) and sub-section (2) apply and the District Education Officer may, after giving the parties an opportunity of being heard and after making such further enquiry as he may think fit, make an order refusing the application or setting aside the impugned order.(4)Any person aggrieved by any decision or order made by the District Education Officer under this section, within a period of thirty days from the date of communication to such person of the decision or order, prefer an appeal to the Director who may after giving the parties an opportunity of being heard, and after making such further enquiry, if any, as he may consider necessary, pass such order as he thinks fit, confirming, modifying or reversing the decision or order appealed against.(5)The order passed by the Director under sub-section (4) and subject only to such an order the order passed by District Education Officer under sub-section (2) or sub-section (3) shall be final and binding on the parties.

#### **4. Uniform code of service for employees.**

- Subject to the provision of this Act, the State Government may prescribe : (a)uniform code of service rules for employees in the State relating to pay, allowances, dismissal, removal, suspension, leave, conduct and discipline, provident fund, travelling allowance and other cognate matters;(b)essential qualifications for various classes of employees ; and(c)uniforms scales of pay for various classes of employees.Provided that the State Government may exempt any aided school or class of aided school from the operation of the provision of this section for such period as it may think fit on grounds of economic capacity thereof.

#### **5. Director's power to stop reduce or suspend aid.**

- It shall be lawful for the Director to stop, reduce or suspend the aid of an aided school for the violation of any of the provisions of this Act or of any rules made thereunder or of any order passed under this Act by the managing committee, manager or any other authority charged with the administration thereof.Provided that before taking action under this section, the Director shall give a reasonable opportunity to such managing committees, manager or authority to show cause against the action proposed to be taken.

#### **6. Protecting of action in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government or any authority or any officer appointed under this act any thing which is in good faith done or intended to be done in pursuance of this Act.

## **7. Powers 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.

## **8. Powers to make rules.**

(1)The State Government may, by notification, make rules for carrying out the purposes 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 successive sessions aforesaid, 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 of the validity of any thing previously done under that rule.