

Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Act, 2005

ANDHRA PRADESH

India

Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Act, 2005

Act 37 of 2005

- Published on 29 October 2005
- Commenced on 29 October 2005
- [This is the version of this document from 29 October 2005.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Act, 2005(Act No. 37 of 2005)Last Updated 11th September, 2019[Dated 29.10.2005]An Act to Provide for Counting of Aided Service of the Teaching and Non-teaching Employees of the Private Aided Educational Institutions in the State for the Purposes of Fixation of pay. Automatic Advancement Scheme, Career Advancement Scheme and Pension and Matters Connected therewith or Incidental thereto.Whereas Government have admitted certain teaching and non-teaching posts in Private Educational Institutions to grant-in-aid to improve the standards of education and to reduce the burden of the Managements to the extent of payment of salaries to the Staff:And whereas Government in Memo No. 3866/F2/78-6, Education, dated 10-1-1980, directed the Director of School Education to take into account the increments earned by the employees of Private Aided Educational Institutions in the posts prior to the date of admission to grant-in-aid for the purpose of fixation of pay in the aided post subject to the condition that the staff are qualified and increments sanctioned are in accordance with the rules in force;And whereas. Government in G.O.Ms. No. 117, Finance and Planning (FW.PRC. I) Department, dated 25-5-1981 have formulated a scheme of Advancement in service by the creation of Special Grade Posts to employees who have completed ten years of service in a particular scale of pay and Special Temporary Promotion Posts/Special Adhoc Promotion Posts to employees who have completed fifteen years of service in particular scale of pay and the benefit of the scheme has been extended inter alia to the teachers working under private aided educational institutions in G.O.Ms.No. 164, Finance and Planning (FW.PRC. I) Department, dated 1-6-1982;And whereas, Government in G.O.Ms. No. 137, Education Department, dated 15-2-1982, created a new Grade for Junior Lecturers in the Pay scale of Rs. 1050-1600 on completion of seven years of service;And whereas, Government in Memo.No.9279/Ser. IV-1/86-4, Education dated 6-1-1987 clarified that the service rendered prior to admitting a post to grant-in-aid does not count for Automatic Advancement Scheme;And whereas. Government in G.O.(P) No. 2. Finance and Planning (FW.PRC. I) Department, dated 4-1-1988 liberalised the Scheme of

Advancement in service by creating another level of Automatic Advancement by creating Special Promotion Post II/Special Adhoc Promotion Post II on completion of twenty two years of service in a particular scale of pay and the benefit of the said scheme has been extended inter alia to the teachers working under private aided educational institutions in G.O.Ms.No. 347, Finance and Planning (F.W.PRC.I) Department, dated 17-11-1989;And whereas, Government, in G.O.Ms. No. 343, Education Department, dated 31-10-1989 inter alia extended the said Schemes to the Junior Lecturers;And whereas, Government in G.O.Ms. No. 520, Education Department dated 15-12-1988 extended the Career Advancement Scheme inter alia to the teachers of the aided colleges;And whereas, Government in G.O.Ms.No. 169, Education Department, dated 7-7-1990. issued guidelines on the Career Advancement Scheme;And whereas, in G.O.Ms.No. 41, Education, (U.E. II), Department, dated 11-2-1998, it has been clarified that for the purpose of computing the service to the Career Advancement Scheme of 8 years, 16 years, the service rendered prior to the admission of the post to grant-in-aid shall not be taken into account;And whereas, Government in G.O.(P) No. 290, Finance and Planning (FW.PRC.I) Department, dated 22-7-1993 modified the automatic advancement scheme by creation of Special Grade Scale on completion of eight years of service in particular scale of pay and Special Promotion Posts/Special Adhoc Promotion Posts on completion of sixteen years of service and an employee gets an increment in the Special Promotion Post Scale or Special Adhoc Promotion Scale on completion of twenty four years of service and the said modified scheme has been extended to the teachers and Junior Lecturers, in G.O.(P)No. 311, Finance and Planning (FW.PC. II) Department, dated 20-8-1993 and G.O.Ms.No. 382, Finance and Planning (FW.PC.II) Department, dated 16-11-1993 respectively. The Automatic Advancement Scheme was continued in the Revised Pay Scales of 1999 in G.O.(P) No. 150, Finance and Planning (FW.PC. II) Department, dated 1-9-1999;And whereas, the said schemes are formulated for the employees serving and drawing the pay from out of the State Fund;And whereas, application of the said Schemes to the employees of the private aided educational institutions shall have to be made from the date of the admission of the posts to grant-in-aid;And whereas, the service rendered by the employee of the private educational institution prior to the date of admission into grant-in-aid was also taken into consideration for the purpose of Automatic Advancement Scheme, Career Advancement Scheme and Pension by an unintended interpretation of the clarification issued in Memo.No. 3866/F2/ 78-6, Education, dated 10-1-1980, which was issued with the intention of fixation of a pay only while admitting the posts into grant-in-aid;And whereas, in view of the gross misuse of the said instructions, orders were issued in G.O.Ms.No. 341, Education (PS.I) Department, dated 24-10-1997 cancelling the instructions issued in Memo.No. 3866/ F2/78-6, Education Department, dated 10-1-1980.And whereas, Government have to incur a huge expenditure of more than thirty three crores of rupees adversely hampering the developmental programmes of the State if this unintended financial commitment and misapplied expenditure is not effectively stopped;And whereas, the Andhra Pradesh Private Aided Educational Staff (Regulation of Pay) Act, 2000was enacted for counting the service rendered in an aided Post for the purpose of fixation of pay, Automatic Advancement Scheme, Career Advancement Scheme and Pension and the said Act was given retrospective effect with effect from 10-1-1980;And whereas. Government subsequently decided to implement the said Act with prospective effect and accordingly, the Andhra Pradesh Private Aided Educational Staff (Regulation of Pay) (Amendment) Act. 2002 was enacted:and whereas, the Full Bench of the Andhra Pradesh High Court in W.P. Nos. 1938 of 2000 and batch dated 26-7-2001 held that the benefit of Automatic Advancement Scheme. Career

Advancement Scheme and Pension may be granted to all teachers irrespective of the above Act; And whereas, the Pay revision Commission, 1999 observed that there is no justification to include the service rendered in un-aided institutions which are subsequently brought under grant-in-aid, for the purpose of pensionary benefits as such inclusion would amount to taking into consideration the service not covered by the Pension Rules and it would also amount to giving retrospective effect to the admission to grant-in-aid which is never contemplated by the Government; And whereas, if the unaided service rendered by the teaching and non-teaching staff of the Private Aided Educational Institution is taken into consideration for the purpose of fixation of pay, Automatic Advancement Scheme, Career Advancement Scheme and Pension it involves very huge financial implication to state exchequer; And whereas, Government reviewed the matter and decided to count the aided service only for the purpose of fixation of pay, Automatic Advancement Scheme, Career Advancement Scheme and Pension. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty sixth Year of the Republic of India as follows:

1. Short title and commencement.

(1) This Act may be called the Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Act, 2005. (2) It shall be deemed to have come into force on the 10th January, 1980.

2. Definitions.

- In this Act unless the context otherwise requires, - (1) "Aided post" means a post in a Private Educational Institution admitted to grant-in-aid. (2) "Automatic Advancement Scheme" means higher scales granted to employees after completion of specified period of service in a post. (3) "Career Advancement Scheme" means higher scale granted to a lecturer working in a college after completion of specified period of service in the post. (4) "Government" means State Government of Andhra Pradesh. (5) "Grant-in-aid" means any sum of money paid as aid out of state Funds to any post in a Private Educational Institution. (6) "Private Aided Educational Institution" means a School or College established and administered or maintained by any Body of persons and recognized as Educational Institution by the Government and receiving grant-in-aid. (7) "Unaided Service" means service rendered by an employee of Private Educational Institution in a post prior to date of admission to grant-in-aid.

3. Counting of Service for fixation of Pay, Automatic Advancement Scheme, Career Advancement Scheme and Pension.

- Notwithstanding anything contained in any order of the Government or any Judgment of any Court or Tribunal, every employee of a Private Aided Educational Institution, shall, from the date of approval of his appointment in an aided post, be eligible to count the service rendered after such date of approval, for fixation of pay in the said post and Automatic Advancement Scheme, Career Advancement Scheme. Pension made applicable or extended to such employee from time to time.

4. Abatement of claims.

- Notwithstanding anything contained in any order of the Government or any judgment of any court or Tribunal, the claims of employees of the Private Aided Educational institutions for counting the service rendered, or as the case may be, the increments drawn, in the post prior to the date of approval of their appointment in a post to grant-in-aid, for the purposes of fixation of pay in the Aided Post, reckoning for Automatic Advancement Scheme, Career Advancement Scheme and Pension shall stand extinguished from the date of commencement of this Act and accordingly, - (1) The orders issued by the Government directing to take into account the increments earned by an employee of Private Aided Educational Institution prior to the date of admission of post to grant-in-aid for the purpose of fixation of pay in the aided post shall stand cancelled: Provided that any amount paid as per the orders now cancelled shall not be recovered. (2) No suit or other proceedings shall be maintained or continued in any court against the Government or any person or an authority whatsoever by any employee of Private Aided Educational Institution claiming for extending the benefit of unaided service rendered in a post for the purposes of fixation of pay in the Aided Post, reckoning for Automatic Advancement Scheme, Career Advancement Scheme or pension, (3) No Court shall enforce any decree or order directing to count the service rendered by any employee of Private Aided Educational Institutions in any post prior to the date of admission to grant-in-aid for the purpose of fixation of pay in the aided post, reckoning for Automatic Advancement Scheme, Career Advancement Scheme and Pension.

5. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the purpose of removing the difficulty; (2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of the State.

6. Repeal of Act 9 of 2000.

- The Andhra Pradesh Private Aided Educational Staff (Regulation of Pay) Act, 2000 is hereby repealed.

7. Repeal of Ordinance 3 of 2005.

- The Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Ordinance, 2005 is hereby repealed.