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GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

**The Punjab Affiliated Colleges
(Security of Service) Act, 1974**

(PUNJAB ACT 23 OF 1974)

(As amended upto 31st August, 2004)



2005

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**THE PUNJAB AFFILIATED COLLEGES (SECURITY OF
SERVICE) ACT, 1974**

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**'THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE)
ACT, 1974**

(PUNJAB ACT NO. 23 OF 1974)

[Received the assent of His Excellency the Governor of Punjab on the 28th day of August, 1974 and was first published in the Punjab Government Gazette (Extraordinary), dated the 12th day of September, 1974].

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation.
1974	23	The Punjab Affiliated Colleges (Security of Service) Act, 1974.	² Amended by Punjab Act 25 of 1975. ³ Amended by Punjab Act 6 of 1983. ⁴ Amended by Punjab Act 8 of 1999.

An Act to provide for the security of service to ²[employees] of ⁶[affiliated colleges in the state of Punjab and to grant pensionary benefits to the employees appointed against aided Posts.]

BE IT enacted by the Legislature of the State of Punjab in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Affiliated Colleges (Security of Service ⁷[***] Act, 1974. Short title and extent.

(2) It extends to the whole of the State of Punjab.

1. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 12th March, 1974, page 569.
2. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 28th July, 1975, page 1714.
3. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 9th March, 1983, page 306.
4. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 27th March, 1999, page 359.
5. Substituted for the word "teachers" by Punjab Act 25 of 1975, section 2.
6. Substituted for the words "affiliated colleges" by Punjab Act 8 of 1999 section 2.
7. The words "of teachers" were omitted by Punjab Act 25 of 1975 section 3.

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Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “affiliated college” means a college associated with and admitted to the privileges of a University constituted or established under any law for the time being in force but does not include a Government college or a college established or maintained by such a University ;

¹[(aa) “aided post” means an aided post on the establishment of an affiliated college against which such a college gets grant-in-aid from the State Government from time to time.]

(b) “Director” means the Director of Public Instruction, Punjab, and includes any other officer authorised by the State Government to perform the functions of the Director under this Act ;

²[(c) “College Tribunal” means a College Tribunal constituted under section 7-A of this Act;]

(d) “Managing Committee” means the Managing Committee of an affiliated college and includes a person or body of persons for the time being entrusted with the management of the affairs of an affiliated college ; and

³[(e) “employee” means a person in the employment of an affiliated college, but does not include a work-charged employee.]

Period of Probation.

⁴[2-A. An employee appointed against a vacancy likely to exist for more than one year shall remain on probation for a period of one year which may be extended from time to time :

Provided that the total period of probation including extension, if any, shall not exceed two years.

Suspension of employees.

2-B. (1) No employee shall be placed under suspension, unless,—

- (a) disciplinary proceedings against him are contemplated or are pending; or
- (b) a case against him in respect of any criminal offence is under investigation, inquiry or trial.

1. Substituted by Punjab Act 8 of 1999, section 3.
2. Substituted by Punjab Act 6 of 1983, section 2.
3. Substituted by Punjab Act 25 of 1975, section 4.
4. Inserted by Punjab Act 6 of 1983, section 3.

(2) No employee shall be kept under suspension for a period exceeding six months without the prior approval of the Secretary to Government of Punjab, Department of Education.]

3. No ¹[employee] shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal or reduction in rank not to be ordered except after inquiry.

4. (1) The penalty of dismissal or removal from service shall not be imposed unless the same is approved by the Director.

Procedure to be observed before dismissal or removal.

(2) Whereafter the inquiry referred to in section 3, it is proposed to impose the penalty of dismissal or removal from service, the proposal shall be referred to the Director alongwith the relevant record and intimation about the proposal having been so referred shall be sent to the ¹[employee] concerned also simultaneously.

(3) An ¹[employee] may, within a period of thirty days of the receipt of the intimation referred to in sub-section (2), make a representation against the proposed penalty to the Director who may, after examining the record and giving to the parties an opportunity of being heard, by an order in writing, give his approval to the imposition of the proposed penalty of dismissal or removal from service, as the case may be, or refuse to give approval if the proposal is found to be *mala fide* or by way of victimisation or not warranted by the facts and circumstances of the case.

(4) Any party aggrieved by an order of the Director ²[under sub-section (3) may file an appeal to the College Tribunal, which may] after giving to the parties an opportunity of being heard, pass such order as it may deem fit.

5. (1) Where after the inquiry referred to in section 3, it is proposed to impose the penalty of reduction in rank, the ¹[employee] shall be given a reasonable opportunity of making representation on the penalty proposed to be imposed and no order of reduction in rank shall be passed unless such an opportunity has been given.

Procedure to be observed before reduction in rank.

(2) ¹[An employee] against whom an order of reduction in rank is passed, may within the prescribed period and in the prescribed manner, file an appeal to the ³[College Tribunal and it may], after examining the record and giving to the parties an opportunity of being heard, set aside the order of reduction in rank, if the same is found to be *mala fide* or by way of victimisation or not warranted by the facts and circumstances of the case.

1. Substituted for the words "teacher" and "A teacher", respectively, by Punjab Act 25 of 1975, section 5.

2. Substituted for the words "under sub-section 2 may file an appeal to the District Judge who may" by Punjab Act 6 of 1983, section 4.

3. Substituted for the words "District Judge and the District Judge may" by the Act *ibid*, section 5.

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Section 3, 4 and 5
not to apply in
certain cases.

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6. The provisions of sections 3, 4 and 5 shall not apply—

- (i) to the termination of service of any '[employee] who is appointed for a temporary period only ;
- (ii) to the termination of service of any '[employee] appointed on probation, during or at the end of the period of probation, on account of his work or conduct being unsatisfactory ; and
- (iii) to '[an employee] who is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.

Retrenchment.

7. (1) No employee of an affiliated college shall be retrenched on account of reduction in work load without prior approval of the Director who shall before according approval examine each case in accordance with the norms of work load laid down by the University with which such college is affiliated.

(2) An employee who is relieved from an affiliated college as a result of retrenchment shall have preference for appointment to future vacancies in the affiliated college in which he was serving immediately before retrenchment or in another affiliated college under the same Managing Committee.

College Tribunal.

7-A. (1) The State Government may, by notification, constitute one or more College Tribunals for the purposes of this Act for such area as may be specified in such notification.

(2) A College Tribunal shall consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as a Presiding Officer of a College Tribunal unless he has been a Judge of the High Court or an officer of the State Government not below the rank of a Commissioner of a Division.

(4) The terms and conditions of service of the Presiding Officer of a College Tribunal shall be such as may be prescribed by rules made under this Act :

Provided that no person shall hold office as the Presiding Officer of a College Tribunal beyond the age of sixty-five years.

(5) If any vacancy, other than a temporary absence, occurs in the office of the Presiding Officer of a College Tribunal, the State Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the College Tribunal from the stage at which the vacancy is filled.

1. Substituted for the words "teacher" and "A teacher" respectively, by Punjab Act 25 of 1975, Section 6.

2. Substituted by Punjab Act 6 of 1983, Section 6.

(6) The State Government shall make available to a College Tribunal such staff as may be necessary in the discharge of its functions under this Act.

(7) All expenses incurred in connection with a College Tribunal shall be borne by the State Government.

(8) A College Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it shall hold its sittings.

(9) A College Tribunal shall for the purposes of disposal of an appeal preferred under this Act, have the same powers as are vested in a Court of appeal by the Code of Civil Procedure, 1908, and shall also have the power to stay the operation of any order appealed against on such terms as it may think fit.

(10) The order of the College Tribunal made in any appeal shall be final.

8. No civil court shall have jurisdiction in respect of any matter in relation to which the State Government, the Director or a College Tribunal is empowered by or under this Act to exercise any power and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.]

Jurisdiction of civil courts barred.

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

Protection of action taken in good faith.

¹[9-A. If any Managing Committee fails to carry out any order of the College Tribunal or any direction of the Director under this Act, the State Government may take such action as it may think fit including stoppage of the grant-in-aid.]

Non-compliance with order or direction.

²[9-B. The State Government may grant to the employees appointed against the aided posts such pensionary benefits and on such terms and conditions, as may be prescribed.

Grant of pensionary benefits.

9-C. If any person,—

- (a) fails or refuses to submit any return, statement or other document required under the rules made under this Act, or submits a false return, statement or other document or makes a false declaration ; or
- (b) obstructs any officer or official in the discharge of his duties or fails to produce any record for verification by such officer or official, as the case may be ; or

Punishment for failure to comply with the provisions of pensionary benefits.

1. Inserted by Punjab Act 6 of 1983, section 7.

2. Inserted by Punjab Act 8 of 1999, section 4.

(c) is guilty of non-compliance of any of the provisions of this Act or the rules made thereunder;

he shall be punishable with imprisonment, which may extend to one year or with fine, which may extend to fifty thousand rupees or with both.]

Power to remove difficulties.

10. 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.

Overriding effect of this Act.

11. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force including any regulation or statute of any university.

Power to make rules.

12. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the procedure to be observed for an inquiry under section 3;

(ii) the manner of filing an appeal to the ¹[College Tribunal] under section 5 and the period within which the same is to be filed;

²[(ii-a) the terms and conditions of service of the Presiding Officer of a College Tribunal;]

³[(ii-b) the grant of pensionary benefits under section 9-B;] and

(iii) any other matter which has to be, or may be, prescribed.

(3) 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 in 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 to the validity of anything previously done or omitted to be done under the rule.

1. Substituted for the word "District Judge" by Punjab Act 6 of 1983, section 8.

2. Inserted by the Act *ibid*, section 8

3. Inserted by the Punjab Act 8 of 1999, section 5.

Regd. No. NW/CH-22

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PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 15th February, 2008

No. 11-Leg./2008.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 7th February, 2008, and is hereby published for general information :—

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE)
AMENDMENT ACT, 2007
(Punjab Act No. 11 of 2008)

AN

ACT

further to amend the Punjab Affiliated Colleges (Security of Service) Act, 1974.

BE it enacted by the Legislature of the State of Punjab in the Fifty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Affiliated Colleges (Security of Service) Amendment Act, 2007.

Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Affiliated Colleges (Security of Service) Act, 1974 (hereinafter referred to as the principal Act), for the words "College Tribunal" wherever occurring, the words "Educational Tribunal" shall be substituted.

Amendment in Punjab Act 23 of 1974.

3. In the principal Act, in section 2,—

Amendment in section 2 of Punjab Act 23 of 1974.

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) "Educational Tribunal" means a Tribunal, constituted under section 7-A of this Act, which shall hear and decide the cases of disputes between the "Management Committees" and the "employees", as defined in this Act and the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979 ;

(ii) in clause (d), at the end, the word "and" shall be omitted; and

(iii) in clause (e), at the end, for the word and sign "employee.", the words and sign "employee; and" shall be substituted, and thereafter, the following clause shall be added, namely :—

"(f) "educational institution" means 'an affiliated college' as defined in clause (a) of section 2 of this Act, and

includes 'a privately managed recognised school' as defined in clause (g) of section 2 of the Punjab Privately Managed Schools Employees (Security of Service) Act, 1979."

4. In the principal Act, in section 6,—

- (a) in clause (ii), at the end, the word 'and' shall be omitted ; and
- (b) in clause (iii), at the end, for the word and sign "charge.", the words and sign "charge; and" shall be substituted, and thereafter, the following clause shall be added, namely :—
“(iv) to an employee, who is not working on an aided post.”.

Amendment in section 6 of Punjab Act 23 of 1974.

5. In the principal Act, for section 7-A, the following section shall be substituted, namely :—

Substitution of section 7-A of Punjab Act 23 of 1974.

“7-A (1) The State Government may, by notification, in the Official Educational Gazette, constitute one or more Educational Tribunals for such area or areas, as may be specified in such notification.

- (2) Each Educational Tribunal shall consist of a Chairman and two members, out of whom, one shall be from amongst the persons, who have administrative background and the other from amongst the persons, who have academic background.
- (3) The Chairman and the members of an Educational Tribunal, shall be appointed by the State Government in consultation with the Chief Justice of the Punjab and Haryana High Court.
- (4) A person shall not be qualified for appointment as Chairman of an Educational Tribunal, unless he has been a Judge of the High Court.
- (5) A person shall not be qualified for appointment as a member of an Educational Tribunal from the category of persons, having administrative background, unless he has been an officer of the State Government, not below the rank of a Principal Secretary to Government of Punjab.
- (6) A person shall not be qualified for appointment as a member of an Educational Tribunal from the category of persons, having academic background, unless he has been a Principal of College for a minimum period of one year.

- (7) If a vacancy, other than on account of temporary absence, occurs in the office of the Chairman, the State Government shall appoint another person in accordance with the provisions of this section to fill the vacancy, and the proceedings may be continued before the Educational Tribunal from the stage at which, the vacancy is filled.
- (8) The State Government shall make available to an Educational Tribunal such staff, as may be necessary in the discharge of its functions under this Act.
- (9) All expenses incurred in connection with an Educational Tribunal, shall be borne by the State Government.
- (10) The Educational Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which, it shall hold its sittings :
- Provided that the State Government, may, specify any place or places, where the Educational Tribunal shall hold its sittings.
- (11) The Educational Tribunal shall, for the purposes of disposal of an application made under this Act, have the same powers, as are vested in an appellate court by the Code of Civil Procedure, 1908. An Educational Tribunal shall also have the power to stay the operation of any order, appealed against, on such terms, as it may think appropriate.
- (12) The Educational Tribunal shall have jurisdiction to hear all cases of disputes between the 'Managing Committees' and the 'employees', as defined in this Act, and the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979.
- (13) The order of the Educational Tribunal shall be final."

HARBANS SINGH,

Additional Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART II

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 18th December, 2014

No.40-Leg./2014.-The following Ordinance of the Governor of Punjab promulgated under clause (1) of article 213 of the Constitution of India on the 16th Day of December, 2014, is hereby published for general information:-

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE) AMENDMENT

ORDINANCE, 2014

(Punjab Ordinance No. 7 of 2014)

Promulgated by the Governor of Punjab in the Sixty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Punjab Affiliated Colleges (Security of Service) Act, 1974.

Whereas the Legislative Assembly of the State of Punjab is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Punjab is pleased to promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the Punjab Affiliated Colleges (Security of Service) Amendment Ordinance, 2014.

Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

46 PUNJAB GOVT. GAZ. (EXTRA), DECEMBER 18, 2014
(AGHN 27, 1936 SAKA)

Insertion of new section 7-B in Punjab Act 23 of 1974.

2. In the Punjab Affiliated Colleges (Security of Service) Act, 1974, after section 7-A, the following section shall be inserted, namely:-

"7-B. The tenure of office of the Chairman and the Members of the Educational Tribunal shall be three years or till attaining the age of sixty-five years whichever is earlier.

Tenure of office of the Chairman and the Members.

SHIVRAJ V. PATIL,
Governor of Punjab.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.