

PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE OF EMPLOYEES) ACT, 1974

CF HOME AFFAIRS New Delhi, the 21st July, 1978. GoScR0 In exercise of the powers conferred by section 87 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Governrænt hereby extends to the Unica territory of Chandigarh, the Punjab Affilized Colleges (Se curity of Service) Act, 1974 (Punjab Act 23 of 1974), as in force in the State of Punjab at the date of this notification 9 subject to the following modifications, namely MCDIEI Oils 1. Throughout thc Act, for the words State Governmentli, wherever they occur, the word "Administrator it shall be substituted. 2

3. In section 1 (a) (b) in sub- section (2), for the words State of Punjabi', the words !ünion territory of Chandigarhtt shall be substituted o after sub—section (2), the following sub— section shall be inserted, namely (3) It shall come into force on such date as the Administrator may 9 by notification in the Chandigarh Gazette, appointcn In section 2,- (a) clause (e) shall be re—lettered as clause (aa) and before the clause as so re—l-ettered, th:e following clause shall be insert cd, namely (a) tlhdm.i.nistratortt means the Administrator of the IJnion territory of Chandigarh appointed by the President under article 239 of the Constitution; contd. 40 5. -2- (b) in clause (b) 3 for the word tiPunjabll the words t! Chandigarh Administrationtt shall be substitutedo In section 105 for the word the word shall be substituted. in section 12 Ü (b) in sub— section for the words n Official the words Chandigarh Gazetteli Gazetteii shall be substituted; sub- section (3) shall be omitted. ?üNjKB COLLEGES (SECURITY OF SERVICE) ACT, 1974 (PUNJAB 23 OF 1974) as EXTENDED TO TERRITORY OF CHANDIGARH. An Act to provide for the security of servi ce to employees of affiliated colleges. Be it enacted by the Legislature of the. State of Punjab in the Twenty-fifth year of the Republic of India as follows 1. Short title- extent and commencement. — (1) This Act may be called the Punjab Affiliated Colleges (Security of Service) Act, 19740 (2) It extends to the whole of the Union territory of Chandigarh. (3) it shall come into force on such date as the Administrator may 5 by notification in the Chandigarh Gazette, appoint. In this Act, unless the context Definitions- 2. otherwise requires,- (a) it Administrator tl means the Administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution) "affiliated college" means a college associated (aa) 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 cr a college established or maintained by such a University; con td -3- (b) tiDirect0Til means tho Dj-Tec, tor of Public instructions kdllliüietrations and includes any other officeri authori sed by the hdmistrator to the functions of the Director under this Act; (c) "Di strict Judge" means the District Judge of the district in which the affiliated college is situated; (d) itManaging Corarnitteen means the Managing Committee of an affiliated college and Includes a per son or body of persons for the time being entrusted with the management of the affairs of an affilated college; (e) 'lemployeel means a person in employment of an affiliated college, but does not include a work- charged employee. 30 cr reduction in Tank not to be ordered excent after inqul?vc- No 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 spect of those charges. 4. dismissal and removal.- (1) The penalty of dismissal or removal from service shall not be imposed unless the same is approved by the Director (2) Where after 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 along with the releva.nt record and intimation about the proposal having bG3n so referred shall be sent to the employee concerned also simultaneously. (3) The 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 3 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 propo sed penalty of dismissal or removal from service, as the case may b') or refuse to give approval if the proposal is found . - or by ray of victimisation or not warranted by the facts and circumstances of the case. (4) Any party aggrieved by an order of the Director under sub—section anay file an appeal to the Disty-•j.ct Jildge who may, after giving to the of being heard, pass such order as he may deem fit. coned... 0 5. .Prccedä-re to be, observed before reduction in ranlze— (1) Where after the inquiry to in section 3, it is proposed to lupose the penalty o -t reduction in rank the employec shall be

given a reasonable opportunity of making representation on the proposed to be imposed and no order of reduction in rank shall be passed unless such an opportunity has been given (2) If an employee against whom an order of reduction is passed may, within the prescribed period and in the prescribed manner, file an appeal to the District Judge and the District Judge 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 unjustified or by way of victimisation or not warranted by the facts and circumstances of the case or Sections 2, 4 and 5 not to certain cases. 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. Retrenched 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. Notwithstanding anything contained in any law for the time being in force, no Court shall grant any temporary injunction or make any interim order in any proceedings which are being or about to be taken under this Act. Protection of action taken in good faith - No suit, prosecution or other legal proceeding shall lie against the Administrator 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. 10. If any difficulty arising from the provisions of this Act, the Administrator may, by order, do anything which is not inconsistent with such provisions which appear to him to be expedient for the purpose of removing the difficulty. 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 an or University. (1) The Administrator may, by notification in the Chandigarh Gazettes 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 namely (i) the procedure to be observed for an inquiry under section 3; (ii) the manner of filing an appeal to the District Judge under section 5 and the period within which the same is to be filed; (iii) any other matter which has to be, or may be prescribed; (3) Laid - 15-11-1977 (aoc. 11) DER SECRETARY TO The Manager, Government of India Press, Mayapuri Industrial Area, Ring Road, New Delhi 110 014