

HARYANA AFFILIATED COLLEGES (PENSION AND CONTRIBUTORY PROVIDENT FUND) AMENDMENT RULES, 2001

HARYANA GOVT GAZ. (EXTRA.), JAN. 24, 2001 (MAGH 4, 1922 SAKA) 24 2001 15119791410 4, 5 •, 1612001.— 31frfzrq, 1979 (1919 15) fr\$ 23 24 q-rtT, qq:i faü Afa fëRTor 31 HARYANA GOVT GAZ. (EXTRA.), JAN. 24, 2001 (MAGH 4, 1922 SAKA) 32 qrä' 95 «ré•, \$âqr@i «qfir, Mr me-Tq fûg frT*r t.fi faf«cz fqe; I ä, 4iirfui frmrzii qwir •qfur fafq air * f(äf) fa-mcz fq-ërzr fqëra HARYANA GAZ. (EXTRA.-). JAN. 24. 2001 4, 1922 SAKA) -Kif:n q-fr0TTiT fh-fr 1979 rrfü (1) kTf«zii «fidliiq-r 1 999, frvqf&if« tif«r-frliq) fnzo{, 2001 1999 4T<, 33 firm HARYANA GOVT GAZ. (EXTRA.) JAN. 24, 2001 (MAGH 4, 1922 SAKA) 34 4. (4) 16 "qi, 1998 fifq 12 (i) (ii) (ii) ; (ii) IV :— '(iv) 3FFT7 HARYANA GOVT GAZ. (EXTRA.), JAN. (MAGH 4, 1922 SAKA) 24. 35 (ii) (3) xzvfrq-q (2F f4-jq-I 'äÄT \$r«r (2) (3) (4) (ii) 95 HARYANA GOVT GAZ. (EXTRA.). JAN. 24. 1 (MAGI-1 4. 1922 SAKA "qfiüfif" + d'I 7. ü, fra-q 15 (3) (2) i. , %otr"«« 8. 9. 374%:— f*-fq fgrq•äi. ü, 17 (1) •qrixrr, fqfritcz qfur—.frffq (q) qir 3Tfi.RIQ• 7.1 i.- HARYANA GOVT GAZ. (EXTRA.), JAN. 24, 2001 (MAGH 4, 1922 SAKA) 37 (q) fqqfæ ; g*kFT— 0 3 — äfifrç€' crtq (5) (4) *Ter fhfqä frqT 11. ä, q•rü, '20 4 16.— HARYANA GOVT GAZ. (EXTRA.), JAN. 2-1, (MAGH 4. 1922 SAKA) 12. 13. 22, 2.3, 2-1 25 f7trtT ' 22. I 4 ?rqr 16.-- ältr qq 3.11 q 171 I 23. I 200 11 i' 24. I frzrq; HARYANA GOVT GAZ. (EXTRA.), JAN. 24. (MAGH 4, 1922 SAKA) 25. 2001 39 "220 14. ä, 15. ü, 29 29. I 16. 33 (4) * qiTT, «fq•.— ft-qPT, I HARYANA GOVT GAZ. (EXTRA.), JAN. 24. 2001 (MAGH 4, 1922 SAKA) 40 t [Authorised English Translation] HARYANA GOVERNMENT EDUCATION DEPARTMENT Notification The 24th January. 2001 No. G.S.R.2/H.A.15/1979/Ss.4, 5 & 16/2001.—Whereas the Affiliated Colleges (Security of Service) Act, 1979 (Act 15 of 1979) and rules made thereunder envisage a contributory provident fund to which both the employer and the employees of the privately managed, Government aided educational institutions are required to contribute in the prescribed ratio. The employees appointed against aided sanctioned posts of the privately managed aided colleges on their superannuation are eligible, under rules 23 and 24 of the rule ibid, for payment of amount so deposited in the contributory provident fund along with the interest earned thereon besides the gratuity at the rate as fixed by the Government from time to time. There is presently no provision for grant of pension to the retiring employees of these institutions under the Act/rules ibid; And whereas the employees appointed against aided sanctioned posts of privately managed, Government aided educational institutions have been represented to the Government for introduction of an improved retirement pension scheme for them so that they could get benefits ; And whereas the Government has been sympathetic to the aspirations of the employees appointed against aided sanctioned posts of the aided private institutions while being conscious of the fact that there cannot be parity between employees of Government educational institutions and the employees appointed against aided sanctioned posts of the privately managed aided institutions of Employees aided sanctioned posts of the aided appointed against sort of service conditions which private institutions are governed by are distinct from those governing the Government employees. They are non-transferable and they retire at the age of 60 years post it. is 55 years for Government employees who are subject to transfer throughout the State , And whereas the employer in the case of aided private educational institutions is distinctly different from the employer in the case of Government Educational Institutions. In case of the former, the taking of independent entities. respective institutions. The pension decisions in respect of their Government plays only a limited role by releasing them grant-in-aid to the extent of 95% of the deficit against sanctioned posts only. The sole objective behind the limited numbers of posts is to the Government for Promote state of Haryana without interfering expansion of education in the with the day-to-day management and running of these private institutions HARYANA GOVT GAZ. (EXTRA.), JAN. 24, 2001 (MAGH 4, 1922 SAKA) 41 not obvious to the fact that And whereas the Government is obligation placed on the Government to necessarily there is no introduce a pension scheme for employees appointed against aided receiving grant-in-aid institutions, of private sanctioned posts However, driven by a desire to improve the existing service conditions Of the employees appointed against aided sanctioned posts working in the privately managed Government aided institutions. the Government has decided to provide additional grant-in-aid for the 'purpose of a special pension scheme for them which is different from the one applicable to Government employees but which at the same time results in

improved retiral benefits to them. The Government is clearly not in a position to take on and sustain unlimited financial liability on account of introduction of pension scheme for the aided sanctioned posts of the private employees appointed against the Government, desirous of the Government, institutions receiving assisting and supponing a scheme specific to the employees appointed against the sanctioned posts of these from institutions, which would enable such employees to enjoy substantially improved benefits after retirement without causing a staggering financial liability on the part of the State Government. In fact at the time when the demand for a pension scheme was made to the Government was given to undersund by the representative bodies of the employees etc. that pension scheme for the employees appointed against aided sanctioned posts of the private institutions receiving grant-in-aid could be framed on a self-sustainable financing basis without any additional liability on the part of the State Government. The associations had contended that the employers share available in the Contributory Provident Fund is quite sufficient to meet all future demands created through the introduction of such a pension scheme. The Government has considered this aspect and is aware that the contention of the association may not be totally tenable. The introduction of special scheme of pension for the employees appointed against aided sanctioned posts of the privately managed Government aided educational institutions of Haryana in lieu of the contributory provident fund (employer's share) might actually entail additional financial liability on the part of the Government. However, the Government is keen to keep the liabilities, if any, to the minimum. The Government is also keen to evolve, in due course of time, a scheme whereby the returns on account of employer's share of Contributory Provident Fund are maximum in such a way as to wholly and completely pay for the retiral benefits to the eligible employees; The two major distinctions envisaged under this special pension scheme to the benefit of commutation of pension and leave the different encashments. It has been agreed by representative bodies of the employees concerned that the benefit of commutation of pension and leave encashment may not be made available to them as these two benefits, if granted could result in a staggering financial liability on the part of the State Government which it can ill afford. The Government, therefore, hereby as a special gesture, frames this special pension scheme for the employees appointed against aided sanctioned posts of private colleges receiving grant-in-aid from the Government of Haryana subject to the condition that the benefits of commutation of pension and leave encashment shall not be available under this scheme. This scheme is distinct from any other scheme which may exist in any other Government (semi-Government organization with or outside of State of Haryana. The Government also reserve the right to review the scheme depending on the State of Finance of the Government; Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 16 and section 4 and 5 of the Haryana Affiliated Colleges (Security of Service) Act, 1979 (Act 15 of 1979) and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Haryana Affiliated colleges (Pension and Contributory Provident Fund) Rules, 1999, namely:— (1) These rules may be called the Haryana Affiliated Colleges. (Pension and Contributory Provident Fund) Amendment Rules, 2001. (2) They shall be deemed to have come into force with effect from the 11th day of May, 1998

2. In the Haryana Affiliated Colleges (Pension and Contributory Provident Fund) Rules, 1999 (hereinafter the said rules) in rule 2,—A. the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) so re-numbered, the following clause shall be inserted, namely:— "aided college" means the college receiving grant-in-aid against duly sanctioned posts from the Higher B. C. Education Department, Haryana'. i Clause (f) shall be omitted; In clause (i), for the word "including", "excluding" shall be substituted. the word substituted, namely "Such of the officials in the Official Gazette, who are governed by these rules, will be full amount of the increase on such share actually on the date of drawal of the deposit with Government."

4. In the said rules, in rule 6,—(i) For clause (ii), the following clause shall be substituted, namely:— "(ii) the service rendered up to the attainment of age of sixty years;" (iii) for C.I.S.C. (i) following clause shall be substituted:— "(i) Service rendered in one or more colleges, receiving grant-in-aid under the scheme mentioned in the Government of Haryana, provided that the official has been proper channel on aided sanctioned and non-aided posts of the Government of Haryana. Provided further that the Contributory Provident Fund account of the employee in the previous year

a; such in the subsequent college (0 ferred or . _nd ihere no In-c..K serv ce or the service cond fion ,s mod,fe.d hv from F irne fo finl\$

5. In the said rules, in rule 9,—(i) for sub rules (1) and (2), the following substituted name:— employees shall be entitled to pension from the date of their retirement. unnumbered 00 shall be rules, in the event of: - his/her death. one year but 1.107, exceeding a five years, but not exceeding twelve months. exceeding twenty-four years—DCRG will be the basis of actual service rendered (ii) after clause (v), the following clause and under shall be added at the end, namely:— "(vi) of the of gratuity is to be as per the instructions. '1k. nnan[. pecz-nent shall total amount of gratuity to retiree : of letter of issued by the 95 t/ of the said amount. our: zn the Go tenn ' 'enzolunucnu" for this Pro ..unu pay+De. ancess Allowance. ••

7. In the said rules, in rule 15, in sub-rule (3), word "not" shall be omitted. In the said rules, in rule 16. for sub-rule sub-rule shall substituted, namely:— "(2) "The employees of the Director, ' "ill be maintained by the Principal of the existing instructions Director."

9. In the said rules, in for sub-rule shall be substituted. namely : '(I) The employer shall be of Contributor: • Pro alongy, 'ith interest car ned per annum xoid io the Director."

10. In the said rules, for rule 15, the following substituted, namely:— account (1) The Government shall be responsible for the desposit of Government of India and contributory Provident Fund of the Government of Haryana. HARYANA GOVT GAZ. (EXTRA.) JAN. 24, 2001 (MAGH 4, 1922 SAKA) (2) The Head of Account as specified in sub-rule (1) shall comprise :— (a) the amount of employers share including that of Government share given in the shape of grant-in-aid up to the date of enforcement of these rules lying in the Contributory Provident Fund Account; (b) five per cent of the employers share towards Contributory Provident Fund contributed on or after the date of enforcement of these rules ; (c) ninety-five per cent amount of the Government share towards the Contributory Provident Fund being paid as grant-in-aid to the affiliated aided colleges on or before the date of enforcement of these rules; (d) the amount of interest accrued on the amounts specified above (e) any other amount as may be specifically paid by the Government towards this Head of Accounts (3) The Government shall make suitable provision in the annual budget, under the Head "2202-General Education-03 University and other Higher Education-104—, Assistance to Non-Government Colleges and Institutions Retirement Benefits", for making payments of pension to retirees. (4) The credit to the head of account shall be made as under Five per cent of the ten per cent of the pay of the employee (5) towards the Contributory Provident Fund payable by the management shall also be deducted from the grant-in-aid sanctioned to the private affiliated colleges for crediting the same to the head of account so that no amount remains pending for recovery from the management. For the purpose of sub-rule (4) the share of contributory provident fund of the management towards the retirement benefits under these rules in respect of each employee shall be deducted from the grant-in-aid. Section 16. - commencing from the accounts of the colleges. The credit to the office of the Accountant General, no 12. In the said rules. in rule 21, sub-rule (2) 13. In the said for 22 24 and 25 rules shall be substituted, namely ' '32 Biode of p. •ynuent of pension. Section 4 & 16,— The provisions under these rules shall be made by the Director on the basis of the order and the authority of the Director. 23 Mode of to retiree. Section & IG,— The payment of to the 24 of the deceased employee by the management on the of pension plan Order. The procedure for making payment of pension/ will be the same as family pension. (d) intended for making payment of salary to the staff of aided colleges. Other retirement benefits payable under these rules shall be paid by the Principal of the College concerned to the Director/Principal of the same by the deceased employee. The Director a copy of the sanction so made shall be conveyed to Accountant General, Haryana (Accounts and Entitlements) and the Director. The copy of the sanction so made shall be conveyed to the Principal of the College for accordingly Head of expenditure. Section 4,— under All payments under these rules shall be the expenditure Head of Government and other other Non-Government Colleges and institutions retirement benefits. HARYANA GOVT GAZ. (EXTRA.), JAN. 24, 2001 (MAGH 4. 1922 SAKA) 47 25 Head of account of debit expenditure. Section & 16,— The amount of payment made under Head General Education and other Higher Education- to Non-Government Colleges and 104- institutions retirement benefits." Under separate sub-head against each retirement benefit actually debited and reconciled in the office of the Accountant General (Accounts and entitlement). " 14. In the said rules, 27 and 28 shall be omitted

15. In the said rules, for rule 29, the following rule shall be substituted, namely : "29 Application for final payment.Section 4 & 16,— The application for payment will be made to the Director who will order the release of final payment."

16. In the said rules, in rule 33, for sub-rule (4), the following sub-rule shall be substituted, ."(4) The employees shall not be entitled for the benefits available under these rules until the transfer of the contribution of the Contributory Provident employer's Fund along With interest to relevant head of account.' P. K. CHAUDHARY, Commissioner :Ind to Go Ilaryana. Education Department. Chandigarh.

