

P

ANNEXURE K-A

*THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS EMPLOYEES (SECURITY OF SERVICE) RULES, 1979

Punjab Act No. 18 of 1979

An Act to provide for security of service to employees of privately managed recognised schools in the State of Punjab and for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of the State of Punjab in the Thirteenth Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Punjab Privately Managed Short title, Recognised Schools Employees (Security of Service), extent and. Act, 1979. commencement.

(2) It extends to the whole of the State of Punjab.
(3) It shall come into force on such date as the State Government may [by] notification appoint.

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

(a) 'aided post' means the post of the establishment of a privately managed recognised school against which such a school gets grant-in-aid from the State Government ;
(b) 'Director' means the Director of Public instruction (Schools), Punjab and Director of Public Instructions (primary Education), as the case may be, and includes any other officer authorised by him in this behalf ;
(c) 'employee' means any person employed on an aided post in any privately managed recognised school for hire or reward (whether the terms of employment be express or implied) and for the purposes of any proceeding under this Act in relation to any employment dispute includes the person dismissed or removed from service but does not include a part-time employee;
(d) 'existing school' means a privately managed recognised school which is in existence at the commencement of this Act ;
(e) 'managing committee' means the body of the individuals who are entrusted with the management of any privately managed recognised school ;
(f) 'prescribed' means prescribed by rules made under this Act ;
(g) 'privately managed recognised school' means a school, which is not run by the Central Government, the State Government, a local authority or any other authority designated or sponsored by the Central Government, State Government or local authority, as the case may be, and is recognised by

*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1979, page, 1494.

The assent of the Governor of Punjab was given for this act on the 12th November, 1979, and was first published for general information in the Government Gazette (Extraordinary), Legislative Supplement, dated the 16th November, 1979.

(2)

the State Government for imparting pre-primary, primary, middle, high and higher secondary education or training below the degree level, but does not include an institution which imparts technical education ;

(b) 'School Tribunal' means a School Tribunal constituted under section 8 of this Act.

CHAPTER II

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES

3. The minimum qualifications for recruitment and the conditions

Terms and conditions of service of the employees shall be such as may be prescribed :

service of employees.

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee of an existing school shall be varied to the disadvantage of such employee :

Provided further that every such employee shall be entitled to opt for the terms and conditions of service as were applicable to him immediately before the commencement of this Act.

4. (1) Subject to any rule that may be made in this behalf, no Dismissal, removal etc. of employees employee shall be dismissed, removed or reduced either in rank or within a time scale nor shall his services be otherwise terminated except with the prior approval of the Director.

(2) Any employee who is dismissed, removed or reduced either in rank or within a time scale under sub-section (1) may, within three months from the date of communication to him of the order of such dismissal, removal or reduction, appeal against such order to the School Tribunal.

(3) The managing committee aggrieved with the order of the Director may also appeal to the School Tribunal within a period of three months from the date of communication of the order.

(5) No employee shall be kept under suspension for a period exceeding six months without the prior approval of the Director.

6. Every employee shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct the employee shall be liable to such disciplinary action as may be prescribed.

7. Notwithstanding anything contained in section 3, the scale of Salaries of pay and dearness allowance of the employees shall not be less than those of the employees of the State Government holding corresponding posts in the schools run by the State Government :

Provided that where the scales of pay and dearness allowance of the employees are less than those of the employees of the State Government holding corresponding posts in the schools run by the State Government, the Director shall direct the concerned managing committee to bring the same at par with those of such employees of the State Government.

3

8. (1) The State Government may, by notification, constitute one or more School Tribunals for the purpose of this Act for such area as may be specified in such notification.

(2) A School 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 School Tribunal unless :—

- (a) he is, or has been a Judge of the High Court ;
- (b) he is, or has been a District Judge or an Additional District Judge.

(4) The terms and conditions of service of the Presiding Officer of the School Tribunal shall be such as may be prescribed.

(5) If any vacancy, other than a temporary absence, occurs in the office of the Presiding Officer of a School 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 School Tribunal from the stage at which the vacancy is filled.

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

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

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

(9) The School 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 School Tribunal made in any appeal preferred under section 4 shall be final.

CHAPTER III

MISCELLANEOUS PROVISIONS

vi

9. No civil court shall have jurisdiction in respect of any matter in Jurisdiction of Civil Courts relation to which the State Government or the Director is empowered by or under this Act to exercise barred. 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.

10. No suit, prosecution or other legal proceedings shall lie against Protection of action taken in good faith. the State Government or the Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

11. Without prejudice to any other action, that may be taken under Non-compliance with order or direction any other provision of this Act, the failure to carry out any orders of the School Tribunal or of 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.

12. Any person who entrusted with the management of the affairs of a privately managed recognised school omits or fails, without any reasonable excuse to carry out any orders made by the School Tribunal shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

13. (1) Where an offence under this Act has been committed by Offences by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or convenience of, or is attributed to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section —

- (a) “company” means any body corporate and includes a firm or other association of individuals ; and
- (b) “director” in relation to a firm, means a partner in the firm.

14. If any difficulty arises in giving effect to the provisions of this Removal of Act, the State Government may by order not inconsistent difficulties. with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

15. (1) The State Government may, by notification and subject to the Power to conditions of previous publication, make rules for carrying make rules. out the purpose 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 :

- (a) the minimum qualifications for, and method of recruitment, and terms and conditions of service of employees ;
- (b) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof ;
- (c) the terms and conditions of service of Presiding Officer of the school Tribunal ;
- (d) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act 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 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 under that rule.

16. (1) The punjab Aided School (Security of Service) Act, 1969, *Repeal and* is hereby repealed.
saving

(2) Notwithstanding such repeal—

- (i) anything done or any action taken under the Act so, repealed shall be deemed to have been done or taken under the corresponding provisions of this Act ;
- (ii) any case pending before the Deputy Commissioner under sub-section (2) or sub-section (4) of section 3 of the Act so repealed shall stand transferred to and be dealt with by the Director in accordance with the provisions of the Act so repealed and the rules made thereunder as if he were the Deputy Commissioner ;
- (iii) until the School Tribunal is constituted under this Act, the Commissioner of a Division shall be deemed to be a School Tribunal constituted under this Act, and any appeal pending before him under sub-section (5) of section 3 of the Act so repealed or any appeal preferred under sub-section (2) or sub-section 4 of this Act shall be dealt with by him under the provisions of this Act ;
- (iv) on the constitution of the School Tribunal under this Act, all appeals which could not be decided under sub-clause (iii) shall stand transferred to the said Tribunal and be decided by it under the provisions of this Act and rules made thereunder.

(6)

ANNEXURE L

*THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS EMPLOYEES (SECURITY OF SERVICE) RULES, 1981

The Governor of Punjab is pleased to make the following rules regarding the Punjab privately—Recognised Schools Employees (Security of Service) Rules, 1981 namely :—

1. These rules may be called the Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rules, 1981.

(a) 'Act' means the Punjab Privately-Managed Recognised Schools Employees (Security of Service) Rule, 1981.

2. In these rules, Unless the Context otherwise requires 80—

Definitions

(b) 'Government' means the Government of the State of Punjab in the Department of Education ;

(c) 'Punishing authority' means the managing Committee or any person otherwise competent to impose on an employee any of the Penalties specified in rule 16.

(d) 'recognised University' means—

(i) any University incorporated by Law in any of the States of India ;

(ii) in the case of degrees, diplomas or certificates obtained as a result of examinations held before the 15th August, 1947, the Punjab, Sind or Dacca University ; or

(iii) any other University which is recognised by the Government for the purpose of these rules.

3. These rules shall apply to all the employees employed on Application aided Posts but shall not apply to—

(i) Persons appointed on Part-time basis against aided Posts ;

(ii) Persons re-employed on aided Posts ; and

(iii) a person employed on aided post previously held by an employee under suspension.

PART II

(1) No Person shall be appointed to an aided Post unless he is—
Nationality

(a) a citizen of India, or

(b) a citizen of Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over to India before 1st January, 1962, with the intention of permanently setting in India, or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Shri Lanka, East Africa Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently setting in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

*Commissioner for Education and Secretary to Government of Punjab, Department of Education Notification No. G.S.R. 63/P.A. 18/79/S, 15/80 dated the 5th August, 1980 Published vide Punjab Government Gazette (Extra), January 23, 1981.

(2) No person shall be appointed to an aided Post, unless he produces a certificates of character from the Principal academic officer of the University College, School or institution Last attended, if any, and similar certificate of character from two responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his University, College, School or institution.

5. No person—

Disqualification

- (i) who has entered into or contracted a marriage with any person having a spouse living ; or
- (ii) Who having a spouse living has entered into or contracted marriage with any Person, shall be eligible for appointment to an aided Post ;

6. (1) No Person shall be appointed to an aided post, unless he Qualifications possess the qualifications and experience as specified against that Post in the Appendix to these rules.

(2) Unless otherwise specified in the Appendix to these rules, an employee who has not attained the knowledge of Hindi and Punjabi language of matriculation standard or its equivalent, shall have to acquire the same within a period of two years from the date of his appointment or the commencement of these rules, whichever is earlier, failing which he shall not earn his future grade increments till he acquires such knowledge when the increments shall be released respectively :

Provided that he shall not be entitled to get arrears of the released grade increments for the period during which he could not acquire the aforesaid knowledge.

D.P.I. Order :—

ਹਰਿਆਣਾ ਰਾਜ ਤੋਂ ਪਾਸ ਕੀਤੇ ਦੇ ਸਾਲਾ ਜੇ.ਬੀ.ਟੀ. ਟਰੈਨਿੰਗ ਕੇਂਦਰ ਦੀ ਮਾਨਤਾ ਬਾਰੇ ਸਪਲਾਈਬਾਰ—ਹਰਿਆਣਾ ਸਰਕਾਰ ਵਲੋਂ ਜਿਨ੍ਹਾਂ ਉਮੀਦਵਾਰਾਂ ਨੇ ਮਿਤੀ 28.4.81 ਤੱਕ ਪੰਜਾਬ ਰਾਜ ਤੋਂ ਜੇ.ਬੀ.ਟੀ. ਪਾਸ ਕੀਤੀ ਹੈ ਉਨ੍ਹਾਂ ਨੂੰ ਮਾਨਤਾ ਦਿੱਤੀ ਹੋਈ ਹੈ ਅਤੇ ਇਸ ਮਿਤੀ ਤੋਂ ਬਾਅਦ ਉਹਨਾਂ ਨੇ ਪੰਜਾਬ ਰਾਜ ਦੇ ਜੇ.ਬੀ.ਟੀ. ਕੇਰਮ ਨੂੰ ਮਾਨਤਾ ਬਣਾ ਕਰ ਦਿੱਤੀ ਹੈ, ਹੈਸ਼ੋਪਪੈਕਲ ਬੋਸ਼ਨਲ (reciprocal) ਦੇ ਸਿਧਾਂਤ ਨੂੰ ਮੁੱਖ ਰੱਖ ਕੇ ਜੇ.ਬੀ.ਟੀ. ਪੰਜਾਬ ਸਰਕਾਰ ਨੇ ਇਸ ਮਾਮਲੇ ਨੂੰ ਦੁਆਰਾ ਵਿਚਾਰ ਕੇ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਹਰਿਆਣਾ ਰਾਜ ਦੇ ਜੇ.ਬੀ.ਟੀ. ਕੇਰਮ ਨੂੰ ਮਿਤੀ 28.4.81 ਤੱਕ ਮਾਨਤਾ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਬਲਕਿ ਜੇ ਹਰਿਆਣਾ ਪ੍ਰੰਤ ਦਾ ਜੇ.ਬੀ.ਟੀ. ਦਾ ਕੇਰਮ ਦੇ ਸਾਲ ਦਾ ਹੋਵੇ। ਇਹ ਫੈਸਲਾ ਉਹਨਾਂ ਉਮੀਦਵਾਰਾਂ ਤੇ ਲਾਗੂ ਹੋਵੇਗਾ ਜਿਨ੍ਹਾਂ ਨੇ ਮਿਤੀ 28.4.81 ਤੱਕ ਹਰਿਆਣਾ ਰਾਜ ਤੋਂ ਜੇ.ਬੀ.ਟੀ. ਕੇਰਮ ਪਾਸ ਕੀਤਾ ਹੋਵੇ।

[D.F.I. School Govt. of Punjab Memo No. 72(S) 9/10-83. T.T. (3) dated 24.2.89 & Director Employment Memo No. O.I. 16/89/14346-411 dated the 30th March, 1989.]

7. (1) All appointments to the aided posts shall be made by the Appointment authority and managing Committee in the following manner : Method of appointment

- (i) Appointing authority shall advertise in both English and Vernacular daily newspapers in the State, vacancy or vacancies to be filled in by giving full particulars thereof including the requisite qualifications, number of vacancies to be filled in and the last date by which the applications may be submitted ;
- (ii) The recommendations for appointment of the candidates shall be made by a sub-committee consisting of five members of managing committee.

2. The members of the sub-committee shall be appointed by the managing committee.

8. (1) Persons appointed to the aided posts shall remain on probation for a period of one year ;

Provided that in the case of an appointment by transfer any period of work in equivalent or higher rank prior to appointment to an aided post may, in the discretion of the appointing authority, be allowed to count towards the period of probation.

(2) if in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may dispense with his services.

(3) On the completion of the period of probation of a person, on the appointing authority may,—

(a) if his work or conduct has in its opinion, been satisfactory,—

- (i) Confirm such person from the date of his appointment, if appointed against a regular vacancy ; or
- (ii) confirm such person from the date from which a regular vacancy occurs if appointed against a temporary vacancy ; or
- (iii) declare that he has completed his period of probation satisfactorily if there is no regular vacancy ; or

(d) If his work or conduct has not been, in its opinion, satisfactory, it may,—

- (i) dispense with his services ; or
- (ii) extend his period of probation by six months at a time and there after pass such orders as it could have passed on the expiry of the original period of probation :

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

9. (1) The managing committee, which is running two or Power to transfer more privately managed recognised schools, may transfer any employee from one school to another school under its control :—

- (a) with the prior approval of the Director ; or
- (b) on the request of the employee ; under intimation to the Director ;

Provided that no employee shall be transferred to a post lower in rank or carrying a pay or pay scale which is less than, the basic pay or the pay scale he would have drawn but for his transfer.

(2) An employee may seek appointment to an aided post in another privately-managed recognised school through his previous employer.

10. The employees shall retire from service on attaining the age of Age on retirement 58 years :

Provided that the employees holding the posts corresponding to the Posts held by class IV employees in the schools run by the Government shall retire on attaining the age of sixty years.

11. The employees may be granted casual leave as under :—

Grant of leave

(1) Employees with not more than ten years service.	Ten days in a calendar year.
--	-------------------------------------

81

(2) Employees with more than ten years service, but less than twenty years service.
 (3) Employees with twenty years service or more.

Fifteen days in a calender year.

Twenty days in a calender year.

(2) In respect of earned leave, half pay leave and maternity leave, the conditions of service of the employees as applicable to them immediately before the commencement of these rules shall not be varied to their disadvantage without the previous approval of the Government.

12. On the revision of pay scales of the employees or on their Pay fixation appointment to any higher aided post-in a school under the same managing committee, their pay shall be fixed in accordance with the rules applicable to the employees of the State Government holding corresponding posts-in the schools run by the State Government.

13. The appointing authority or any other authority empowered by it Suspension in this behalf, may place an employee under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending ; or
 (b) where the case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that where the order of suspension is made by an authority Lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made :

Provided further that no employee shall be kept under suspension for a period exceeding six months without the prior approval of the Director.

14. (1) An employee under suspension shall be entitled to an Subsistence of amount of subsistence allowance equivalent to fifty allowance per cent of his basic pay and the allowances admissible thereon from the managing committee :

Provided that the employee under suspension shall not leave his headquarters without the prior approval of his appointing authority and shall submit every month a certificate to the effect that—

(a) he is not employed any where gainfully in any capacity.
 (b) he is not carrying on any business, and
 (c) he has not left his headquarters without the prior approval of his appointing authority.

(2) If the employee is kept under suspension beyond the period of six months under section 5 of the Act, the subsistence allowance shall be raised to seventy-five per cent of the basic pay and the allowance admissible thereon :

Provided that the delay is not due to non-cooperation or negligence of the employee concerned.

15. In case a suspended employee is exonerated of the charges Allowance on levelled against him by the managing committee or is reinstated in appeal or otherwise, he shall be entitled to full pay and allowances to which he would have been entitled had he not been suspended less subsistence allowance already paid to him under rule 14 by the managing committee.

(9)

16. (1) The following penalties may, for good and sufficient reasons. *Penalties* and as hereinafter provided, imposed on the employees :—

Minor Penalties

I. Censure ;

Major penalties

1. Dismissal from Service ;
2. Removal from service ;
3. Reduction either in rank or within the time scale.

(2) The following shall not amount to a penalty within the meaning of this rule, namely :—

- (i) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the efficiency bar ;
- (ii) **Termination of Services—**
 - (a) of an employee appointed on probation, during or at the end of the period of his probation, accordance with the terms of his appointment or the rules and orders governing such probation ; or
 - (b) of a temporary employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment ; or
 - (c) of an employee employed under an agreement on temporary in basis accordance with the terms of such agreement.

17. (1) Whenever the punishing authority is of opinion that there are grounds for inquiring into the truth of any imputations of misconduct or misbehaviour against an employee, it may itself inquire into or appoint under this rule an authority to inquire into the truth thereof.

(2) Where it is proposed to hold an inquiry against an employee, the punishing authority shall draw or cause to be drawn up—

- (i) The subsistence of the imputation of misconduct or misbehaviour, as the case may be, into definite and distinct articles of charges ;
- (ii) a statement of imputation of misconduct or misbehaviour in support of each article of charge, which shall contain—
 - (a) a statement of all relevant facts including any admission or confession made by the employee ;
 - (b) a list of documents by which and a list of witnesses by whom the articles of charges are proposed to be sustained.

(3) The punishing authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which or whom each article of charge is proposed to be sustained and shall require the employee to submit within fifteen days a written statement of his defence.

Note :— For Computing the period of fifteen days, the time required for making available such record to the employee for inspection or taking extracts there from shall be excluded.

(4) The employee may, on his written request, be permitted to engage a Legal practitioner to defend him, and to inspect or take

extracts from the records, pertaining to the case for the purpose of preparing a written statement.

(5) On receipt of the written statement of defence, the punishing authority may itself inquire into such of the articles of charges as are not admitted or, if it considers it necessary so to do, appoint an authority for the purpose, and where all the articles of charges have been admitted by the employee in his written statement of defence, the punishing authority shall record its findings on each charge.

(6) If no written statement of defence is submitted by the employee within the specified time, or he does not appear in person or through his Lawyer before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the punishing authority may itself hold the inquiry *ex parte* or if it considers necessary to do so appoint an inquiring authority for the purpose and this authority shall forward the records of the inquiry to the punishing authority who is competent to impose the penalty.

(7) During the course of inquiry the employee shall be entitled to cross examine the witnesses examined in support of the articles of charges and to give evidence in person and to have such witnesses as may be produced, examined in his defence.

(8) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise its jurisdiction therein and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding inquiring authority is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may record, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(9) After the conclusion of the inquiry a report shall be prepared and it shall contain—

- (a) The articles of charges and the statement of imputations of misconduct or misbehaviour ;
- (b) The Defence of the employee in respect of each article of charge ; and
- (c) an assessment of the evidence in respect of each article of charge ;
- (d) the finding on each article of charge and the reasons therefor.

Explanation :—(1) If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of charge ; it may record its findings on such article of charge :

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such articles of charge.

- (ii) The inquiring authority, where it is not itself the punishing authority, shall forward to the punishing authority the records of inquiry which shall include—

- (a) the report by it under sub-rule (9) ;
- (b) the written statement of defence, if any, submitted by the employee ;
- (c) the oral and documentary evidence produced in the course of the inquiry ;
- (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the enquiry ; and
- (e) the orders, if any, made by the punishing authority and the inquiring authority in regard to the inquiry.

18. (1) The Punishing authority shall, if it disagrees with the findings Action on inquiry report of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such article of charge, if the evidence on record is sufficient for the purpose.

(2) If the punishing authority, having regard to the evidence on all or any of the articles of charges, is of opinion that any of the penalties specified in rule 16 should be imposed on the employee, it shall—

- (a) furnish to the employee a copy of the report of the inquiry held against him and its findings on each article of charge or where the enquiry has been held by an inquiring authority appointed by it a copy of the report of such authority and a statement of its findings on each articles of charge together with reason for its disagreement, if any, with the findings of the inquiring authority ;
- (b) give the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or within such further period not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty :

Provided that such representation shall be based on the evidence adduced during the inquiry.

(3) The punishing authority shall after considering the representation, if any, made by the employee, determine what penalty, if any, should be imposed on the employee and make such order as it may deem fit :

Provided that no order of dismissal, removal, reduction in rank or within a time scale or termination shall be passed without the prior approval of the Director.

(4) The Director shall not accord or refuse approval under sub-section (1) of Section 4 of the Act, unless an opportunity of being heard has been afforded to the official concerned or the managing committee, as the case may be.

**19. An employee may prefer an appeal to the Director against all or Orders against which any of the following orders :—
appeal his**

- (i) an order of suspension made under rule 13.
- (ii) an order which—
 - (a) denies or varies to his disadvantage his pay, allowances or other conditions of service as regulated by these rules ; or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement.

(iii) an order—

- (a) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (b) determining his pay and allowances—
 - (i) for the period of suspension; or
 - (ii) for the period from the date of his dismissal or removal from service, or from the date of reduction to the time scale or a lower rank to the date he ceases to be in service;
- (c) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, termination or reduction to a lower rank, grade, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post, is to be treated as a period spent on duty for any purpose.

20. (1) Every employee or the managing committee preferring an Form and contents appeal to the School Tribunal shall do so of appeals. separately in his or its own name.

(2) The appeal shall be presented to the School Tribunal to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper Language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on the receipt of a copy of the appeal, forward the same together with the relevant record to the appellate authority without any avoidable delay and without waiting for any direction from the School Tribunnal.

21. Any agreement relating to the terms and conditions of service of Agreement. an employee entered into by the managing committee with that employee in violation of the provisions of the Act and these rules shall not be enforceable.

22. (1) Every managing committee of a privately managed recognised Provident Fund school shall establish Provident Fund for the employees of such school who—

- (i) had attained the age of superannuation before the 5th day of Feburary, 1987; and
- (ii) opt to remain out of the Scheme as provided under rule 22-A.

(2) An employee referred to in sub-rule (1) shall be entitled to contribute to the Provident Fund established or to be established by the managing committee at such rate as may be specified by the Government from time to time :

Provided that an employee who is governed by the provisions of the Scheme shall contribute towards the General Provident Fund in accordance with the provisions thereof.

(3) The standard Provident Fund Rules as contained in Appendix III of the Punjab Education Code, Twelfth Edition, 1956, shall mutatis mutandis apply to the Provident Fund of the employees.

22-A The Government shall make a scheme for the grant of retirement Retirement Benefits benefits to the employees of the privately managed recognised schools who—

(a) are appointed to the aided posts on or after the 5th day of February, 1987; and

(b) were working on aided posts on the 5th day of February, 1987:

Provided that the provisions of the Scheme so made shall not apply to the employees who retired from such posts before the 5th day of February, 1987;

Provided further that the employees who were appointed to the aided posts—

(i) before the 5th day of February, 1987 and who have attained or will attain the age of superannuation on or after that date; and

(ii) on or after the 5th day of February, 1987, but before the date of commencement of the Punjab Privately Managed Recognised Schools Employees (Security of Service) (First Amendment) Rules, 1991;

shall be the right to exercise option within a period of four months from the date of publication of the Scheme to be or not to be governed by the provisions of the Scheme."

Appendix

(See Rule 6)

Serial No.	Designation of post	Qualification and experience
1	2	3
1. Principal	Degree of recognised University with B.T. B.Ed. or Senior Basic Training with the following minimum teaching experience :— (i) In the case of M.A. or M.Sc. with M.Ed. six year ; (ii) In the case of M.A. or M.Sc. with B.T. or B.Ed. seven years ; (iii) In the case of B.A. or B.Sc. with B.T. or B.Ed. Eight years. (iv) In the case of D.P. Ed. Eight years from the date physical Education was introduced Compulsory in the Schools ; and (v) In the case of B.A. or B.Ed. with M.Ed. seven years.	
2. Headmaster	Degree of a recognised University with B.T., B.Ed. or Senior Basic Training with the following minimum teaching experience :— (i) In the case of M.A. or M.Sc. with M.Ed. six year ; (ii) In the case of M.A. or M.Sc. with B.T. or B.Ed. seven years. (iii) In the case of B.A. or B.Sc. with B.T. or B.Ed. eight year. (iv) In the case of D.P. Ed Eight years from the date physical Education was introduced Compulsory in the schools ; and (v) In the Case of B.A. or B.Sc. with M.Ed. seven years.	
3. Lecturer for General Education	M.A. or M.Sc. or M. Com or M.A. with B.T. or B.Ed. or M.Ed.	
4. Science Master or Science Mistress	Degree of a recognised University with B.T. or B.Ed. and Senior School Teachers Certificate or B.Ed. Senior or Basic Trained with any two or the four subjects in B.Sc. namely :— Physics, Chemistry, Botany and Zoology or B.A. with Mathematics 'A' course and physics or physics and Geography with Senior Schools Teachers Certificate, B.T. B.Ed. or Senior Basic Trained.	
5. Mathematics Master or Mistress	B.A. (Math, A & B Course) with Senior School Teachers Certificate, B.T., B.Ed. or Senior Basic Trained or B.A (T.D.C.) with Mathematics as elective subject.	

SECURITY OF SERVICE RULES, 1981

Annexure L

6. Social Studies Master or Mistress	B.A. with subject combination as approved by the Director from time to time with Senior School Teachers Certificate, B.T., B.Ed. or Senior Basic Trained.
7. Commerce Master	B.Com.
8. Physical Training Master or Mistress	Graduate with Degree or Diploma of Training in advance physical training course.
9. Home Science Mistress	Diploma in Home Science from a recognised University with B.T. or B.Ed.
10. J.B.T. Teacher	(i) Matric with two years course in J.B.T. Training ; and (ii) Knowledge of Punjabi and Hindi Language of Matriculation Standard or its equivalent.
11. Arts and Crafts Teachers.	Matric with two years Diploma in Arts and Crafts from any institution approved by the Industrial Training Organisation.
12. Physical Training Instructor.	Matric with Certificate in Physical Education of any institution/Board approved by the State Government or National Discipline Scheme Instructor trained.
13. Punjabi Teacher, Language Master	Matric, Giani (Honours in Punjabi) O.T./B.A.B.Ed. Elective Punjabi in B.A.
14. Hindi Teacher, Language Master	Matric, Prabhakar (Honours in Hindi) O.T./B.A.B.Ed. Elective Hindi in B.A.
15. Sanskrit Teacher	Matric, Shastri with O.T.
16. Drawing Teacher	Drawing Master Certificate preferably from the Government School of Arts, Simla or Government School of Arts, Nabha.
17. Music Teacher	Higher Secondary Part-II with Music as Elective subject with two years J.B.T. or Matric with Diploma in Music or Sangeet Prabhakar or Sangeet Rattan or Sangeet Vishard.
18. Urdu Teacher	Matric Adile Fazal (Honours in Urdu) with two years J.B.T. Course.
19. Sewing Teacher	Matric with two year Industrial Training alongwith one year's Teachers Training Course from the Industrial Training Department, Punjab or its equivalent.
20. Clerk	Matric with knowledge of Punjabi and Hindi Languages of Matrculation Standard or its equivalent.
21. Junior Librarian	Matric with Certificate/Diploma in Library Science from a recognised University/Board/Institution.
22. Librarian	B.A./B.Sc. with Degree in Library Science from any recognised University.
23. Agriculture Master	B.Sc. (Agriculture)
24. Type Shorthand Instructor	B.A./B. Com/B.Sc. M.A./M.Sc. with one year course of Stenography from the I.T.I. or with 5 years minimum experience in Stenography and typing.
25. Laboratory Assistant	Matric with Science.
26. Table Teacher	Diploma in Sangeet Prabhakar or Sangeet Rattan or Sangeet Vishard Tabla Playing from any Institution recognised by the State Government/University.

[Commissioner for Education and Secretary to Government of Punjab, Department of Education, Notification No. G.S.R. 63/P.A. 18/79/S. 15/80, dated the 5th August, 1980. Published vide Punjab Government Gazzett (Extra), January 23, 1981.]