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PART II—Section 3—Sub-section (i)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 27th August 1971

G.S.R. 1221.—In exercise of the powers conferred by section 87 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby extends to the Union territory of Chandigarh, the Punjab Aided Schools (Security of Serivce) Act, 1969 (Punjab Act 19 of 1969), as in force in the State of Punjab at the date of this notification, subject to the following modifications, namely:—

Modifications

1. Throughout the Punjab Aided Schools (Security of Service) Act, 1969 (hereinafter referred to as the Act), save as otherwise expressly provided hereinafter, for the words "State Government", wherever they occur, the word "Administrator" shall be substituted and there shall also be made in any sentence in which the said words occur, such consequential amendments as the rules of grammar may require.

2. Section 1 of the Act shall be renumbered as sub-section (1) of that section and after sub-section (1), as so renumbered, the following sub-sections shall be inserted, namely:—

"(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, by notification in the Chandigarh Gazette, appoint.".

3. In section 2 of the Act, for clauses (a) to (d), the following clauses shall be substituted, namely:—

'(a) "Administrator" means the Administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution;

(aa) "aided school" means a school receiving aid from the Government;

(b) "Commissioner" means the Commissioner of Chandigarh Division and includes any other officer authorised by the Administrator to exercise the powers of the Commissioner under this Act;

(c) "Deputy Commissioner" means the Deputy Commissioner of Chandigarh District and includes any other officer authorised by the Administrator to exercise the powers of the Deputy Commissioner under this Act;

(d) "Director" means the Director of Public Instruction, Chandigarh, and includes any other officer authorised by the Administrator to exercise the powers of the Director under this Act;'.

4. In section 5 of the Act, for the words "State Government", the words "Government or the Administrator" shall be substituted.

6. In section 7 of the Act—

(a) in sub-section (1):—

(i) the brackets and figure "(1)" shall be omitted;

(ii) for the words "official Gazette", the words "Chandigarh Gazette" shall be substituted;

(b) sub-section (2) shall be omitted.

6. Section 8 of the Act shall be omitted.

ANNEXURE

The Punjab Aided Schools (Security of Service) Act, 1969 as extended to the Union Territory of Chandigarh

PUNJAB ACT 19 OF 1969

An Act to provide for the security of service to employees of aided schools.

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Punjab Aided Schools (Security of Service) Act, 1969.

(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, by notification in the Chandigarh Gazette, appoint.

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

(a) "Administrator" means the Administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution;

(aa) "aided school" means a school receiving aid from the Government;

(b) "Commissioner" means the Commissioner of Chandigarh Division and includes any other officer authorised by the Administrator to exercise the powers of the Commissioner under this Act;

(c) "Deputy Commissioner" means the Deputy Commissioner of Chandigarh District and includes any other officer authorised by the Administrator to exercise the powers of the Deputy Commissioner under this Act;

(d) "Director" means the Director of Public Instruction, Chandigarh, and includes any other officer authorised by the Administrator to exercise the powers of the Director under this Act;

(e) "empolyee" means a person in wholetime employment of an aided school.

3. *Procedure of punishing employees of aided schools.*—(1) 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 respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry.

(2) No order of dismissal or removal or reduction in rank of an employee shall take effect unless it has been confirmed by the Deputy Commissioner who may refuse to do so, if in his opinion, the provisions of sub-section (1) have not been complied with.

(3) Nothing in sub-section (1) or sub-section (2) shall apply 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.

(4) An employee against whom an order of the nature specified in sub-section (1) is passed without complying with the provisions of sub-section (1) or sub-section (2) may, within a period of thirty days of the date of communication of the order, make an application to the Deputy Commissioner challenging such an order on the ground that he is an employee to whom the provisions of sub-section (1) and sub-section (2) apply and the Deputy Commissioner may, after giving the parties an opportunity of being heard and after making such further inquiry as he may think fit, make an order refusing the application or setting aside the impugned order.

(5) Any person aggrieved by any decision or order made by the Deputy Commissioner under this section may, within period of thirty days from the date of communication to such person of the decision or order, prefer an appeal to the Commissioner who may, after giving the parties an opportunity of being heard, and after making such further inquiry, if any, as he may consider necessary, pass such order as he thinks fit, confirming, modifying or reversing the decision or order appealed against.

(6) The order passed by the Commissioner under sub-section (5) and subject only to such an order the order passed by the Deputy Commissioner under and section (2) or sub-section (4) shall be final and binding on the parties.

4. *Director's power to stop, reduce or suspend aid.*—It shall be lawful for the Director to stop, reduce or suspend the aid of an aided school for violation of any of the provisions of this Act or of any rules made thereunder or of any order passed under this Act, by the Managing Committee, manager or any other authority charged with the administration thereof:

Provided that before taking action under this section, the Director shall give a reasonable opportunity to the Managing Committee to show cause against the action proposed to be taken.

5. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Government or 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.

6. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Administrator may, by order, do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty.

7. *Power to make rules.*—The Administrator may, by notification in the Chandigarh Gazette, make rules for carrying out the purposes of this Act.

[No. F. 15/4/71-UTL-(119).]

K. R. PRABHU, *Jt. Secy.*

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