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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

N O T I F I C A T I O N

New Delhi, the 21st July, 1978.

G.S.R._____. - 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 Affiliated Colleges (Security of Service) Act, 1974 (Punjab Act 23 of 1974), as in force in the State of Punjab at the date of this notification, subject to the following modifications, namely :-

MODIFICATIONS

1. Throughout the Act, for the words "State Government", wherever they occur, the word "Administrator" shall be substituted.

2. In section 1,-

(a) in sub-section (2), for the words "State of Punjab", the words "Union territory of Chandigarh" shall be substituted;

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

3. In section 2,-

(a) clause (a) shall be re-lettered as clause(aa) and before the clause as so re-lettered, the following clause shall be inserted, namely :-

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

contd....2/-

(b) in clause (b), for the word "Punjab" the words "Chandigarh Administration" shall be substituted.

4. In section 10, for the word "it", the word "him" shall be substituted.

5. In section 12,-

(a) in sub-section (1), for the words "Official Gazette", the words "Chandigarh Gazette" shall be substituted;

(b) sub-section (3) shall be omitted.

ANNEXURE

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE) ACT, 1974 (PUNJAB ACT 23 OF 1974) AS EXTENDED TO THE UNION TERRITORY OF CHANDIGARH.

An Act to provide for the security of service 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, 1974.

(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) "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;

contd.....3/-

(b) "Director" means the Director of Public Instruction, Chandigarh Administration, and includes any other officer authorised by the Administrator to perform the functions of the Director under this Act;

(c) "District Judge" means the District Judge of the district in which the affiliated college is situated;

(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 affilated college;

(e) "employee" means a person in employment of an affiliated college, but does not include a work-charged employee.

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

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.

4. Procedure to be observed before 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 relevant record and intimation about the proposal having been 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, 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 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 under sub-section (2) may file an appeal to the District Judge who may, after giving to the parties an opportunity of being heard, pass such order as he may deem fit.

contd....4/-

5. Procedure to be observed before reduction in rank.-

(1) Where after the inquiry referred to in section 3, it is proposed to impose the penalty of reduction in rank the 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.

(2) 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 mala fide or by way of victimisation or not warranted by the facts and circumstances of the case.

6. Sections 3, 4 and 5 not to apply in 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.

7. Retrenched employee to be given preference.-

An employee who is relieved from an affiliated college as a result of retrenchement 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.

8. Courts not to grant injunction.- Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no Court shall grant any temporary injunction or make any interim order restraining any proceedings which are being or about to be taken under this Act.

9. Protection of action taken in good faith.-

No suit, procecution 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.

contd.....5/-

10. 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.

11. Overriding effect of this Act.- 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.

12. Power to make rules.- (1) The Administrator may, by notification in the Chandigarh 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 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) [omitted].

[No. U-11015/6/77-UTL -(144)]

(H.C. BAKHSHI)
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