The Punjab Affiliated Colleges (Security of Service) Amendment Act, 2007

Act 11 of 2008

Keyword(s):
Educational Tribunal, Educational Institution
PART I
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification
The 15th February, 2008

No. 11-Leg./2008.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 7th February, 2008, and is hereby published for general information:—

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE) AMENDMENT ACT, 2007
(Punjab Act No. 11 of 2008)

AN

ACT

further to amend the Punjab Affiliated Colleges (Security of Service) Act, 1974.

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

1. (1) This Act may be called the Punjab Affiliated Colleges (Security of Service) Amendment Act, 2007. Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Affiliated Colleges (Security of Service) Act, 1974 (hereinafter referred to as the principal Act), for the words “College Tribunal” wherever occurring, the words “Educational Tribunal” shall be substituted. Amendment in Punjab Act 23 of 1974.


(i) for clause (c), the following clause shall be substituted, namely:—

“(c) “Educational Tribunal” means a Tribunal, constituted under section 7-A of this Act, which shall hear and decide the cases of disputes between the “Management Committees” and the “employees”, as defined in this Act and the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979 ;

(ii) in clause (d), at the end, the word “and” shall be omitted; and

(iii) in clause (e), at the end, for the word and sign “employee,”, the words and sign “employee; and” shall be substituted, and thereafter, the following clause shall be added, namely:—

“(f) “educational institution” means ‘an affiliated college’ as defined in clause (a) of section 2 of this Act, and
includes 'a privately managed recognised school' as defined in clause (g) of section 2 of the Punjab Privately Managed Schools Employees (Security of Service) Act, 1979.'.

4. In the principal Act, in section 6,—
   (a) in clause (ii), at the end, the word 'and' shall be omitted; and
   (b) in clause (iii), at the end, for the word and sign "charge.", the words and sign "charge: and" shall be substituted, and thereafter, the following clause shall be added, namely:
   "(iv) to an employee, who is not working on an aided post."

5. In the principal Act, for section 7-A, the following section shall be substituted, namely:

   "7-A (1) The State Government may, by notification, in the Official Educational Gazette, constitute one or more Educational Tribunals for such area or areas, as may be specified in such notification.
   (2) Each Educational Tribunal shall consist of a Chairman and two members, out of whom, one shall be from amongst the persons, who have administrative background and the other from amongst the persons, who have academic background.
   (3) The Chairman and the members of an Educational Tribunal, shall be appointed by the State Government in consultation with the Chief Justice of the Punjab and Haryana High Court.
   (4) A person shall not be qualified for appointment as Chairman of an Educational Tribunal, unless he has been a Judge of the High Court.
   (5) A person shall not be qualified for appointment as a member of an Educational Tribunal from the category of persons, having administrative background, unless he has been an officer of the State Government, not below the rank of a Principal Secretary to Government of Punjab.
   (6) A person shall not be qualified for appointment as a member of an Educational Tribunal from the category of persons, having academic background, unless he has been a Principal of College for a minimum period of one year."
(7) If a vacancy, other than on account of temporary absence, occurs in the office of the Chairman, 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 Educational Tribunal from the stage at which, the vacancy is filled.

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

(9) All expenses incurred in connection with an Educational Tribunal, shall be borne by the State Government.

(10) The Educational Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which, it shall hold its sittings:

Provided that the State Government, may, specify any place or places, where the Educational Tribunal shall hold its sittings.

(11) The Educational Tribunal shall, for the purposes of disposal of an application made under this Act, have the same powers, as are vested in an appellate court by the Code of Civil Procedure, 1908. An Educational Tribunal shall also have the power to stay the operation of any order, appealed against, on such terms, as it may think appropriate.

(12) The Educational Tribunal shall have jurisdiction to hear all cases of disputes between the 'Managing Committees' and the 'employees', as defined in this Act, and the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979.

(13) The order of the Educational Tribunal shall be final.”

HARBANS SINGH,
Additional Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.