



The Haryana Affiliated Colleges (Security of Service) Act, 1979

Act 15 of 1979

Keyword(s):
Affiliated College, University

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THE HARYANA AFFILIATED COLLEGES
(SECURITY OF SERVICE) ACT, 1979

(Haryana Act No. 15 of 1979)

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**THE HARYANA AFFILIATED COLLEGES
(SECURITY OF SERVICE) ACT, 1979**

(Haryana Act No. 15 of 1979)

[Received the assent of the Governor of Haryana on the 17th April, 1979 and first published for general information in the Haryana Government Gazette (Extraordinary), Legislative Supplement, Part I of 19th April, 1979].

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1979	15	The Haryana Affiliated Colleges (Security of Service) Act, 1979.	Amended by Haryana Act 9 of 1982. ¹ Amended by Haryana Act 12 of 1984. ² Amended by Haryana Act 1 of 1996. ⁴ Amended by Haryana Act 9 of 1998. ⁵

AN

ACT

to provide for the security of service, employees of affiliated colleges.

BE it enacted by the Legislature of the State of Haryana in the Thirtieth Year of the Republic of India as follows :—

1. This Act may be called the Haryana Affiliated Colleges (Security of Service) Act, 1979. Short title.

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

... (a) “affiliated college” means a college which is not run by the Central Government or the State Government or a local authority which is recognised by the Kurukshetra University under the

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1. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 23rd March, 1979, page 583.
 2. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 13th March, 1982, page 307.
 3. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 13th March, 1984, page 300.
 4. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 23rd March, 1995, page 504.
 5. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 12th January, 1998, page 51.

Kurukshetra University Act, 1956, or is admitted to the privileges of the Maharshi Dayanand University under the Maharshi Dayanand University Act, 1975, ¹[*****];

- (b) "Director" means the Director of Public Instruction, Haryana, and includes any other officer of the State Government authorised by the Government to exercise the powers and perform the functions of the Director under this Act;
- (c) "employee" means any person who is in the whole-time employment of an affiliated college;
- (d) "Government" means the Government of the State of Haryana;
- ²[(e) "Managing Committee" means the Managing Committee of an affiliated college or colleges and includes a person or body of persons for the time being entrusted with the management of the affairs of such college or colleges;]
- (f) "prescribed" means prescribed by rules made under this Act; and
- (g) "university" means the Kurukshetra University as incorporated under the Kurukshetra University Act, 1956, or the Maharshi Dayanand University as incorporated under the Maharshi Dayanand University Act, 1975.

Qualifications.

3. The minimum qualifications for recruitment of various classes of employees shall be such as may from time to time, be laid down by the university concerned :

Provided that the qualifications of an existing employee at the commencement of this Act shall not be varied to his disadvantage.

Method of recruitment and conditions of service.

³[4. The method of recruitment, and the conditions of service, of the employees shall be such as may be prescribed :

Provided that the conditions of service of an existing employee at the commencement of this Act shall not be varied to his disadvantage.]

Code of conduct.

³[5. The employees shall be governed by such code of conduct as may be prescribed.]:

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1. Omitted by Haryana Act 12 of 1984.
 2. Substituted by Haryana Act 1 of 1996.
 3. Substituted by Haryana Act 9 of 1982.

6. The scales of pay and other allowances and privileges of the employees shall be such as may, from time to time, be specified by the Government. Salary.

[7. (1) No employee shall be dismissed, removed, reduced in rank or no annual increment or increments of pay of any employee shall be withheld with cumulative effect except after an enquiry in which he has been informed of the charge against him and given a reasonable opportunity of being heard in respect of those charges: Procedure to be observed before dismissal, removal, reduction in rank or withholding of annual increment of pay with cumulative effect.

Provided that this section shall not apply where an employee is dismissed, removed, reduced in rank or where the annual increment or increments of pay of any employee is or are withheld with cumulative effect on the ground of conduct which has led to his conviction on a criminal charge.

(2) The penalty of dismissal, removal from service, reduction in rank and withholding of annual increment or increments of pay with cumulative effect shall not be imposed unless the same is approved by the Director.

(3) Where after the enquiry referred to in sub-section (1) it is proposed to impose the penalty of dismissal, removal from service, reduction in rank or withholding of annual increment or increments of pay with cumulative effect, the proposal along with the relevant record shall be referred to the Director and the employee concerned shall be informed.

(4) The employee may, within a period of thirty days of the receipt of the intimation referred to in sub-section (3), make a representation against the proposed penalty to the Director who may, after examining the record and giving the parties an opportunity of being heard, by an order in writing, approve the proposed penalty or reduce it or refuse to approve it, if the proposal is found to be mala fide or by way of victimisation or not warranted by the facts and circumstances of the case.]

[7-A. (1) In case the Managing Committee of an affiliated college considers it expedient to keep an employee under suspension beyond the period of six months, it shall submit a detailed report to the Director at least one month before the expiry of the period of six months specifying reasons warranting the extension of the suspension period of the employee beyond six months. Continuance of suspension beyond six months.

(2) After considering the report under sub-section (1), the Director shall

1. Substituted by Haryana Act 9 of 1998.
2. Inserted by Haryana Act 9 of 1982.

pass an order whether the extension be granted or not. In the event of his refusal to grant the extension, the Managing Committee shall reinstate the employee within a fortnight from the date of receipt of the order, failing which the employee concerned shall be deemed to have been reinstated on the expiry of the aforesaid period.)

Bar of jurisdiction of civil courts.

8. No civil court shall have jurisdiction to entertain any suit in respect of any proceedings taken under the provisions of this Act.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the Government 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 or the rules made thereunder.

Appeal.

10. (1) Any employee aggrieved by an order imposing any penalty on him other than dismissal, removal or reduction in rank may, within thirty days of the date of communication to him of such order, prefer an appeal to the Director in such form and manner as may be prescribed :

Provided that the Director may entertain the appeal after expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Director may, after hearing the parties, confirm, vary or reverse the order appealed from and may pass orders as he deems fit.

Power of revision.

11. The State Government may, either of its own motion or on an application received in this behalf, at any time call for the record of any proceedings which is either pending before the Director or in which the Director has passed any order for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit :

Provided that the State Government shall not pass order under this section prejudicial to any party without giving such party a reasonable opportunity of being heard.

Power to issue directives.

12. The State Government shall be competent to issue such directives to the Managing Committee of an affiliated college as may be necessary for the proper enforcement of the provisions of this Act and the rules made thereunder.

Overriding effect of this Act.

13. 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 rule, regulation, statute or Ordinance of the university concerned.

14. (1) It shall be lawful for the Government to stop, reduce or suspend the grant-in-aid to an affiliated college for the violation of any of the provisions of this Act or the rule made thereunder or of any directive issued under section 12, by the Managing Committee, Manager or any other authority charged with the administration thereof.

Power to stop, reduce or suspend grant-in-aid or to make payment therefrom to employees in certain cases.

[*****].

(2) In the case of non-compliance of an order of a competent authority, or of any directive, issued under this Act, it shall be lawful for the Government to pay, out of the grant-in-aid payable to the affiliated college such sum of money as is found to be due to any employee from such affiliated college or the Managing Committee.

[(3) Before taking any action under this section, the Government shall give a reasonable opportunity to such Managing Committee, Manager or authority concerned to show cause against the action proposed to be taken.]

15. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Power to remove difficulties.

16. (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

- (a) the form and manner in which appeal may be preferred to the Director ;
- (b) form and mode of service of any notice issued under the provisions of this Act; and
- (c) any other matter which has to be or may be prescribed.

(3) Every rule made under this section 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 session in

1. Omitted by Haryana Act 9 of 1982.
2. Inserted by *ibid*.

which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rules 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.