

**CHANDIGARH UNION TERRITORY PRIVATELY MANAGED RECOGNIZED
SCHOOLS EMPLOYEES (SECURITY OF SERVICE) RULES, 2019**

No.:DSE-UT-A4-24(64)96

Dated:-

In exercise of the power conferred under section 15 of "The Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 as extended to UT Chandigarh, the Administrator of Union Territory of Chandigarh is pleased to make the following rules regarding the Chandigarh Union Territory Privately Managed Recognized Schools Employees (Security of Service) Rules, 2019 namely –

1. Short Title. These rules may be called the Chandigarh Union Territory Privately Managed Recognized Schools Employees (Security of Service) Rules, 2019.

2. Definitions. In these rules, Unless the context otherwise requires :-

- (a) 'Act' means the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 as extended to Union Territory of Chandigarh.
- (b) 'The Administrator of Union Territory of Chandigarh' means the Administrator of Union Territory Chandigarh appointed under Article 239 of Constitution of India.
- (c) 'Punishing authority' means the managing committee or any person otherwise competent to impose on an employee any of the Penalties specified in rule 17.
- (d) 'Recognized University' Means –
 - (i) any University incorporated by Law in any of the States of India;
 - (ii) any other University which is recognized by the Government for the purpose of these rules.

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

- (i) Persons appointed on part-time basis against aided posts;
- (ii) Persons re-employed on aided post; and
- (iii) A person employed on aided post previously held by an employee under suspension.

PART-II

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

- (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 a 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, Sri Lanka, East Africa Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawai, Zaire and Ethopia 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.


5. Disqualification. No Person –

- (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. Qualifications. (1) No person shall be appointed to an aided post, unless he / she possesses the qualifications and experience exactly similar to those of corresponding category of employees of Govt. Schools in Union Territory of Chandigarh from time to time.

6A.Age. (1) Age limits and relaxation in age, if any, as prescribed for corresponding category of employees of Government Schools in Union Territory of Chandigarh from time to time under direct recruitment will be applicable for appointment to an aided post;

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


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- (i) Appointing authority shall advertise in both English and Vernacular daily newspapers published from Chandigarh, vacancy or vacancies to be filled in by giving full particulars thereof including the requisite qualifications, number or 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 and nominee(s) of Director School Education, Chandigarh Administration. There will be two nominees of Director School Education including one expert from relevant subject.

2. The members of the sub-committee shall be appointed by the managing committee and nominee(s) of Director School Education, Chandigarh Administration by Director.

3. The recommendations of the committee are to be got approved from Director School Education before issue of appointment order against aided posts.

8. Probation. (1) Persons appointed to the aided posts shall remain on probation for a period similar to those of corresponding category of employees of Govt. Schools in Union Territory of Chandigarh from time to time.

(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 service.

(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/her completion of probation period, if appointed against a regular vacancy ; or
- (b) If his work or conduct has not been, in its opinion, satisfactory, it may -
 - (i) dispense with his services ; or
 - (ii) extended his period of probation by six months at a time and thereafter 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 the number of years as notified for corresponding category of employees of Govt. Schools in Union Territory of Chandigarh

9. Power to transfer. (1) The managing committee, which is running two or more privately managed recognized schools, may transfer any employee from one school to another school under its control within the jurisdiction of Chandigarh only:-

- (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 recognized school through his previous employer.

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

Provided that the employees holding the 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. Grant of leave. The employees may be granted casual leave similar to those of corresponding category of employees of Govt. Schools in Union Territory of Chandigarh from time to time.

(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 Administrator.

12. Pay fixation. On the revision of pay scales of the employees or on their 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 corresponding category of Govt. Schools in Union Territory of Chandigarh from time to time.


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13. Subsistence allowance. An employee under suspension shall be entitled to an amount of subsistence allowance equivalent to fifty percent 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 anywhere 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.

14. Allowance on reinstatement. In case a suspended employee is exonerated of the charged leveled against him by the managing committee or is re-instated in appeal or otherwise, he shall be entitled to full pay and allowances to which would have been entitled had he not been suspended less subsistence allowance already paid to him under rule 13 by the managing committee.

15. Suspension. The appointing authority or any other authority empowered by it in this behalf, may place an employees 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.

16. Penalties. (1) The following penalties may, for good and sufficient reasons; and as here-inafter provided, be imposed on the employees -

Minor Penalties :

1. Censure ;
2. Withholding of his/her promotion
3. Recovery from his/her pay or part of any pecuniary loss caused by him/her to the Government by negligence or breach of orders.
4. Withholding increment of pay without cumulative effect.

Major Penalties :

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

(i) 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/her 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/her appointment ; or
- (c) Of an employee employed under an agreement on temporary basis in accordance with the terms of such agreement.

17. Procedure for imposing penalties. (1) Whenever the punishing authority is of opinion that there are grounds for inquiring into the truth of any imputation of misconduct or


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misbehavior 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 substance of the imputation of misconduct or misbehavior, as the case may be, into definite and distinct articles of charges;
- (ii) a statement of imputation of misconduct or misbehavior in support of each article or 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 or 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 misbehavior 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.

(4) The employee may, on his/her 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, it consider it necessary so to do, appoint an authority for the purpose, and where all the articles or 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 falls 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 misbehavior;
- (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 :


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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 prepared 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 inquiry ; and
 - (e) The orders, if any made by the punishing authority and the inquiring authority in regard to the inquiry.

18. Action on inquiry report (1) The punishing authority shall, if it disagrees with the findings 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 brief 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 to 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 the opportunity of being heard has been afforded to the official concerned or the managing committee, as the case may be.

19. Order against which appeal lies. An employee may prefer an appeal to the Director against all or any of the following orders -

- (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 ; or
 - (b) Determining his pay and allowances -

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- (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. From and contents of appeals. (1) Every employee or the managing committee preferring an appeal to the School Tribunal shall do so 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 disrespectfully or improper language, and shall be complete in itself.

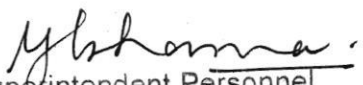
(3) The authority which made the order appealed against shall, on the receipt of a copy of the appeal, forward the same together with the relevant record to the appellate authority without any avoidable delay and without waiting for any direction from the School Tribunal constituted vide order dated 20.05.2013 which inter-alia provides that for the redressal of grievances of Teachers of Aided/Unaided Medical/Dental/Ayurvedic/Homeopathic Educational institutions who are subjected to punishment or termination of services, a mechanism will have to be evolved by constituting appropriate tribunals, where the teacher can file appeal and till such specialized Tribunal is setup, the right of filing appeal would lie before the District and Sessions judge or Additional District Sessions Judges as notified by the Government. It has been laid down therein that the first Additional and District and Sessions Judge, Chandigarh shall hear the appeals arising out of the disputes between Management and Staff of Recognized Private Schools (aided/Un-aided), Private Colleges and Private universities in U.T., Chandigarh for intermediate period till the Specialized Tribunal is constituted on permanent basis.

For remaining issues which are not covered under this notification, the employee or the managing committee (as the case may be) may approach the Director School Education, Chandigarh Administration for redressal of their grievances as per detail given under Rule 19.

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

22. Provident Fund : Triple Benefit Scheme already notified by Govt. of India and as applicable for the teaching staff of aided post on the date of notification of these rules will remain in force till a new scheme is notified by the Administrator of Union Territory of Chandigarh with the prior approval of Govt. of India.

22-A Retirement Benefits. The Administrator of Union Territory of Chandigarh with the prior approval of Government of India may make a scheme for the grant of retirement benefits to the employees of the privately managed recognized schools working against aided posts, keeping in view of the pending litigation in the Hon'ble Supreme Court of India in this regard and administrative decision of competent authority.


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