

Part I
LEGISLATIVE DEPARTMENT
Notification

The 29th March, 1978

No. 4-Lg./78.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 28th March, 1978 and is hereby published for general information:—

Haryana Act No. 4 of 1978.

THE HARYANA PRIVATE COLLEGES (TAKING OVER OF
MANAGEMENT) ACT, 1978

AN
ACT

to provide for the management of private colleges receiving aid in the form of maintenance grant from the State Government, local authority or university.

Be it enacted by the Legislature of the State of Haryana in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Private Colleges (Taking over of Management) Act, 1978. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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

- (a) "Administrator" means an officer appointed by the State Government to take over the management of a college; Definitions.
- (b) "college" means an institution which is not run by the Central Government, the State Government or a local authority, which is recognised by the Kurukshetra University under the provisions of the Kurukshetra University Act, 1956, or admitted to the privileges of the Maharshi Dayanand University under the provisions of the Maharshi Dayanand University Act, 1975, and is receiving aid in the form of maintenance grant from the State Government, a local authority or university;
- (c) "college property" means all movable and immovable property belonging to, or in the possession of, a college and all other rights and interests in, or arising out of, such property; and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investment and bank balances;
- (d) "managing committee" means the body of individuals entrusted with the management of a college;
- (e) "minority college" means a college established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution; and
- (f) "president" in relation to a college, means the person by whatever name called, who is entrusted with the management of the affairs of the college immediately before taking over the management under this Act.

Power to take over
management of
colleges.

Amended

3. (1) Whenever the State Government, on receipt of a report from the university concerned or otherwise, is satisfied that the managing committee or president of a college has neglected to perform or persistently makes default in the performance of duties and functions imposed on it under the Kurukshetra University Act, 1956, or the Maharshi Dayanand University Act, 1975, or the statutes, ordinances and regulations made thereunder, or exceeds or abuses his powers and that it is expedient in the interest of college education to take over the management of such college, the State Government, after giving the managing committee or the president of such college, a reasonable opportunity of showing cause against the proposed action, make an order for taking over the management of such college by an Administrator, for a period not exceeding three years, as it may deem fit.

(2) Whenever the management of any college is taken over under sub-section (1), every person in charge of the management of such college immediately before its management is taken over, shall deliver the possession of the college property to the Administrator.

(3) After taking over the management of a college under this section, the Administrator shall exercise all the powers of the managing committee and the president.

(4) During the period, the college remains under the management of an Administrator,—

- (a) the service conditions of the employees of the college who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage ;
- (b) all educational facilities, which the college had been affording immediately before such management was taken over, shall continue to be afforded ;
- (c) the college fund, pupils' fund, management fund and any other existing fund shall continue to be available to the Administrator for being spent for the purposes of the college ; and
- (d) no resolution passed at any meeting of the managing committee of such college shall be given effect to unless approved by the State Government.

(5) The State Government may, at any time before the expiry of the period for which the management of the college is taken over, and shall, on the expiry of the period for which the management of a college is taken over, hand over the management along with the college property to the duly constituted managing committee of the college.

4. Nothing contained in this Act shall apply to any minority college.

5. No civil court shall have jurisdiction in respect of any matter in relation to which the Administrator is empowered by or under this Act to exercise any power and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Act not to apply
to minority
colleges.
Bar of jurisdiction.

*Amended in
24 Feb 1977
Act*

6. No suit, prosecution or other legal proceedings shall lie against the State Government or the Administrator or any other person for any action which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. Protection of
action taken
in good faith.

7. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order to be published in the Official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. Power to remove
difficulty.

D. FAUJAR,

Under-Secretary to Government, Haryana,
Legislative Department.

[Authorised English Translation]

HARYANA GOVERNMENT

EDUCATION DEPARTMENT

Notification

The 28th October, 2002

No. S.O. 88/H.A. 15/1979/S-4, 5 and 16/2002. —In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 16 and sections 4 and 5 of the Haryana Affiliated Colleges (Security of Service) Act, 1979 (15 of 1979) and further read with rule 11 of the Haryana Affiliated Colleges (Security of Service) Rules, 1993 and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the leave to be granted to the employees working in affiliated colleges, namely :-

1. (1) These rules may be called the Haryana Affiliated Colleges Leave Rules, 2002. Short title and Application.
- (2) They shall be applicable to the employees working in affiliated colleges and working against sanctioned posts which receive grant-in-aid from Government.
2. (i) "Act" means the Haryana Affiliated Colleges (Security of Service) Act, 1979 (15 of 1979). Definitions.
- (ii) "competent authority" (in relation to exercise of powers) means Principal/management of the college, as the case may be;
- (iii) "Department" means the Higher Education Department, Haryana;
- (iv) "Director" means the Director Higher Education, Haryana;
- (v) "leave" includes earned leave, half pay leave, commuted leave and extraordinary leave;
- (vi) "earned leave" means leave earned in respect of period spent on duty;
- (vii) "half pay leave" means leave earned in respect of number of completed year of service;
- (viii) "commuted leave" means commutation of half pay leave into full pay (to be debited against double the amount of half pay leave) on medical grounds and for pursuing an approved course of study;
- (ix) "extraordinary leave" means leave sanctioned without pay;
- (x) "completed year of service" means one year continuous service;
- (xi) the definition of "affiliated college", "Government" and "Managing Committee" used in these rules but not defined, shall have the same meaning as respectively assigned to them in the Act.

Service
counting for
leave

3. (1) Leave is earned only by performing duty. For the purpose of this rule; period spent in foreign service shall be counted as duty if contribution towards leave salary is paid on account of such period.
- (2) If an employee, who quits service on compensation or invalid pension or gratuity, is re-employed, and if his gratuity is thereupon refunded or his pension is held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his previous service towards leave.

Note:—Resignation from service, even though it is followed immediately by re-employment (except where the resignation has been tendered only to join another assignment and have applied through proper channel) should entail forfeiture of past service for the purpose of leave and should, therefore, constitute an 'interruption of duty'.

- (3) An employee who is dismissed or removed from service, but is reinstated on appeal or revision, is entitled to count his previous service for leave.

Note:—The re-employment of a person who has retired on superannuation is generally an exceptional and temporary expediency. The service of such re-employed pensioner should, therefore, be regarded like a fresh entrant.

Application for
and grant of
leave.

4. An application for leave, or for an extension of leave, shall be made to the authority competent to grant such leave or extension (authority competent to grant leave is given in Annexure A).

5. An employee on foreign service in India should submit all applications for leave, earned leave, through his foreign employer to the competent authority to sanction leave in his parent organization except in the case of casual leave.

Procedure in
case of leave
on medical
certificate.

6. Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties. In such cases, the opinion that the employee is permanently unfit for service should be recorded in the medical certificate.

7. Every certificate of a medical committee or board or a medical officer recommending the grant of leave to an employee must contain a provision that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the employee under the terms of his contract or of the rules to which he is subject.

Grant
leave.

8. (1) Leave cannot be claimed as a matter of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

- (2) The nature of leave due and applied for by an employee, cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due as applied for under this rule it is not open to him to alter the nature of such leave.
- (3) An application for leave on medical grounds should be accompanied by a certificate from medical officer of a Government Dispensary/Hospital (Primary Health Centre /Community Health Centre/Civil Hospital/General Hospital etc.) except in case of class IV employees in whose case a medical certificate for leave up to one week from a Registered Medical Practitioner will be sufficient. For leave beyond one week a certificate from a Government medical officer will be required in such cases.
- (4) The grant of medical certificate does not in itself confer upon the employee concerned any right to leave. The certificate should be forwarded to the competent authority to grant the leave, and the orders of the authority should be awaited. An employee who absents himself from his duty without permission of the competent authority is liable to have his absence treated as absence from duty without leave.
- (5) The competent authority to sanction leave may, at its discretion, secure a second medical opinion, by requesting the Civil Surgeon to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.
- (6) It will be the duty of the Civil Surgeon to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant to appear before himself or require the applicant to appear before a medical officer nominated by him.

Note :— The possession of a medical certificate as prescribed in this rule does not itself confer upon the employee concerned any right to leave.

- (7) Leave shall not be granted to an employee whom a competent authority has decided to dismiss, remove or compulsorily retire from service.

9. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed.

Commencement
and expiry of
leave:

10. A competent authority to grant leave may permit Sundays, other recognized holidays or vacation to be prefixed or suffixed or to both prefixed and suffixed; provided no additional expenditure is incurred for the period of the vacation.

Combination of
holidays with
leave.

Note :—Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave.

Acceptance of employment during leave.

11. An employee on leave shall not take any service or accept any employment without obtaining the previous sanction of competent authority.

Recall from leave.

12. All orders recalling an employee to duty before the expiry of his leave, should invariably state whether the return to duty is optional or compulsory.

Return from leave.

13. An employee on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

Overstay of leave.

14. (1) An employee who remains absent after the end of his earned leave is not entitled to leave-salary for the period of such absence and that period will be debited against his leave account as though it were leave on half pay unless his leave is extended by the competent authority.

(2) Wilful absence from duty after the expiry of leave may be treated as misconduct.

Periods of off duty which are not treated as regular leave.

15. Unless the contrary appears from the context vacation counts as duty and not as leave.

Casual and quarantine leave.

16. (1) An employee on casual leave or on quarantine leave is not treated as absent from duty and his pay and allowances are not intermitted, as such this leave is not recognized as regular leave.

(2) Casual leave to the employees working in affiliated colleges shall be governed by the instructions issued by the Director.

General rules and conditions.

17. (1) Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

(2) The authority which granted leave to an employee can commute it retrospectively into leave of a different kind which may be admissible but the employee concerned cannot claim it as a matter of right.

Earned Leave admissible to an employee entitled to vacation.

18. (1) The earned leave, admissible to the employees working in affiliated colleges entitled for availing of vacations during the year, will be 10 days earned leave on full pay during the year, in lieu of 20 days half pay leave as were admissible prior to 9.4.87.

(2) The half pay leave at the credit of such employees before 9-4-1987 will be shown separately in the leave account and may be granted as half pay leave/commuted leave on the same terms and conditions

as were applicable to them prior to 9-4-87.

- (3) The earned leave admissible to such employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation :—

- (i) to an employee with 10 years' service or less: 15 days
- (ii) to an employee with more than ten years' service but not exceeding 20 years service: 20 days.
- (iii) to an employee with over 20 years' service: 30 days .

If in any year he does not avail himself of the vacation, earned leave will be admissible in respect of that year in accordance with the provisions made in these rules, as per following formula :—

$$\frac{\text{No. of duty days}}{\text{Total vacations during the year}} \times \frac{365}{24,18,12} \text{ as the case may be}$$

Note:—Director will decide which post of non-teaching staff would be entitled to vacations.

19. (1) The earned leave admissible to an employee not entitled to vacation—
(The details of employees entitled and not entitled for vacation is given in Annexure B).

- (a) 1/24th of the period spent on duty, during the first 10 years of his service;
- (b) 1/18th of the period spent on duty during the next 10 years of his service; and
- (c) 1/12th of the period spent on duty, thereafter

Note:—For the purpose of assessing the "length of service" under this sub-rule, break in service caused as a result of retrenchment shall not entail forfeiture of previous service.

- (2) Accumulation of earned leave shall be permissible to any extent but the maximum earned leave that may be granted at a time to an employee shall be —

- (a) 120 days if spent in India ;
- (b) 240 days if the entire leave so granted or any portion thereof is spent outside India;

Provided that except as provided in rule 24; if an employee goes on a course of study or research work which increases his competence, knowledge or efficiency or adds to the technical knowledge, he may be granted earned leave to the extent it is due to him and not limited to 120 or 240 days.

Earned leave admissible to an employee not entitled to vacation.

Note:—No leave encashment is admissible.

- (3) The half pay leave admissible to employees of affiliated colleges not entitled for availing of vacation in respect of each completed year of service is 20 days.
- (4) The half pay leave due may be granted to an employee either on medical grounds or for private affairs.
- (5) Commuted leave not exceeding half the amount of half pay leave due may be granted to a employee on medical certificate, or for pursuing an approved course of study i.e. a course which is certified to be in the public interest by the leave sanctioning authority, subject to the following conditions :—
 - (i) half pay leave upto a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilized for an approved course of study;
 - (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due: provided that no commuted leave may be granted under this rule unless the competent authority to sanction leave has reason to believe that the employee will return to duty on its expiry.

Note:—(1) The half pay leave earned by an employee in respect of a completed year of service can be availed of by him during the course of a spell of leave or during an extension thereof within which the date of anniversary of service falls.

(2) The option once exercised will be final and debar an employee from claiming re-conversion as a matter of right though the authority which granted leave can (if so disposed) allow it.

20. (1) Extraordinary leave may be granted to an employee in special circumstances, such as:—

- (a) when no other leave is admissible; or
- (b) when other leave is admissible, but the employee concerned applies in writing for the grant of extraordinary leave.

(2) The authority empowered to grant leave may commute retrospectively:—

- (a) periods of absence without leave into extraordinary leave;
- (b) extraordinary leave granted into leave of a different kind if the latter type of leave was admissible at the time extraordinary leave was granted.

Note:—The power of commuting retrospectively periods of absence without leave into extraordinary leave under clause (a) of subrule (2) is

Grant of
extraordinary
leave.

absolute and not subject to the conditions mentioned in sub-rule(1). In other words, such commutation is permissible even when other leave was admissible to the employee concerned at the time his absence without leave commenced. This concession cannot, however, be claimed by the employee as a matter of right.

(3) Extraordinary leave not exceeding the following limits may be granted on any one occasion :—

- (i) six months;
- (ii) twelve months in cases where the employee has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules (including six months' extraordinary leave under (i) above) and his request for such leave is supported by a medical certificate as required under these rules;
- (iii) eighteen months, where the employee is undergoing treatment for—
 - (a) pulmonary tuberculosis or pleurisy of tuberculosis origin in a recognized sanatorium; or
 - (b) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon; or
 - (c) leprosy in a recognized leprosy institution or by a Civil Surgeon or a specialist in leprosy recognized as such by the Government;
- (iv) twelve months where the employee is undergoing treatment for cancer, or for mental illness in an institution recognized for the treatment of such disease or by a Civil Surgeon or a specialist in such disease :
Provided that this concession will be admissible only to those employees who have been in continuous service for a period exceeding one year ;
- (v) twenty-four months where the leave is required for the purpose of pursuing studies, certified to be in the public interest; provided the employee concerned has completed three years' continuous service on the date of expiry of the leave (including six months extraordinary leave as (i) above);
- (vi) thirty six months to enable him to join some post elsewhere; provided he had applied for the post under reference with the specific permission of the Competent Authority.

21. (1) An employee on earned leave shall be entitled to leave salary equal to the pay drawn by him immediately before proceeding on leave. Leave salary.

- (2) An employee on half pay leave is entitled to leave salary equal to half the amount specified in sub-rule (1).
- (3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).
- (4) An employee on extraordinary leave is not entitled to any leave salary.
- (5) (a) During study leave availed of outside India, an employee shall draw leave salary equal to the pay that the employee drew while on duty immediately before proceeding on such leave and in addition the Dearness Allowance, House Rent Allowance as admissible under these rules.
- (b) During study leave availed of in India, an employee shall draw leave salary equal to the pay that the employee drew while on duty immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance as admissible under these rules.
- (c) Payment of leave salary at full rate under clause (b) shall be subject to furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part time employment.
- (d) The amount, if any, received by an employee during the period of study leave as Scholarship or Stipend or remuneration in respect of any part time employment as envisaged shall be adjusted against the leave salary payable under the rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half-pay leave.
- (e) No study allowance shall be paid during study leave for courses of study in India.

Note:—(1) The leave salary of the employee who is reinstated after a period spent under suspension and who proceeds on leave immediately on reinstatement should be determined on the basis of the pay actually drawn by or allowed to him on the day immediately preceding the day of commencement of leave.

- (2) Annual increment during the leave will actually be drawn after the expiry of leave.
- (3) All the leave except extraordinary leave taken otherwise than on medical certificate counts towards increments.

Maternity
leave

22. (1) A female employee with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 6 months from the date of its commencement.

21.

(2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

Note- In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(3) Maternity leave may be combined with leave of any other kind.

(4) Maternity leave shall not be debited against the leave account.

(5) No grant will be given by the Government for a substitute during the maternity leave of employee.

23. (1) Study leave may be granted to an employee on such terms as may be specified by general or special orders of competent authority in consultation with the Director to enable him to study scientific, technical or similar problems or to undergo special courses of instructions. Such leave is not debited against any leave account and is subject to 12 months at a time or 24 months during full service. A certificate from the competent authority sanctioning leave is required that training would be definitely advantageous to employee in his academic career. Study leave.

(2) During the study leave an employee would be entitled for leave salary equal to half pay. However where the salary of the substitute is reimbursed by University Grants Commission, the period may be allowed as leave with full pay and allowances only for the period for which the salary of the substitute is reimbursed by University Grants Commission and the remaining period, if any, will have to be treated under the provision of study leave or any other kind of leave due and permissible under these rules.

24. If any dispute arises between the employee and the Managing Committee, the matter shall be referred to the Director for decision whose decision shall be final and binding upon the parties. Arbitration.

25. If any question or doubt arises as to the interpretation of these rules, the Government shall decide the same. Interpretation of rules.

26. When Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons. Power of relaxation

ANNEXURE A

(See rule 4)

Serial No.	Kind of leave	Authority competent to grant leave	Extent of leave
1.	Earned leave, Half pay leave, Commuted leave, Extraordinary leave, Maternity leave	(a) Principal in case of teaching and non-teaching staff of the college. (b) President in the case of Principal of the college.	Up to 120 days at a time. Up to 120 days at a time. Full powers in respect of teaching and non-teaching staff except Principal.
2.	Study leave	Director Higher Education in consultation with Finance Department.	Full powers.
3.	Special disability leave	Director Higher Education	Full powers.

ANNEXURE B

(See rule 19(1))

List of Staff Working in Affiliated Colleges

Teaching/Vacational Staff	Non-Teaching/Non-Vacational Staff	Other Vacational Staff
Principal	Librarian	Demonstrator
Lecturer	Superintendent	Laboratory Assistant
	Accountant	Tabla Player
	Stenographer	Tabla Instructor
	Steno Typist	Gasman
	Clerk/Restorer/Store Keeper	Type Writer Instructor
	Class IV	Laboratory Attendant
	Assistant Librarian	Lecture Assistant
	Personal Assistant	Technical Assistant
	Account Officer	
	Library Attendant	
	Mistri	
	Animal/Plant Collector	
	Safai Karamchari, Mali, Chowkidar, Peon	
	Head Clerk Cum Accountant	
	Daftri	

P. K. Chaudhery,

Commissioner and Secretary to Government,
Haryana, Education Department, Chandigarh.