THE UTTAR PRADESH TRAINING COLLEGES (PAYMENT OF SALARIES OF TEACHERS AND OTHER EMPLOYEES) ACT, 1978[1]

[U.P. Act no. 4 of 1979]

[As passed by the Uttar Pradesh Legislature, assented to by the President on January 12, 1979 and published in U.P. Gazette Extraordinary dated January 19, 1979.]

AN

ACT

to regulate the payment of salaries of teachers and other employees of the training colleges receiving aid out of the state funds and to provide for matters connected therewith.

IT IS HEREBY enacted in the Twenty-ninth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Training Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1978.

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

Definitions

2. In this Act,-

(a) "College" means a recognised College imparting training in 'Licenciate in Teaching' to Teachers for Higher Secondary Schools, and for the time being receiving maintenance grant from the State Government;

(b) "Deputy Director" means the Regional Deputy Director of Education, and includes any other officer authorised by the State Government to perform alll or any of the functions of the Deputy Director under this Act;

(c) "employee" of a collegs means a non-teaching employee in respect of whose employment maintenance grant is paid by the State Government to the college;

(d) " maintenance grant" means such grant-in-aid of a college as the State Government by general or special order in that behalf directs to be treated as maintenance grant appropriate to the level of that college.

(e) "management", in relation to a college, means the managing committee or other body charged with managing the affairs of that college.

(f) "salary" of a teacher or employee means the aggregate of the emoluments, including dearness or any other allowance for the time being payable to him at the rates approved for the purpose of payment of maintenance grant;

(g) "teacher", in relation to a college means a teacher in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1976-77.

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1. For Statement of Objects and Reasons *see* at the end of this Act.

Payment of salary within time and without unauthorised deductions

3. (1) notwithstanding any contract to the contrary , the salary of a teacher or employee of a college, in recpect of any period after the date of commencement of this Act, shall be paid to him before the expiry of the twentieth day or such earlier day as the State Government may by general or special order in that behalf, appoint of the month next following the month in respect of which or any part of which, it is payable.

(2) the salary shall subject to the provisions of sub-section (3), be paid without deductions of any kind except those authorised by a general or special order of the State Government in that behalf or by any other law for the time being in force.

(3) where the salary of a teacher or employee of a college is not paid in accordance with sub-section (1) due to any default on the part of the management, the Deputy director may without prejudice to any other provisions of this Act, pay or cause to be paid within ten days from the date mentioned in that sub-section, such salary from the moneys credited to the account mentioned in sub-section (1) of section 5 at the rate of salary last drawn by such teacher or employee, as the case may be, and in case of fresh appointment at the rate of the minimum of the pay scale in which he has been appointed, and any adjustment in respect of such payment shall, thereafter, be made as soon as possible.

Power to inspect and to issue directions

4. (1) the Deputy Director may, at any time, for the purposes of this Act inspect or cause to be inspected any college or call for such information and records (including registers, books of account and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee or for prohibition of any wasteful expenditure) as he thinks fit.

(2) Every direction for retrenchment under sub-section (1) shall be issued after obtaining the prior approval of the Director of Education and shall specify by future date on which such retrenchment shall become operative.

(3) Where any direction for retrenchment is issued in accordance with sub-sections (1) and (2), the teacher or the employee concerned shall, with effect from the date specified in such direction, cease to be a teacher or employee of the college for the purposes of the maintenance grant.

Procedure for payment of salary

5. (1) The management of every college shall, for the purpose of disbursement of salaries to its teachers and employees, open in a Scheduled Bank or a co-operative bank a separate account (hereinafter called "Salary Payment Account") to be operated jointly by a representative of the management and by the Deputy Director or such other officer as may be authorised by the Deputy Director in that behalf:

Provided that after the Salary Payment Account is opened the Deputy Director may, if he is, subject to any rules made under section 12, satisfied that it is expedient in the public interest so to do instruct the bank that the account shall be operated by the representative of the management alone, and may at any time revoke such instruction:

Provided further that in the case referred to in sub-section (3) or where in any other case after giving to the management an opportunity of showing cause, the Deputy Director is of opinion that it is necessary or expedient so to do, the Deputy Director may instruct the bank that the Salary Payment Account shall be operated only by himself or by such other officer as may be authorised by him in that behalf and may at any time revoke such instruction.

(2) The State Government may, from time to time, require by general or special order that the management of a college shall deposit in the Salary payment Account such portion of the amount received from students as fees and also such portion of the income, if any, received from any property, movable or immovable belonging to or endowed wholly or partly for the benefit of the college, and by such date, as may be specified in that order and thereupon, the management shall be bound to comply with such directions.

(3) Where the Deputy Director is of opinion that the management has failed to deposit the fees in accordance with the provisions of sub-section (2) or the orders issued thereunder, the Deputy Director may by order, prohibit the Management from realising any fee from the students and thereupon, the Deputy Director may realise the fees (either through the teachers of the college or in such other manner as he thinks fit) directly from the students and shall deposit the fees so recovered in the Salary Payment Account.

(4) The State Government shall also pay into the Salary Payment Account such amount as maintenance grant, which after taking into consideration the amounts deposited under sub-section (2) and (3), is necessary for making payment in accordance with sub-section (5).

(5) No money credited to the Salary Payment Account shall be applied for any purpose except the following namely :

(a) for payment of salary to the teachers and employees of the college falling due for any period after the commencement of this Act;

(b) for crediting the management's contribution, if any to the provident fund account of teachers and employees of the college.

(6) The salary of a teacher or employee shall be paid by transfer of the amount from the Salary Payment Account to his account, if any, in the same bank, or if he has no account in that bank, then by cheque.

(7) In respect of a place where there is no Scheduled Bank or a co-operative bank the provisions of this section shall apply with such modification, as the State Government may, by notification, specify and references in this section to a bank shall in that case be construed as references to a post office saving bank.

Liabillity in respect of salaray

6. (1) the State Government shall be liable for payment of salaries of teachers and employees of every college due in respect of any period after the commencement of this Act.

(2) The State Government may recover any amount in respect of which any liability is incurred by it under sub-section (1) by attachment of the income from the property belonging to or vested in the college as if that amount were an arrear of land revenue due from such college.

(3) Nothing is this section shall be deemed to derogate from the liability of the college for any such dues to the teacher or employee.

Approval for posts

7. No college shall create a new post of teacher or employee except with the previous approval of the director of Education or such other officer as may be empowered in that behalf by the Director.

Punishment penalties and procedure

8. (1) If any default is committed in complying with any direction under section 4, or with the provisions of section 3 or section 5, every person who at the time the default was committed was manager or any other person vested with the authority to manage and conduct the affairs of the college shall, unless he proves that the default was committed without his knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable in the case of a default in complying with the provisions of section 3 with fine which may extend to one thousand rupees, and in the case of any other default, with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Deputy Director.

(3) Every offence under this section shall be cognizable but no police officer below the rank of a Deputy Superintendent shall investigate any such offence without the order of a magistrate of the first class or make arrest therefor without a warrant.

(4) No court below the rank of a magistrate of the first class shall take cognizance of an offence under this sction.

Finality of orders

9. No order made or direction given by the State Government, the Director of Education the Deputy Director or other officer in exercise of any power conferred by or under this Act shall be called in question in any court.

Protection of act in good faith

10. No suit prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government in respect of anything which in good faith is done or intended to be done in pursuance of this Act or any rule, order or direction made or given thereunder.

Power to remove diffculties

11. (1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in thisAct, the State Government may, by a notified order make such incidental or consequential provisions, including provisions for adapting or modifying any provision of this Act, but not affecting the substance as it may think necessary or expedient for the purposes of this Act.

(2) No order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.

(3) Every order made under sub-section (1) shall be laid as soon as may be, before both the Houses of the State Legislature.

Power to make rules

12. The State Government may, by notification make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is a general complaint that the salaries of teachers and non-teaching employees of the non-Government, aided I. T. Colleges are not disbursed in time thereby causing hardship to those employees. The Bill seeks to make provisions to ensure regular and timely payment of salaries to the said employees .

The Uttar Pradesh Training Colleges (Payment of Salaries of teachers and other Employees) Bill, 1978, is being introduced accordingly.