

THE ANDHRA PRADESH PRIVATE AIDED COLLEGIATE AND TECHNICAL
EDUCATION EMPLOYEES (REGULATION OF PAY) ACT, 2006

(ACT NO. 26 OF 2006)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement
2. Definitions
3. Sanction of Grant-in-Aid at the minimum in the time scale and quantum of Grant-in-Aid extended for Automatic Advancement Scheme/ Career Advancement Scheme
4. Extinguishment of claims

THE ANDHRA PRADESH PRIVATE AIDED COLLEGIATE AND TECHNICAL
EDUCATION EMPLOYEES (REGULATION OF PAY) ACT, 2006

ACT NO. 26 OF 2006

[22nd April, 2006]

AN ACT TO EXTEND THE GRANT-IN-AID TO THE POSTS HELD BY THE TEACHING AND NON-TEACHING EMPLOYEES OF THE PRIVATE COLLEGES AND INSTITUTIONS IMPARTING TECHNICAL EDUCATION IN THE STATE COMPUTED AT THE MINIMUM OF THE PAY SCALE AND LIMITING FINANCIAL LIABILITY OF THE STATE WHILE EXTENDING AUTOMATIC ADVANCEMENT SCHEME AND CAREER ADVANCEMENT SCHEME TO SUCH EMPLOYEES AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, Government have admitted certain teaching and non-teaching posts in Private Colleges and Institutions imparting technical education to grant-in-aid to improve the standards of education and to reduce the burden of the Managements to the extent of payment of salaries to the Staff;

And whereas, Government in Memo No. 3866/F2/78-6, Education, dated 10-1-1980, directed to take into account the increments earned by the incumbents working in the posts prior to the date of admission to grant-in-aid while releasing Grant-in-aid subject to the condition that the staff are qualified and increments sanctioned are in accordance with the rules in force;

And whereas, Government in G.O.Ms.No. 117, Finance and Planning (FW. PRC.I) Department, dated 25-5-1981 have formulated a Scheme of Advancement in service by creation of Special Grade Posts to employees who have completed ten years of service in a particular scale of pay and Special Temporary Promotion Posts/ Special Adhoc Promotion Posts to employees who have completed fifteen years of service in particular scale of pay and the benefit of the scheme has been extended *inter alia* to the teachers working under private aided educational institutions in G.O.Ms.No. 164, Finance and Planning (FW.PRC.I) Department, dated 1-6-1982;

And whereas, Government in G.O.Ms.No. 137, Education Department, dated 15-2-1982, created a new Grade for Junior Lecturers in the Pay Scale of Rs. 1050-1600 on completion of seven years of service;

And whereas, Government in Memo. No. 9279/Ser. IV-1/86-4, Education, dated 6-1-1987 clarified that the service rendered prior to admitting a post to grant-in-aid does not count for Automatic Advancement Scheme;

And whereas, Government in G.O. (P) No. 2, Finance and Planning (FW. PRC.I) Department, dated 4-1-1988 liberalised the Scheme of Advancement in service by creating another level of Automatic Advancement by creating Special Promotion Post II/Special Adhoc Promotion Post II on completion of twenty two years of service in a particular scale of pay and the benefit of the said scheme has been extended *inter alia* to the teachers working under private aided educational institutions in G.O.Ms.No. 347, Finance and Planning (FW. PRC.I) Department, dated 17-11-1989;

And whereas, Government in G.O.Ms.No. 520, Education Department dated 15-12-1988 extended the Career Advancement Scheme *inter alia* to the teachers, Librarians and Physical Education personnel in the aided colleges;

And whereas, Government in G.O.Ms.No. 343, Education Department, dated 31-10-1989 *inter alia* extended the Automatic Advancement Scheme to the Junior Lecturers;

And whereas, Government in G.O.Ms.No. 169, Education Department, dated 7-7-1990, issued guidelines on the Career Advancement Scheme;

And whereas, Government in G.O.(P) No. 290 Finance and Planning (FW.PRC.I) Department, dated 22-7-1993 modified the automatic advancement scheme by creation of Special Grade Scale on completion of eight years of service in particular scale of pay and Special Promotion Posts/Special *Adhoc* Promotion Posts on completion of sixteen years of service and an employee gets an increment in the Special Promotion Post Scale or Special *Adhoc* Promotion Scale on completion of twenty four years of service and the said modified scheme has been extended to the teachers and Junior Lecturers, in G.O. (P) No. 311, Finance and Planning (FW.PC. II) Department, dated 20-8-1993 and G.O.Ms.No. 382, Finance and Planning (FW.PC. II) Department, dated 16-11-1993 respectively. The Automatic Advancement Scheme was continued in the Revised Pay Scales of 1999 in G.O. (P) No. 150, Finance and Planning (FW. PC. II) Department, dated 1-9-1999;

And whereas, in G.O.Ms.No. 41, Education (U.E.II) Department, dated 11-2-1998, it has been clarified that for the purpose of computing the service to the Career Advancement Scheme of 8 years, 16 years, the service rendered prior to the admission of the posts to grant-in-aid shall not be taken into account;

And whereas, the said schemes are formulated for the employees serving and drawing the pay from out of the State Fund;

And whereas, financial liability of the State while extending of the said schemes to the employees of the Private Aided Colleges and the institutions imparting Technical Education shall be limited to quantum of grant-in-aid sanctioned to them;

And whereas, the service rendered by the employee of the private colleges and the institutions imparting Technical Education prior to the date of admission into grant-in-aid was also taken into consideration for the purpose of Automatic Advancement Scheme, Career Advancement Scheme and Pension by an unintended interpretation of the clarification issued in Memo. No. 3866/F2/78-6, Education, dated 10-1-1980, which was issued with the intention of fixation of a pay only while admitting the posts into grant-in-aid;

And whereas, in view of the gross misuse of the said instructions, orders were issued in G.O.Ms.No. 341, Education (PS.I) Department, dated 24-10-1997 cancelling the instructions issued in Memo. No. 3866/F2/78-6, Education Department, dated 10-1-1980;

And whereas, Government have to incur a huge expenditure of crores of rupees adversely hampering the developmental programmes of the State if this unintended financial commitment and misapplied expenditure is not effectively stopped;

And whereas, the Andhra Pradesh Private Aided Educational Staff (Regulation of pay) Act, 2000 was enacted for counting the service rendered in an Aided Post for the purpose of fixation of pay, Automatic Advancement

Scheme, Career Advancement Scheme and Pension and the said Act was given retrospective effect with effect from 10-1-1980;

And whereas, Government subsequently decided to implement the said Act with prospective effect and accordingly, the Andhra Pradesh Private Aided Educational Staff (Regulation of Pay) (Amendment) Act, 2002 was enacted;

And whereas, the Full Bench of the Andhra Pradesh High Court in W.P. Nos. 1938 of 2000 and batch dated 26-7-2001 held that the benefit of Automatic Advancement Scheme, Career Advancement Scheme and Pension may be granted to all teachers irrespective of the above Act;

And whereas, the Pay Revision Commission, 1999 observed that there is no justification to include the service rendered in un-aided institutions which are subsequently brought under grant-in-aid, for the purpose of pensionary benefits as such inclusion would amount to taking into consideration the service not covered by the Pension Rules and it would also amount to giving retrospective effect to the admission to grant-in-aid which is never contemplated by the Government;

And whereas, if the increments earned by the teaching and non-teaching staff of the Private Aided Colleges and Institutions imparting Technical Education is taken into consideration for releasing the Grant-in-aid, and for the purposes of Automatic Advancement Scheme, Career Advancement Scheme and Pension it would involve very huge financial implication to state exchequer;

And whereas, Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of pay) Act, 2005 was enacted to count the Aided Service only for the purpose of Fixation of Pay, Automatic Advancement Scheme, Career Advancement Scheme and Pension;

And whereas, the said Act was challenged in the High Court of Andhra Pradesh;

And whereas, the High Court of Andhra Pradesh in their judgement in W.P.No. 8697 of 2005 dated 7-11-2005 observed that:

"The State is bound to render financial assistance only to those private educational institutions where education is imparted to children upto the age of 14 years. If the State decides to extend some financial assistance to private educational institutions imparting education to children above 14 years, the State has the discretion to decide to what extent such financial assistance would be rendered so long as the State does not discriminate between the private educational institutions falling in the same class....

The automatic advancement scheme and career advancement scheme referred to in Ordinance only declare the entitlement of the employees for a higher scale of pay on completion of a certain period of service. Necessarily the payment in such higher scale will have to be made by the management (educational institution)....

The Legislature could have simply declared the limits of the financial liability of the State while extending aid to private educational institution employees to whom the above mentioned schemes are made applicable and struck down section 3 and section 4(1) of the above Act of 2005 except it pertains to pension."

And therefore, Government reviewed the matter and decided to extend Grant-in-aid computed at the minimum of pay in the time scale to the employees working in Private Colleges and Institutions imparting Technical Education in the State and to limit the liability of the state on schemes of Advancement to the extent of Grant-in-aid sanctioned to the posts.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-seventh Year of the Republic of India; as follows:

1. Short title and commencement - (1) This Act may be called the Andhra Pradesh Private Aided Collegiate and Technical Education Employees (Regulation of Pay) Act, 2006.

(2) It shall be deemed to have come into force on the 10th January, 1980.

2. Definitions - In this Act unless the context otherwise requires,

(1) "*Automatic Advancement Scheme*" means Higher Scales granted to employees after completion of specified period of service in a post.

(2) "*Career Advancement Scheme*" means Higher Scales granted to a lecturer working in a college after completion of specified period of service in a post.

(3) "*Government*" means State Government of Andhra Pradesh.

(4) "*Grant-in-Aid*" means any sum of money paid as aid out of State funds to any posts in a Private College or Institution imparting Technical Education.

(5) "*Private Aided College*" means a college established and administered or maintained by any body of persons and recognised as Educational Institution by the Government and receiving Grant-in-aid.

(6) "*Private aided institution imparting technical education*" means a Polytechnic established and administered or maintained by any body of persons and recognised as educational institution by the Government and receiving Grant-in-aid.

3. Sanction of Grant-in-Aid at the minimum in the time scale and quantum of Grant-in-Aid extended for Automatic Advancement Scheme/ Career Advancement Scheme - Notwithstanding anything contained in any order of the Government or any judgement of any Court or Tribunal, Grant-in-aid may be sanctioned to a post held by an employee of Private Aided College or Institution imparting Technical Education calculated at the minimum of pay in the time scale allowed to the post and the financial liability of the Government in respect of Automatic Advancement Scheme and Career Advancement Scheme extended to such employee shall be limited to the quantum of Grant-in-aid sanctioned to the post.

4. Extinguishment of claims - Notwithstanding anything contained in any order of the Government or any judgement of any Court or Tribunal, the claims of employees of Private Aided Colleges and Institutions imparting Technical Education for release of Grant-in-aid by counting the increments drawn prior to the date of admission of post of Grant-in-aid shall stand extinguished from the date of commencement of this Act and accordingly,

(1) the orders issued by the Government directing to take into account the increments earned by an employee of Private Educational Institutions prior

to the date of admission of posts to Grant-in-aid while releasing grant-in-aid shall stand cancelled:

Provided that any amount paid as per the orders now cancelled and towards Automatic Advancement and Career Advancement Schemes shall not be recovered.

(2) No suit or other proceedings shall be maintained or continued in any Court against the Government by any employee of Private Aided College and Institution imparting Technical Education claiming for release of Grant-in-aid taking into account the increments earned in the post prior to the date of admission of Grant-in-aid or for payment of additional amount on the extension of the Automatic Advancement Scheme and Career Advancement Scheme to such employee except the quantum of Grant-in-aid sanctioned to the post.

(3) No Court shall enforce any decree or order directing release of Grant-in-aid taking in to account the increments earned in the post prior to the date of admission of grant-in-aid in favour of any employee of Private Aided Colleges and the Institution imparting Technical Education and for payment of additional amount on the extension of the Automatic Advancement Scheme and Career Advancement Scheme to such employee except the quantum of Grant-in-aid sanction to the post.