



THE ASSAM GAZETTE

অসাধাৰণ
EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 19th May, 2012

No. LGL. 44/2010/23.— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XV OF 2012

(Received the assent of the Governor on 14th May, 2012)

THE ASSAM JUNIOR COLLEGES (PROVINCIALISATION) ACT, 2012

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ACT

to provincialise certain Junior Colleges which were brought under the deficit system of grants-in-aid in the State of Assam.

Preamble

Whereas it is expedient to provincialise certain Junior Colleges which were brought under the deficit system of grants in-aid ;

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

- Short title , extent and commencement 1. (1) This Act may be called the Assam Junior Colleges (Provincialisation) Act, 2012.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act unless there is anything repugnant to the subject or context:-

- (a) "Appointing Authority" in respect of the teaching and non-teaching employees of the Junior Colleges means the Governing Body of the respective Junior College who appoints the employees as per decision of the Governing Body and approved by the Director;
- (b) "Director" means the Director of Secondary Education, Assam which shall include the Director of Education in respect of BTC area, Additional Director, Hills in respect of Hill areas or such other authorities as may be prescribed by the State Government;
- (c) "employees" means and includes all existing employees both teaching and non-teaching, working in a Junior College brought under the deficit system of grants-in-aid against a post duly sanctioned by the State Government;
- (d) "Governing Body" means the Governing Body of a Junior College duly constituted under sub-section (2) of section 7 of this Act and approved by the Director for carrying out the management of the Junior Colleges;
- (e) "Junior College" means a College which are in receipt of deficit system of grants-in-aid from the State Government for imparting general education in Arts, Commerce and Science stream in plus 2 stages;

(f) "prescribed" means prescribed by the rules made under this Act;

(g) "President" means the President of Governing Body of a Junior College duly constituted under this Act and approved by the Director;

(h) "provincialised" means taking the liabilities in respect of the employees of the Junior Colleges for payment of salaries including Dearness Allowance, Medical Allowance and such other allowances as admissible to the State Government employees of similar category and gratuity, pension, leave encashment etc, as admissible under the existing rules, save and except the pension of the employees appointed or coming under deficit system of grants-in-aid on or after 1.1.2005, which shall also include vesting of land, building and other properties of the Junior Colleges to the State Government;

(i) "Schedule" means the Schedule appended to this Act;

(j) "State Government" means the Government of Assam in the Education (Secondary) Department;

(k) "valid sanctioned post" means teaching or non-teaching posts of Junior Colleges which have been allotted against each of the Junior College by the State Government with due approval of the Finance Department.

Employees to be
Government
servant

3. Subject to the provisions of Article 30 of the Constitution of India, all existing employees both teaching and non-teaching of the Junior Colleges as specified in the Schedule, shall be deemed to have been provincialised and become employees of the State Government on and from the date on which they were brought under deficit system of grants-in-aid and their services rendered under such deficit system of grants-in-aid shall be counted for the purpose of determination of pensionary benefits:

Provided that the services of the employees appointed after the date of coming the Junior Colleges under deficit system of grants-in-aid, shall be counted with effect from the respective date of their joining in a valid sanctioned post.

Vesting of Land,
Building and other
properties

4. The Land, Building and other properties owned or held by Junior Colleges coming within the purview of this Act and the services of whose employees are provincialised under section 3 shall vest in the State Government.

**Terms and
conditions of
service**

5. (1) Subject to the provisions of this Act and the rules made thereunder, all rules including Service Rules to be framed under the proviso to Article 309 of the Constitution of India and rules of conduct and discipline which are applicable to Government servant of corresponding ranks, shall be applicable to all employees of Junior Colleges whose services have been provincialised under this Act.
- (2) The existing employees whose services are provincialised under this Act shall continue to receive their respective existing scale of pay and other allowances etc. as admissible to them under the relevant rules and order of the State Government.
- (3) The services of all employees shall be encadred in appropriate cadre in accordance with the Service Rules as may be framed by the State Government for this purpose.
- (4) The inter-se-seniority of the employees of a cadre or class shall be determined Junior College-wise on the basis of the Service Rules as may be framed by the State Government.
- (5) Recruitment and other conditions of service of the employees shall be governed by the Service Rules as may be made by the State Government.

**Superannuation and
Pension etc.**

6. (1) Notwithstanding anything contained in the preceding sections, all employees of a Junior College coming within the purview of this Act, shall go on superannuation on attaining the age of sixty years.
- (2) All employees who have been duly appointed by the competent Appointing Authority against valid sanctioned post prior to 01.01.2005 in the Junior College brought under the deficit-system of grants-in-aid, shall be entitled to pension and other pensionary benefits under the Assam Service (Pension) Rules, 1969.
- (3) The employees appointed or coming under deficit system of grants-in-aid on or after 01.01.2005 shall not be entitled to pension and other pensionary benefits under Assam Service (Pension) Rules, 1969, but shall be covered under the New Contributory Pension Scheme introduced by the State Government.
- (4) The services of the employees under sub-section (2) shall be counted towards pension and pensionary benefits with effect from the date on which the Junior College was brought under the deficit system of grants-in-aid: