

KARNATAKA ACT NO. 22 OF 2011

**THE KARNATAKA PART TIME JOB ORIENTED COURSE EMPLOYEES ABSORPTION ACT,
2011**

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STATEMENT OF OBJECTS AND REASONS

Act 22 of 2011.- It is considered necessary to enact a legislation to absorb the part time Job Oriented Course employees working in the job oriented courses in Pre-university Education consequent upon the closer of Job Oriented Courses from the academic year 2011-12 and also provide for,-

- (1) absorption of the teaching and non teaching staff, who have worked for more than five years as part time employees in Government JOC Institutions, in vacant posts of any of the Government Department.
- (2) absorption of the teaching and non teaching staff, who have worked for more than five years in Private Aided Institutions as part time employees, in vacant posts of any of the Private Aided JOC Institutions.
- (3) certain other matters connected therewith or incidental thereto.

Hence the Bill.

[L.A. Bill No. 24 of 2011, File No.Samvyashae 22 Shasana 2011]

[Entry 41 of List II and entry 25 of List III of the Seventh schedule to the constitution of India.]

KARNATAKA ACT NO. 22 OF 2011

(First published in the Karnataka Gazette Extra-ordinary on the Sixth day of April, 2011)

**THE KARNATAKA PART TIME JOB ORIENTED COURSE EMPLOYEES ABSORPTION ACT,
2011**

(Received the assent of the Governor on the Second day of April, 2011)

An Act to provide for absorption of the part time Job Oriented Course employees working in the job oriented courses in Pre-university Education in the State of Karnataka.

Whereas it is expedient to provide for absorption of part time Job Oriented Course employees working in the job oriented courses in Pre-university Education in the State and for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Part time Job Oriented Course Employees Absorption Act, 2011.

(2) It shall come into force at once.

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

(a) "Part time Job Oriented Course employee" means a person appointed,-

- (i) as teaching staff of job oriented courses; or
- (ii) as worker teacher in job oriented courses; or
- (iii) as office Assistant in job oriented courses; or
- (iv) as 'D' Group employees in job oriented courses

by the head of the Government or private aided Pre-university Colleges on part time or full time basis in accordance with G.O. No.DPAR 28 SBC 77, dt:4.3.1977, ED 64 TPU 76, dt:12.7.77 and ED 19 DGD 96 dt:9.3.99, 27.7.99 and 4.9.1999 and has worked as such and has completed five years of service and who is also working as such on the date of commencement of this Act.

(b) "Government" means the Government of Karnataka;

3. Absorption of the part time Job Oriented Course employee.- (1) Notwithstanding anything contained in any other law for the time being in force, the part time Job Oriented Course employees whose names are notified by the Government under this section, except those working in private

aided institutions, shall be considered for absorption, on following the reservation policy of the State, in such category of equivalent vacant post and service in Pre-university Education service as may be specified therein, as a one time measure:

Provided that if sufficient number of vacant posts are not available in Pre-university Education service, the Government shall obtain the information regarding number of vacancies in equivalent posts available in other departments and then notify the eligible candidates to these posts:

Provided further that,-

- (a) no part time Job Oriented Course employee shall be absorbed as above, unless he has discharged the duties of the post continuously as part time Job Oriented Course employee for not less than five years without any breaks in his service for the reasons which are directly attributable to him;
- (b) no part time Job Oriented Course employee shall be absorbed unless he possessed the qualification prescribed for the post on the date of his absorption under the relevant rules of recruitment;
- (c) the appointment shall not be made under this Act against any post earmarked to be filled from among candidates belonging to the Scheduled Castes or the Scheduled Tribes in accordance with the reservation or provided by or under any law or any order unless there are candidates belonging to those classes available from among the part time Job Oriented Course employees to be absorbed, otherwise such posts shall be treated as back-log to be filled by process of special recruitment from among these classes.

(2) In case of part time Job Oriented Course employees working in private aided institutions, the Government may direct the aided institutions to absorb the eligible persons against the suitable vacancies available or against the future vacancies in any private aided institutions.

4. Procedure for absorption of part time Job Oriented Course employee.- (1) The State Government shall constitute a Committee consisting of such number of members as it deems fit, for the purpose of recommending to the State Government, the names of part time Job Oriented Course employees, who fulfills the conditions specified in this Act and eligible for absorption. The State Government shall on receipt of such recommendation, notify the names so recommended by the Committee in accordance with section 3.

(2) The Government shall also constitute separately one such committee in respect of part time Job Oriented Course employees in private aided institutions.

(3) The Committee shall determine its own procedure.

(4) The entire process of recommendation of names of eligible part time Job Oriented Course employees and notifying such names shall as far as may be completed within one year from the date of commencement of this Act.

(5) The Appointing Authority shall after verifying the antecedents of the persons notified under sub-section (1) and after verifying the suitability for appointment shall absorb him in the notified equivalent vacant post in accordance with rules 10 and 12 of the Karnataka Civil Services (General Recruitment) Rules, 1977:

Provided that in respect of private aided institutions, the Appointing Authority in such institutions shall appoint the notified persons of aided institutions in the vacancies available in those institutions.

5. Pay fixation, seniority and leave of part time Job Oriented Course employee absorbed under these rules.- (1) Notwithstanding anything contained in any other law for the time being in force or any other rules governing conditions of service made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the initial basic pay of an absorbed part time Job Oriented Course employees, under this Act after he reports to duty, shall be fixed at the minimum of the time scale of pay of the category of post in which he is absorbed and the services rendered before his absorption shall not be counted for the purposes of pay, seniority and leave or pension:

Provided that in respect of private aided institutions, the part time Job Oriented Course employees so appointed shall be eligible for similar benefits in aided institutions.

(2) The inter-se seniority of the persons absorbed under this Act shall be determined according to the length of service of the said part time Job Oriented Course employee from the date of completion of five years, and if the length of service of two or more persons is same, the older in age is treated as senior to the person who is younger in age.

6. Prohibition of appointment of part time Job Oriented Course employee.- (1) The part time Job Oriented Course employee who has not completed five years of service on the date of commencement of this Act shall not be continued or absorbed in any of the Government service or any private aided Institutions.

(2) No person shall be appointed or continued as part time Job Oriented Course employee on or after the date of completion of process of absorption under this Act.

(3) Any person or Appointing Authority appointing or engaging any person on part time basis by contravening the provisions of sub-sections (1) and (2) shall be liable for strict disciplinary action as misconduct.

7. Application of other rules.- The Karnataka Civil Services Rules, the Karnataka Civil Services (Conduct) Rules, 1966 and all other rules regulating the conditions of services of Government servants made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) shall, in so far as they are not inconsistent with the provisions of this Act, be applicable to the part time Job Oriented Course employees who get absorbed in Government under this Act:

Provided that in respect of part time Job Oriented Course employees in private aided institutions, the persons so absorbed under this Act shall be governed by such rules that are applicable to the aided institution employees.

8. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the officers of the Government for anything done or omitted to be done in good faith under this Act.

9. Power to issue direction etc.,- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, make such provisions not inconsistent with the provisions of this Act as it appears to be necessary or expedient to remove the difficulty.

The above translation of the ಕರ್ನಾಟಕ ಅರೆಕಾಲಿಕ ವೃತ್ತಿ ಆಧಾರಿತ ಕೋರ್ಸುಗಳ ನೌಕರರನ್ನು ವಿಲೀನಗೊಳಿಸುವ ಅಧಿನಿಯಮ, 2011 (2011ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 22) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R. BHARDWAJ

GOVERNOR OF KARNATAKA

By order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA

Secretary to Government

Department of Parliamentary Affairs and Legislation