The Punjab Privately Managed Aided Colleges (Non-Payment of Grant-in-Aid on Account of Terminal Benefits) Act, 2016

Act 6 of 2016

Keyword(s):

Finance Department, Terminal Benefits, Scheme, Employee

PART I

GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 7th April, 2016

No. 9-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 31st day of March, 2016, is hereby published for general information:-

THE PUNJAB PRIVATELY MANAGED AIDED COLLEGES (NON-PAYMENT OF GRANT-IN-AID ON ACCOUNT OF TERMINAL BENEFITS) ACT, 2016.

(Punjab Act No. 6 of 2016)

AN

ACT

to provide for non-payment of grant-in-aid on account of terminal benefits to the Punjab Privately Managed Aided Colleges and for the matters connected therewith or incidental thereto.

Whereas since the inception of the Grant-in-Aid Scheme, the Leave Encashment and Gratuity etc. being Terminal Benefits, were never the expenditures covered under the said Scheme and the same is only to provide for grant-in-aid on account of expenditures payable during service tenure of the employees.

Whereas the Government of Punjab has now deemed it appropriate for non-payment of grant-in-aid on account of terminal benefits such as gratuity and leave encashment etc. to the Privately Managed Aided Colleges in the State of Punjab.

Whereas based on the advice dated the 8th March, 2016 of the Department of Finance, the Government of Punjab, Department of Higher Education had placed the matter before the Council of Ministers of the State of Punjab and the Council of Ministers, in its meeting held on the 15th March, 2016, has decided for non-payment of grant-in-aid on account of terminal benefits such as gratuity and leave encashment etc. to the privately managed aided colleges.

And whereas in these circumstances, it is expedient to enact a law in public interest to avoid undue and unjustified financial liabilities on the State Exchequer.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Seventh year of the Republic of India as follows:-

Short title and commencement. **1.** (1) This Act may be called the Punjab Privately Managed Aided Colleges (Non-Payment of Grant-in-Aid on Account of Terminal Benefits) Act, 2016.

(2) It shall be deemed to have come into force on and with effect from the 21st March, 1979.

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

(a) "Finance Department" means the Department of Finance of the State of Punjab;

(b) "State Government" means the Government of the State of Punjab in the Department of Higher Education;

(c) "Terminal Benefits" means the benefits payable at the time of retirement from service or otherwise;

(d) "Scheme" means the Grant-in-Aid Scheme issued by the Government vide letter No. 2563-5Edu.1/79-4316 dated 21.3.1979 as amended or to be amended by the Government from time to time; and

(e) "Employees" means the employees (working or retired) of the Privately Managed Aided Colleges in the State of Punjab covered under the Scheme.

Expenditure not covered under the Scheme. **3.** The leave encashment and gratuity etc. being terminal benefits shall not be covered under the Scheme as expenditure of the State Government and the Government shall not be responsible to compensate any management for expenditure on account of such terminal benefits.

Aided Colleges not entitled for grant-in-aid for the payment of terminal benefits. **4.** Notwithstanding anything contained in any instructions, rule or other law for the time being in force and any order or decision of any Court or of any Tribunal, all the Privately Managed Aided Colleges covered under the scheme shall not be entitled to any grant-in-aid on account of payment of the terminal benefits under the Scheme.

5. No suit and prosecution shall lie against the State Government or any officer or emplohyee of the State Government for anything, which is done or intended to be done in good faith under this Act.

Protection of actions taken in good faith.

6. No Civil Court shall have jurisdiction to entertain any suit or proceedings in respect of any matter arising under or connected with this Act.

Bar of Jurisdiction.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

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EXTRAORDINARY

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