

THE HARYANA TECHNICAL EDUCATION GUEST FACULTY (SECURITY OF
SERVICE) BILL, 2024

A

BILL

to provide security of service to guest faculty/guest Instructors
and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in
the Seventy-fifth Year of the Republic of India as follows:-

Short title,
commencement and
extent.

1. (1) This Act may be called the Haryana Technical Education Guest
Faculty (Security of Service) Act, 2024.

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

(3) It shall extend to the whole of the State of Haryana:

Definitions.

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

(a) "appellate authority" means the appellate authority, as
the Government may, by notification in the Official
Gazette, specify for the Directorate;

(b) "appointed date" means the 15th August, 2024;

(c) "appropriate authority" means appointing authority, as
the Government may, by notification in the Official
Gazette, specify for the Directorate;

(d) "Directorate" means the Directorate of Technical
Education, Haryana;

(e) "Government" means the Government of the State of
Haryana in the administrative department;

(f) "guest faculty" means a person engaged as Lecturer,
Instructor or Assistant Professor in the institution on the
appointed date;

(g) "institution" means the Government Polytechnics,
Government Society Polytechnics, State Institute of
Engineering and Technology under the Directorate;

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

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

(j) "Superannuation" means fifty-eight years of age.

Eligibility conditions.

3. The eligible guest faculty shall be a person who-

(i) was engaged on or before the 12th November, 2019, as
per the qualifications prescribed in the Haryana
Technical Education Department (Group-B) Service
Rules, 2001; or

- (ii) was engaged after the 12th November, 2019 as per the qualifications prescribed in the Haryana Technical Education Department (Group-B) Service Rules, 2019; or
- (iii) was engaged in such branches for which no service rules were in force at the time of their engagement but was engaged as per the minimum qualifications mentioned in the advertisement; or
- (iv) was engaged as Instructor as per the qualifications prescribed in the Haryana State Technical Education Department, Technical Field Staff (Group-C) Service Rules, 1998; or
- (v) was engaged as Instructor in such branches for which no service rules were in force at the time of their engagement but was engaged as per the minimum qualifications mentioned in the advertisement; or
- (vi) was engaged as Lecturer, Instructor or Assistant Professor as guest faculty in the institution and are in the service on the appointed date at the remuneration of Rs. 53,100/- for Lecturer (Guest Faculty), Rs. 35,400/- for Instructor (Guest Instructor) and Rs. 55,500/- for Assistant Professor (Guest Faculty) respectively per month; and
- (vii) has completed at least five years engagement in the institution on the specified workload as on the appointed date.

Explanation.- For the purposes of calculation of the number of years of engagement, a guest faculty who has worked for at least 240 days in a calendar year shall be deemed to have worked for the entire year, but shall not include an employee who,-

- (a) has attained the age of fifty-eight years on the appointed date; or
- (b) has been terminated or removed by the appropriate authority or resigned on or before the appointed date.

- Tenure of engagement. 4. The guest faculty shall continue to work as such in the institution till he attains the age of superannuation.
- Remuneration. 5. (1) The guest faculty shall be entitled to such remuneration, as per the guidelines of the Government plus enhancement (non-compounding) as per the percentage of Dearness Allowance announced by the Government, with effect from the first day of January and the first day of July every year.

(2) The guest faculty shall also receive the additional benefits, as specified in the Schedule.

(3) The Government may grant an increment on the consolidated monthly remuneration on the completion of the first year from the date of commencement of this Act and every year thereafter.

Power to amend
Schedule.

6. (1) The Government may, by notification in the Official Gazette, amend the Schedule.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.

Discipline, penalties,
appeals and other
matters.

7. In the matters relating to discipline, penalties, appeals and other matters not specifically provided under this Act, the guest faculty shall be governed by such rules, as may be prescribed.

Protection of action
taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or employee of the Government or any other person or authority authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Act not to be in
derogation of any
other law.

9. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to make rules.

10. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Power to remove
difficulty.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE
(see section 5)

1.	Health care benefits as notified under the Pradhan Mantri Jan Arogya Yojana (PM-JAY) CHIRAYU Extension Scheme or as revised by the Government.
2.	Death-cum-Retirement Gratuity at equivalent rates specified in the Code on Social Security, 2020 (Central Act 36 of 2020).
3.	Maternity Benefit as per the provisions of the Code on Social Security, 2020 (Central Act 36 of 2020).
4.	Benefit of ex-gratia compassionate financial assistance, as may be notified by the Government.

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STATEMENT OF OBJECTS AND REASONS

Government of Haryana is of opinion to formulate a policy for the Guest Lecturers/ Guest Instructors/ Assistant Professors who are working in various Government polytechnics/ Government Society Polytechnics/ State Institute of Engineering & Technology (SIETs) in the State for a long time. Such faculties/ Instructors/Assistant Professors have given prime years of their life to service of the State and there is a lot of uncertainty in their minds regarding their future as most of them have become overage for employment. It is also against the principle of natural justice to relieve such faculties or replace them with another set of persons.

Therefore, taking cognizance of various representations from various faculties there is need to provide a sense of security of tenure to such faculties who have rendered long service in the department in order to avoid uncertainty and mental restlessness.

Hence this bill.

Mahipal Dhanda,
Higher Education Minister,
Haryana.

CHANDIGARH:
The 14th November, 2024

Dr. Satish Kumar,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 14th November, 2024, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the proposed Bill empowers the State Government to frame Rules for carrying out the purposes of the Act. This delegation of powers of the Executive is of a normal character. Hence, the memorandum regarding delegated Legislation as required under Rule 126 of the Rules of Procedure and Conduct of Business in Haryana Legislative Assembly.
