

PRIVATE COLLEGES REGULATION LAWS IN TAMIL NADU

WITH NOTES AND CASE LAWS

- The Tamil Nadu Private Colleges (Regulation) Act, 1976.
- The Tamil Nadu Private Colleges (Regulation) Rules, 1976.
- The Grant-in-aid Code of the Tamil Nadu Educational Department.
- The Tamil Nadu Aided Institutions (Prohibition of Transfers of Property) Act, 1948.
- The Tamil Nadu Educational Institutions (Temporary Control of Property) Act, 1949.
- The Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992.
- The Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Rules, 1997.
- The Tamil Nadu Prohibition of Ragging Act, 1997.
- The Tamil Nadu Prohibition of Ragging Rules, 1999.
- The Tamil Nadu Prohibition of Harassment of Woman Act, 1998.
- Duty of the employer or other responsible persons in work places and other institutions.
- Case Law Digest



C. Sitaraman & Co. Pvt. Ltd.

FORM - 7-C.

[See sub-rule (2) (i) of rule 11 of the Tamil Nadu Private Colleges (Regulation) Rules, 1976]

FORM OF AGREEMENT TO BE EXECUTED BY A COLLEGE COMMITTEE OF A COLLEGE IN RESPECT OF EMPLOYEES OTHER THAN TEACHERS.

Agreement made this _____ day of _____ One thousand nine hundred _____ between the college committee _____ college of the one part and _____ (employee) of the other part ;

Whereas, the college committee has agreed to engage the said Thiru / Thirumathi / Selvi _____ (hereinafter referred to as the "said employee") to serve in the _____ college in _____ his / her capacity of a _____ (name of the post to be inserted) and on the pay and allowances hereinafter mentioned.

Now, these present witness and the parties hereunto hereby agree as follows :—

1. That the college committee shall employ the said employee as a _____ in the college at _____ from the date of his / her taking charge of such appointment until such employment is determined as hereinafter provided.

2. That the said employee shall be on probation for a period of not less than one year from the date of taking charge of his / her appointment. The college committee may, for reasons to be recorded in writing, extend the period of probation to a further period of not exceeding one year.

If no orders extending the period of probation are passed in writing within six months after the period of probation, the said employee shall be deemed to have completed his / her probation.

3. That the said employee shall employ himself / herself honestly, efficiently and diligently under the orders and instructions of the Principal or college committee of the said college.

4. That the said employee shall not normally or on any pretext absent himself / herself from his / her duties without the previous permission of the Principal. In case of sickness or other inevitable cases, he / she shall forward a proper medical certificate or communication explaining the extraordinary circumstances to the Principal.

5. That the said employee shall during the tenure of employment devote his / her attention to the duties of his / her employment and shall not on his / her own account or otherwise either directly or indirectly carry on or to be concerned in any trade, business or canvassing work, of a remunerative nature without the specific sanction of the college committee in writing in that behalf.

6. That the said employee and the college committee shall conform to all the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (President's Act 19 of 1976) and the Tamil Nadu Private Colleges (Regulation) Rules, 1976.

7. (a) That the college committee shall not dismiss, remove, reduce in rank or terminate the services of the said employee without informing him / her in writing of the grounds on which they intend to take action and shall follow the following procedure before taking any final decision regarding the punishment to be imposed on him / her and giving him / her in writing reasonable time to send his / her explanation to the college committee.

(b) After considering his / her explanation, the college committee shall communicate to him / her, its findings and if so desired by the said employee, conduct a personal hearing or enquiry wherein he / she shall be given the opportunity to examine or cross examine any of the witnesses and also produce witnesses.

(c) After the conduct of the personal hearing or enquiry by the college committee, the report of such personal hearing or enquiry shall be furnished to the said employee and a notice shall be issued to him / her setting out the proposed punishment and he / she shall be given a reasonable time to submit the statement of defence against the proposed punishment.

(d) After the receipt of the statement of defence from him / her, after taking into consideration, the committee shall inform him / her in writing about its final decision.

8. It shall be open to the college committee, at any time, if satisfied on medical evidence that the said employee is unfit to discharge his / her duties for reasons of ill-health, to terminate his / her services, on paying him / her three months' pay and allowances less any amount which might have been paid to him / her as leave salary after the date of his / her last appearance in the college for the regular discharge of his / her duties and subject to a minimum of one month's full pay and allowances.

9. That the said employee shall be entitled to have his / her services terminated either by giving to the college committee three months' notice thereof in writing or by paying the college committee three months' pay and allowances in lieu of such notice.

10. That the college committee may impose major punishments such as dismissal, removal or reduction in rank or termination of service or any of the following minor punishments on the said employee for any irregularity, namely :—

(i) censure ;

(ii) withholding of increment, with or without cumulative effect ;

(iii) recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to.

Entries shall be made in the service register of the said employee only in respect of penalties other than censure. Such entries shall be made only after the appeal, if any, preferred by the said employee is disposed of by the competent appellate authorities specified in the rules.