

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property :

Provided that the property of the college and any income therefrom shall continue to be applied for the purposes of the college as provided in any such instrument.

(5) The Director of Education (Higher Education) may give to the Authorised Controller such directions as he may deem necessary for the proper management of the college or its property, and the Authorised Controller shall carry out those directions.

59. **Clause 58 not applied to minority colleges.**— Nothing contained in Section 58, shall apply to a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

60. **Duty to deliver possession to the Authorised Controller.**— (1) Where an order has been passed under Section 58 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

(2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to Collector for delivery of possession and control over the college or its property or any part thereof, and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property, and in particular, may use or cause to be used such force as may be necessary.

¹CHAPTER XI-A

PAYMENT OF SALARY TO TEACHERS AND OTHER EMPLOYEES OF DEGREE COLLEGES

²60-A. Definitions.—In this Chapter, unless the context otherwise requires—

1. Chapter XI-A inserted by U. P. Act No. 21 of 1975.
2. By notification dated 12-3-1985 Joint Director in the Directorate of Higher Education, U. P. Allahabad and the Regional Officers of the Higher Education have been authorised to perform all or any of the functions of the Deputy Director for the purposes of Chapter XI-A.

- (i) 'College' means any college affiliated to or recognised by any University in accordance with the provision of this Act or the Statutes made thereunder and for the time being receiving maintenance grant from the State Government (but does not include a college maintained exclusively by the State Government or a Nagar Mahapalika) ;
- (ii) 'Deputy Director' means the Regional Deputy Director of Education and includes any other officer authorised by the State Government to perform all or any of the functions of the Deputy Director under this Chapter ;
- (iii) 'employee', in relation to a college, means a non-teaching employee or such college :
 - (a) in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75 ; or
 - (b) who was appointed to a post with the permission of the Director of Education (Higher Education) ;
- (iv) 'maintenance grant' means such grant-in-aid of a college as the State Government by general or special order in that behalf directs to be treated as maintenance grant appropriate to the level of that college ;
- (v) 'salary' shall have the meaning assigned to it, in clause (b) of Section 56 ;
- (vi) 'teacher', in relation to a college, means a teacher in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75, or who is employed with the approval of the Vice-Chancellor of the University concerned—
 - (a) to a post created, before April 1, 1975, with the permission of the Vice-Chancellor concerned ; or
 - (b) to a post created, after March 31, 1975, with the permission of the Director of Education (Higher Education).

60-B. Payment by salary within time and without unauthorised deductions.—(1) Notwithstanding any contract to the contrary, the salary of a teacher or other employee or any college in respect of any period after the 31st day of March, 1975, shall be paid to him before the expiry of the 20th day or such earlier day as the State Government may, by general or the

1. 'Local Authority' substituted by 'Nagar Mahapalika' w.e.f. 26-9-1979 by U. P. Act No. 15 of 1980.

month in behalf, appoint, of the month next following special order in that respect of which or any part of which it is payable.

(3) The salary shall be paid without deductions of any kind except those authorised by this Act, the Statutes or the Ordinances, or by any other law for the time being in force.

60-C. Power to inspect.—(1) The Deputy Director may at any time, for the purposes of this Chapter, inspect or cause to be inspected any college or call for such information and records (including registers, books of account and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee or for prohibition of any wasteful expenditure) as he thinks fit.

(2) Every direction for retrenchment under sub-section (1) shall be issued after obtaining the prior approval of the Director of Education (Higher Education) and shall specify a future date on which such retrenchment shall become operative.

(3) Where any direction for retrenchment is issued in accordance with sub-section (1) and (2), the teacher or the employee concerned shall, with effect from the date specified in such direction, cease to be a teacher or employee of the college for the purposes of the maintenance grant payable under this Chapter.

1[60-CC. Supernumerary post of teachers.—The Vice-Chancellor may with the prior approval of the State Government create any supernumerary post with a view to enabling a teacher who is for the time being holding responsible position of a national importance in India or abroad in educational administration or other similar assignment to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes :

Provided that no salary shall be payable to such teacher by the college for the period of such assignment.]

60-D. Procedure for payment of salary in case of certain colleges. - (1) The management of every college shall for the purposes of disbursement of salaries to its teachers and employees open in a scheduled bank or a co-operative bank or post office, a separate account thereafter in this Chapter called ('Salary Payment Account') to be operated jointly by a representative of the management and by the Deputy Director or such other officer as may be authorised by the Deputy Director in that behalf :

1. Section 60-CC inserted by U. P. Act No. 5 of 1977.

Provided that after the Salary Payment Account is opened, the Deputy Director may, if he is, subject to any rules made under Section 60-H satisfied that it is expedient in the public interest so to do, instruct the bank that the account shall be operated by the representative of the management alone, and may at any time revoke such instruction :

Provided further that in the case referred to in sub-section (3), or where in any other case after giving to the Management an opportunity of showing cause, the Deputy Director is of opinion that it is necessary or expedient so to do, the Deputy Director may instruct the bank that the Salary Payment Account shall be operated only by himself, or by such other officer as may be authorised by him in that behalf and may at any time revoke such instruction.

(2) The State Government may, from time to time, require by general or special order that the Management of a college shall deposit in the Salary Payment Account, such portion of the amount received from students as fees and also such portion, if, any, of the income received from any property, movable or immovable belonging to or endowed wholly or partly for the benefit of the college, and by such date, as may be specified in that order, and thereupon, the Management shall be bound to comply with such direction.

(3) Where the Deputy Director is of opinion that the Management has failed to deposit the fees in accordance with the provisions of sub-section (2) or the orders issued thereunder, the Deputy Director may, by order, prohibit the Management from realising any fees from the students and thereupon, the Deputy Director may realise the fees (either through the teachers of the college or in such other manner as he thinks fit) directly from the students and shall deposit the fees so recovered in the Salary Payment Account.

(4) The State Government shall also pay into the Salary Payment Account such amount as maintenance grant, which, after taking into consideration the amounts deposited under sub-sections (2) and (3), is necessary for making payment in accordance with sub-section (5).

(5) No money credited to the Salary Payment Account shall be applied for any purpose except the following, namely —

- (a) for payment of salary to the teachers and other employees of the college falling due for any period after March 31, 1975 ;
- (b) for crediting the Management's contribution, if any to the provident fund accounts of teachers and employees of the college concerned.

(6) The salary of a teacher or employees shall be paid by transfer of the amount from the Salary Payment Account to his account, if any, in the same bank, or if he has no account in that bank, then by cheque.

60-E. Liability in respect of Salary.—(1) The State Government shall be liable for payment of salaries of teachers and employees of every college due in respect of any period after March 31, 1975.

(2) The State Government may recover any amount in respect of which any liability is incurred by it under sub-section (1) by attachment of the income from the property belonging to or vested in the college as if that amount were an arrear of land revenue due from such college.

(3) Nothing in this section shall be deemed to derogate from the liability of the college for any such dues to the teacher or employee.

60-F. Punishment, penalties and procedure.—(1) If any default is committed in complying with any direction under Section 60-C, or with the provisions of Section 60-B or Section 60-D, every person who at the time the default was committed was manager or any other person vested with the authority to manage and conduct the affairs of the college shall, unless he proves that the default was committed without his knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable, in the case of a default in complying with the provisions of Section 60-B with fine which may extend to one thousand rupees, and in the case of any other default with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Deputy Director.

(3) Every offence under this section shall be cognizable, but no police officer below the rank of a Deputy Superintendent shall investigate any such offence without the order of a Magistrate of the first class or make arrest therefor without a warrant.

(4) No court below the rank of a Magistrate of the first class shall take cognizance of an offence under this section.

60-G. Finality of orders.—No order made or direction given by the State Government, the Director of Education (Higher Education), the Deputy Director or other officer in exercise of any power conferred by or under this Chapter shall be called in question in any court.

60-H. Rule-making power.—(1) The State Government may by notification in the Gazette, make rules for carrying out the purposes of this Chapter.

(2) All rules made under this Chapter shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of thirty days comprised in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the official Gazette, subject

to such modifications or annulments as the two Houses of Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

CHAPTER XII

PENALTIES AND PROCEDURE

61. Penalties.—(1) Whoever contravenes the provisions of Section 46 shall, on conviction, be punished, with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or both.

(2) Any person who—

- (a) having in his possession, custody or control any property of a college in respect of which an order has been made under Section 58 wrongfully withholds such property from the Authorised Controller appointed under that section or from any person authorised by him in that behalf ; or
- (b) wrongfully obtains possession of any property of such college ; or
- (c) wilfully withholds or fails to furnish the Authorised Controller or any person specified by him as required by sub-section (2) of Section 60 any books or other documents which may be in his possession, custody or control ; or
- (d) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act ;

shall, on conviction be punished with imprisonment for a term which may extend to one year, or with fine or with both :

Provided that the Court trying any offence under clause (a) or clause (b) of this sub-section may at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the Court any property wrongfully withheld or wrongfully obtained or any books or other documents wilfully withheld.

62. Cognizance by Courts.—No court shall take cognizance of an offence punishable under Section 61 except with previous sanction of the Director of Education (Higher Education).

63. Offences by registered societies.—(1) If the person committing the offence under Section 61 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :