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[No.8830–IX–SME–(OJC)–01/2017/SME.]

SCHOOL & MASS EDUCATION DEPARTMENT

RESOLUTION

The 24th April, 2018

Subject: Taking-over the management of Non-Government fully Aided High Schools by Government-Service conditions of the employees.

Government had decided in principle on the 7th June, 1994 to take over the Non-Government Aided High Schools in receipt of full salary cost. The Managing Committee of these institutions were informed to comply with the terms and conditions of take over as laid down in this Department letter No. 20645, Dated the 24th June, 1994. The Chandi High School, Balugaon in the District of Nayagarh which was a Non-Government Aided High School in receipt of full salary cost, could not resolve to handover the management along with approved teaching and non-teaching staff including assets as on the 7th June, 1994 for which this High School could not be taken over at the relevant time. Now in pursuance of Order dated the 5th April, 2010 of Hon'ble High Court of Orissa passed in W.P. (C) No. 14506/2009 Government have decided to take over the management of this High School along with approved teaching and non-teaching staff and assets with effect from the 5th April, 2010. Government would not be liable to clear any liability whatsoever relating to the period prior to and or as on and after the 5th April, 2010 incurred by the Managing Committee.

2. The taken over employees would be treated as Government Servants with effect from the 5th April, 2010 only and their Service conditions would be as follows:—

2.1. Seniority:

The seniority of the taken over employees in respective cadres under the State Government will be determined taking into account the 5th April, 2010 as the date of entry into Government Service and the *inter-se*-seniority of the taken over employees prior to the 5th April, 2010 will be determined in accordance with the guidelines prescribed in this

Department Letter No. 27236, dated the 26th August, 1994 subject to decision of competent Court of Law where pending on the date of take over.

2.2. Fixation of pay and date of increment:

As the teachers are entitled to salary in the scales of pay applicable to their counterparts in the State Government, their pay shall be protected on their coming over to Government service without any change in the date of increment.

2.3. Retirement benefits:

The employees of such taken over High Schools shall be governed under two sets of rules. Pension and other terminal benefits admissible to State Government servants shall be applicable to such employees for the period of their service rendered under the State Government i.e. with effect from the date of taking over. Such period shall be governed under the provisions of the OCS (Pension) Rules, 1992. Service period rendered in privately managed aided educational institutions prior to the date of taken over to Government fold shall be governed under the provisions of the Odisha Aided Educational Institutions Employees Retirement Benefits Rules, 1981. Such provision shall be applicable to the employees who have joined in service prior to 1st January, 2005.

Provided that employees who have joined in service in Aided Educational Institutions on or after 1st January, 2005 shall be governed under the New Restructured Defined Contribution Pension Scheme (NPS) for both spells of service i.e. under Aided Educational Institutions and State Government.

2.4. Provident Fund:

Employees who are eligible shall subscribe to the State Government Provident Fund as under the General Provident Fund (Orissa) Rules, 1938.

Provided that such G.P.F. Rules shall not be applicable in case of employees who are covered under the New Restructured Defined Contribution Pension Scheme (NPS).

2.5. Leave:

Leave benefit as admissible to Government servants shall be admissible to such employees on the basis of service rendered by them with effect from the 5th April, 2010.

2.6. House Rent Allowance:

House Rent Allowance as admissible to regular Government servants shall be admissible to such employees with effect from the date of joining in Government fold.

2.7. Age of superannuation:

The age of superannuation for all category of employees shall be 60 years.

3. The existing employees shall be guided as per the service conditions applicable to a regular Government servant with effect from the date of taken over of the School to Government fold.

4. All service rules applicable to Government servants shall be applicable to the taken over employees.

5. School & Mass Education Department Resolution No. 7230/SME., dated the 3rd April, 2018 is hereby withdrawn.

ORDER

Ordered that the Resolution be published in the next issue of the *Odisha Gazette* and copies thereof be extended to all concerned with 50 spare copies to S & M E Department for reference.

By Order of the Governor

P.K. MAHAPATRA

Principal Secretary to Government