

Bill No. XLII of 2010

THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL
EDUCATION AND RESEARCH, PUDUCHERRY (AMENDMENT)
BILL, 2010

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BILL

*to amend the Jawaharlal Institute of Post-Graduate Medical Education and Research,
Puducherry Act, 2008.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2010. Short title.

2. In section 28 of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008, in sub-section (1),— Amendment
of section 28
of Act 19 of
2008.

(a) for the words “one year”, at both the places where they occur, the words “two and one-half years” shall be substituted;

(b) in the proviso, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that the employees, who have, or as the case may be, who have not, exercised their option and not transferred out of the Institute as on the date of coming into force of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2010, may exercise their option afresh before the specified period: 5

Provided further that”.

STATEMENT OF OBJECTS AND REASONS

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry was declared as an institution of national importance by the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008. The Act was brought into force on the 14th July, 2008 by the Central Government under sub-section (2) of section 1 of the Act.

2. Prior to its incorporation as an autonomous body under section 4 of the aforesaid Act, the Institute was functioning as an institution under the Ministry of Health and Family Welfare. Hence, on the incorporation of the institution, every employee of the Institute prior to its conversion was given option under sub-section (1) of section 28 of the aforesaid Act to exercise his or her option within a period of one year from the date of commencement of the Act either to remain as an employee of the autonomous Institute or to opt out of the Institute and continue to remain as a Central Government employee. A number of employees of the institution have already exercised their option in terms of sub-section (1) of section 28 of the aforesaid Act. However, a total number of about 1241 representations from Group B, C and D employees have been received in the Ministry of Health and Family Welfare requesting for extension of the period for exercising the option to two years from the existing one year as provided by the said Act. Majority of the employees working in the Institute have not so far exercised their option.

3. In order to avoid any discrimination and to provide equal opportunity to all the employees, it has been decided to extend the benefit of enhanced option period from the existing one year to two and one-half years including those employees who have already exercised their option and to allow them to exercise option afresh. However, due to practical reasons this benefit of extension of time may be limited to only those employees who have not been transferred out of the Institute consequent upon the exercise of option by them.

4. It is proposed to amend sub-section (1) of section 28 of the aforesaid Act for extending the period of exercising option by the erstwhile employees of the Institute to two and one-half years from the existing one year from 14th July, 2008 *i.e.*, the date on which the provisions of the Act came into force. The proposed amendment will enable more time to the employees of the erstwhile institution to exercise their option either to remain as the employees of the new autonomous Institute or to opt out of the Institute and continue to remain as Central Government employees.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 30th July, 2010

GHULAM NABIAZAD

ANNEXURE

EXTRACT FROM THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

(19 OF 2008)

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Transfer of service of existing employees.

28. (1) On and from the date of commencement of this Act, every employee holding a post in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, before that date, shall hold the post in the Institute by the same tenure, and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such post as if this Act had not been passed and shall continue to do so as an employee of the Institute for a period of one year from the date of the commencement of this Act, unless he, within the said period of one year, opts not to be an employee of the Institute or until his tenure, remuneration or other terms and conditions of service are duly altered by the regulations:

Provided that the officers of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry belonging to the Central Health Service, who opts to be an employee of the Institute then, his appointment, pay, allowances and other terms and conditions of service shall be such as may be prescribed.

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RAJYA SABHA

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BILL

to amend the Jawaharlal Institute of Post-Graduate Medical Education and Research,
Puducherry Act, 2008.

(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)

GMGIPMRND—3450RS(S3)—03-08-2010.