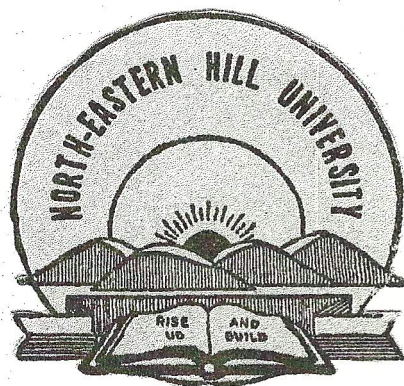


**NORTH-EASTERN HILL UNIVERSITY
SHILLONG**



MINUTES

**ONE HUNDRED TWENTY-SEVENTH
EXECUTIVE COUNCIL
MEETING**

20th December, 2006

ITEM NO.6

ADMINISTRATIVE MATTERS

*6:1- Selection Committee***(i) Recommendation of various Selection Committees in respect of Teaching as well as cases under CAS and Non-Teaching in various Departments / Centres.**

EC:127:2006:6:1:(i): The Council considered the recommendation made by the various Selection Committees in respect of Teaching as well as cases under CAS and Non-Teaching in various Departments / Centres and **RESOLVED** to approve the same as per list given below.

Open Selection

| Department: | Name of the Post | Recommendations |
|--|-------------------------|--|
| 1. School of Technology | | |
| (a) Electronics and Communication Engineering. | Professor | None found suitable |
| (b) -do- | Reader | Mr. Sushanta Kabir Dutta |
| (c) Information Technology | Lecturer | Smti. Sangita Neog Wait List. Smti. Surmila Thokcho |
| (d) Basic & Social Sciences | | |
| (i) Statistics | Lecturer | Mr. Phrangstone Khongji |
| (ii) Mathematics | Lecturers | 1.Mr. Khundrakpam Binod Mangang. 2.Mr. Sainkumar MN Mawiong |
| (iii) Economics/ Commerce | Lecturer | None was found suitable |

| | | |
|--|-----------|---|
| (iv) Biotechnology | Lecturer | Dr. Hiranjit Choudhury |
| (v) Environmental Sciences | Lecturer | Dr. Krishna Upadhaya |
| (vi) Physics | Lecturers | 1. Mr. Amal Medhi 2. Mr. Regenelson Kharwanlang |
| (vii) Chemistry | Lecturers | 1. Md. LH Choudhury 2. Dr. Jyoti Narayan |
| (viii) English | Lecturer | None was found suitable |
| 2. School of Humanities and Education | | |
| (a) English (Shillong) | Lecturer | None was found suitable |
| (b) Education (Shillong) | Reader | None was found suitable |
| (c) Education (Tura) | Professor | None was found suitable |
| (d) Adult and Continuing Education. | Reader | Dr. BP Sahu |
| (e) Adult and Continuing Education. | Lecturer | Dr. (Mrs). Emiliana Synkon |
| (f) Linguistics | Reader | 1. Dr. Shailendra Kumar Singh 2. None found suitable |
| (g) Linguistics | Lecturers | 1. Mrs. Barika Khyriem 2. Mr. Bijou Louis Dhanwar |
| (h) Khasi | Professor | Dr. S. Dkhar |

| | | |
|---|--------------------|---|
| (i) Khasi | Reader | Dr. D. Rockyder L. Nonglait |
| (j) Khasi | Lecturer | None was found suitable |
| 3. School of Human and Environmental Sciences. | | |
| (a) RDAP (Tura) | Readers | 1. Dr. Amod Sharma 2. None found suitable |
| (b) RDAP (Tura) | Lecturers | 1. Dr. Birendra Kumar Mishra 2. Dr. LM Lyndem 3. Binu Mathew Wait List 1. Mr. Niranjan Sahoo 2. Dr. Pranab Dutta |
| (c) Anthropology | Reader | None was found suitable |
| 4. School of Physical Sciences | | |
| (a) Chemistry | Lecturer (SC) | None was found suitable |
| (b) Chemistry | Lecturer (General) | Mr. Biplab Sarkar |
| (c) Mathematics | Reader | Dr. Basil S. Koikara |
| 5. School of Social Sciences | | |
| (a) Law | Professor | None was found suitable |
| (b) Law | Reader | 1. Dr. Vinod Shankar Mishra 2. Dr. Chintamani Rout |
| (c) Law | Lecturer | Mr. Prakash Chandra Shukla |

| | | |
|---|--------------|--|
| (d) Political Science | Professor | None was found suitable |
| (e) Sociology | Professor | 1. None was found suitable 2. None was found suitable |
| (f) History | Professor | None was found suitable |
| (g) History | Reader | None was found suitable |
| 6. School of Life Sciences | | |
| (a) Biochemistry | Lecturer(SC) | Mr. Surya Bhan |
| (b) Biotechnology & Bioinformatics | Reader | Dr. SR Joshi |
| (c) Biotechnology & Bioinformatics | Lecturer | Dr. Atanu Bhattacharya |
| (d) Zoology | Reader | None was found suitable |
| (e) Botany | Professor | None was found suitable |
| (f) Botany | Reader | None was found suitable |
| (g) Botany | Lecturer(SC) | None was found suitable |
| 7. School of Economics Management & Library and Information Sciences | | |
| (a) Economics | Lecturers | 1. Ms. Deigracia Nongkynrih 2. Ms. Darishisha W. Thangkhiew |

| | | |
|--|------------|---|
| (b) Library and Information Sciences. | Professors | Interview was not held. |
| (c) Management | Lecturers | 1. Ms. DH Malini 2. None was found suitable. |
| 8. System Analyst | | 1. Mebanjop Kharjana 2. Sachin P. Nongkhlaw |
| 9. Placement/Promotion under CAS. | | |
| (a) Dr. SC Subhudi, Department of Education(Tura) | | Lecturer (Senior Scale) |
| (b) Dr. Rakesh Mohan RDAP, Tura. | | Professor under CAS |
| (c) Dr. L. Kma Department of Biochemistry. | | Lecturer (Senior Scale) |
| (d) Dr. PK Ambasht Department of Biochemistry. | | Lecturer (Senior Scale) |
| (e) Dr. H. Kayang Department of Botany. | | Reader under CAS |
| (f) Dr. Suman Kumaria Department of Botany. | | Reader under CAS |
| (g) Dr. BK Dutta Department of Economics. | | Reader under CAS |
| (h) Dr. A. Dash Department of Commerce. | | Lecturer Senior Scale |
| (i) Dr. MP Pandey Department of Hindi. | | Reader under CAS |

- (a) The Council considered the recommendation of the Departmental Promotion Committee in respect of Dr.(Mrs.) M. Marwein, S.M.O. for placement in the Grade of Medical Officer, Specialist Grade I in the scale of pay of Rs.14,300-400-18,300/- and **RESOLVED** as under:

The Executive Council approved the recommendation of the Departmental Promotion Committee placing Dr.(Mrs.) M. Marwein, in the Medical Specialist Grade I with effect from 1st April, 2006.

- (b) The Council also considered the recommendation of the Screening Committee held on 15.12.2006 for grant of first financial upgradation under ACP to Shri M. Bhattacharjee, Assistant Engineer and Shri I. Hussain, Assistant Engineer and **RESOLVED** as under:

1. Sri Manoj K. Bhattacharjee may be granted FFU under ACP in the pay scale of Rs.10,000-15,200 w.e.f. 20.12.2002.
2. Sri SI Hussain may be granted FFU under ACP in the pay scale of Rs.10,000-15,200 w.e.f. 04.04.2001.

**6:2- Appointments/Creation/Up-gradation of
post/Confirmation/Extension/Option/
Transfer /Release/Termination etc.**

- (i) **Permanent placement of Dr. Satish Kumar in the Department of Physics, NEHU, Shillong.**

EC:127:2006:6:2:(i): The Council considered the permanent placement of Dr. Satish Kumar in the Department of Physics, NEHU, Shillong and **RESOLVED** to defer taking a decision on the matter till the writ appeal is disposed by the Honourable High Court.

6:3- Leave/Deputation

- (i) **Grant of Child adoption leave for 135 days to the Female Government Servants on adoption of a child up to one year of age.**

EC:127:2006:6:3:(i): The Council considered the recommendation of the 76th Academic Council vide Resolution No.AC:76:2006:6:3:(i) in approving the grant of Child Adoption Leave for 135 days to the female government servants on adoption of a child up to one year of age and **RESOLVED** to accept the same. The Council further **RESOLVED** that the Committee constituted to suggest amendment in the relevant ordinance to submit the report to be placed in the next Academic Council / Executive Council meetings.

6:4- Disciplines:**(i) Case of Shri XP Mao, Lecturer, Department of Philosophy.**

EC:127:2006:6:4:(i): This item was withdrawn by the Chair.

6:7- Others:**(i) Construction of a Permanent Building for IGNOU at NEHU Campus.**

EC:127:2006:6:7:(i): The Council considered the allotment of land to IGNOU for construction of a permanent building and **RESOLVED** that in view of the present need of NEHU an alternate plot would be allotted if IGNOU still requires the land.

(ii) Change of name of RSIC.

EC:127:2006:6:7:(ii): This item was withdrawn.

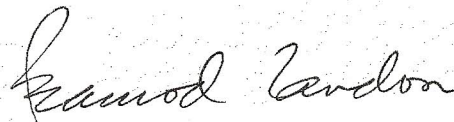
ITEM NO.7**FINANCIAL MATTERS****7:6- Others.****(i) Refund of Fees.**

EC:127:2006:7:6:(i): The Council considered the recommendation of the 76th Academic Council vide Resolution No.AC:76:2006:7:6:(i) on refund of fees and **RESOLVED** to accept the same and the Committee constituted to suggest amendments in the relevant ordinance to submit its report to be placed in the next Academic Council / Executive Council meetings.

The meeting ended with a vote of thanks from the Chair at 1400 Hours.



DT Khathing
Secretary



Pramod Tandon
Chairman

6: ADMINISTRATIVE MATTERS

6:1: SELECTION COMMITTEE

- (1) Recommendations of various Selection Committees in respect of Teaching as well as cases under CAS and Non Teaching in various Departments/Centres.

The recommendations of the Selection Committees for recruitment of Teachers in various departments/Centres as well as cases under CAS and Non Teaching posts are placed before the council for kind consideration and approval.

The recommendations will be tabled by the Chair.

6:2: Appointment/Creation-upgradation of post/
Confirmation/Extension/Option/Transfer/
Release/ Termination etc.

- (1) Permanent placement of Dr. Satish Kumar in the Department of Physics, NEHU, Shillong.

On abolition of the Institute of Self Organizing System and Bio-Physics, w.e.f. 21.08.2003. Prof. Satish Kumar was temporarily attached to the Department of Physics NEHU, Shillong vide Notification No.F.24/Estt.II/2003/6154 dated 10.09.2003 (Annexure-A). Subsequently, the 117th Executive Council while confirming the minutes of the 116th meeting resolved that the Professor temporarily attached to various Departments consequent upon the 116th resolution No.EC:116:2003:8(ii) (a) shall have all the rights and privileges enjoyed by other regular Professor of the Departments: (b) He/She shall have all the responsibilities of other regular Professor of that Department until such time as other arrangement are made (Annexure-B).

On the aforesaid decision of the University in placing Prof. Satish Kumar in the Department of Physics, some of the faculty members of Physics namely Prof. Kamal Kumar, Prof. P.N. Pandita and Prof. (Mrs) Betylda Mary Jyrwa filed a writ petition in the Hon'ble High Court, Shillong Bench.

The Hon'ble High Court in its judgment passed on 21.03.2006 against the writ petition (c) No.242(SH) of 2004 order the following:

"While not interfering the induction of the respondent No.6 to the Department of Physics, having regard to the fact that as per the impugned Notifications such induction is temporary and until such time and alternative arrangement is made, the respondents are directed to take final decision in the matter consistently with the observations made above. Till such time, having regard to the fact that the respondent No.6's tenure in the Department is only temporarily, the respondent shall not do anything so as to adversely effect the service prospects of the petitioner. It will be for the own interest of the University that a final decision is arrived, as early as possible". (A copy of the judgment and order is placed at Annexure-C).

In view of the above, the Executive Council in its 125th meeting held on 07.07.2006 resolved to seek legal advice on the permanent placement of Dr. Satish Kumar, Department of Physics. The Legal Adviser has submitted his opinion vide (Annexure-D).

The matter is submitted for consideration of the Council.

NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS::SHILLONG

No.F.24/Estt II/2003/ 6154

Dated 10th Sept'2003

NOTIFICATION

In pursuance to the 113th E.C's Resolution No. E.C:116:2003:8(ii) in its meeting held on 21.8.03, the Vice-Chancellor is pleased to order that the ISOS and Biophysics stands abolished with immediate effect.

Accordingly the following teachers are hereby attached to the departments as mentioned below and the attachment will be temporary. However, the teachers so attached will carry their post which will be treated as personal to them. The concerned teachers will function under the direction and control of the concerned Head/Director of the department.

| <u>Name of the Teacher</u> | <u>Department attached</u> |
|----------------------------|-----------------------------|
| 1. Prof. R.P. Bajpai | R.S.I.C. as Professor. |
| 2. Dr. Satish Kumar | Department of Physics. |
| 3. Dr. Debjani Roy | Department of Zoology. |
| 4. Dr. Binode Singh | Department of Biochemistry. |

The faculty members as mentioned above shall make a list of all equipments pertaining to projects under them and submit it to the Head/Director of the Department to which they are attached.

(Signature)

(Prof. D.T. Kathing)

Registrar.

Copy to :-

1. The Heads Departments of Physics, Zoology, Biochemistry NEHU., Shillong.
2. The Director, RSIC, NEHU, Shillong
3. The Finance Officer NEHU., Shillong, with a request to make payment of salaries of the concerned teachers against the Department to which they are attached, and to abolish the Budget provision under the ISOS & Bio-Physics and to enhance the Budget provision suitably of the departments to which the said teachers are posted.
4. All Deans of Schools, NEHU, Shillong.
5. The Registrar, NEHU., Shillong
6. The Controller of Examinations, NEHU., Shillong.
7. All Officers, NEHU, Shillong.
8. Prof. R.P. Bajpai, ISOS & Biophysics, NEHU, Shillong.] They are directed to report to
9. Dr. Satish Kumar, ISOS & Biophysics, NEHU, Shillong.] the concerned head of the
10. Dr. Debjani Roy, ISOS & Biophysics, NEHU, Shillong.] Deptt. immediately.
11. Dr. Binode Singh, ISOS & Biophysics, NEHU, Shillong.]
12. P.S. to the V.C. for V.C's kind information.

(Signature)

(Prof. D.T. Kathing)

Registrar.

ANNEXURE - 'B'

NORTH EASTERN HILL UNIVERSITY
MAWKYNROH UMSHING SHILLONG-22

No.F.24/Estt.II/2003(PU)/6989

Dated 16th March, 2004.


NOTIFICATION

In continuation to this office Notification No. F.24/Estt.II/2003/6154 dated 10.9.03 on abolition of the Institute of Self Organizing system and Biophysics vis-a-vis temporary attachment of faculty members of the Institute to various academic Departments, it is hereby notified that the 116th Executive Council while confirming the minutes of the 116th meeting resolved that the Professor temporarily attached to various Departments consequent upon the 116th resolution No. EC:116:2003:3(I)(a) shall have all the rights and privileges enjoy by other regular Professor of the Department; (b) he/she shall have all the responsibilities of other regular Professors of that Department until such time as other arrangement are made.


Deputy Registrar,
Establishment-II.

Copy to:

1. P.S to Vice-Chancellor, NEHU, Shillong. For V.C's kind information.
2. P.A to the registrar, NEHU, Shillong for information.
3. All Dean of Schools, NEHU, Shillong for information and necessary action.
4. All Head of the Departments, NEHU, Shillong for information and necessary action.
5. Finance Officer, NEHU, Shillong for information.
6. All Deputy Registrars, NEHU, Shillong.
7. All Assst. Registrar, NEHU, Shillong.


Deputy Registrar,
Establishment-II.

...ooOoo...

(The High Court of Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram and Arunachal Pradesh)

(SHILLONG BENCH)

W.P. (C) No. 242(SH)/2004

- 1) Prof. Kamal Kumar,
S/o. Late Girdhar Gopal Mathur,
Department of Physics, NEHU
Shillong residing at Quarter
No. P-21, NEHU Campus
Umshing, Shillong- 793022
- 2) Prof. P.N. Pandita
S/o. Late Sona Ram Pandita,
Department of Physics, NEHU
Shillong, residing at Quarter
No. P-30, NEHU Campus
Umshing, Shillong-793022
- 3) Prof. (Mrs.) Betylda Mary Jyrwa
D/o. Late Dennis L. Nongrum,
Department of Physics, NEHU
Shillong, residing at Opposite Beat
House, Laitumkhrah,
Shillong- 793003

... Petitioners

vs.

- 1) The North Eastern Hill University
Represented by its Registrar,
Umshing, NEHU Campus,
Shillong- 793022
- 2) The Vice-Chancellor/Chairman
Executive Council of NEHU,
Umshing, NEHU Campus,
Shillong- 793022
- 3) Dr. M.K. Parida
Prof. & Head of the Department,
Department of Physics,
NEHU Campus,
Umshing, NEHU Campus,
Shillong- 793022

- 4) The Secretary,
Govt. of India, Ministry of
Human Resources Development,
Department of Education,
New Delhi
- 5) The Secretary,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi-110002
- 6) Dr. Satish Kumar
Residential Quarter No. 53
NEHU Campus,
Umshing, Shillong- 793022

...Respondents

BEFORE

THE HON'BLE MR. JUSTICE B.K. SHARMA

For the petitioners : Mr. V.K. Jindal, Sr. Advocate
Mr. L. Lyngdoh, Advocate

For the respondents: Mr. S. Sen, Advocate for the Respondent No. 1,
2 & 3
Mr. S. Chokroborty, Advocate for the
Respondent No. 6

Date of hearing: 20.02.06

Date of Judgment: 21.03.06

JUDGEMENT AND ORDER

1. The three writ petitioners who are the Professors in the Department of Physics, North Eastern Hill University (NEHU), Shillong, being aggrieved by attachment of the respondent No. 6, Professor of the Institute called *Self Organizing Systems and Bio Physics* (hereinafter referred as *ISOS and Bio-Physics*) under NEHU to the department of Physics in which the petitioners are working, have filed this writ petition making a challenge to the same. Be it stated here that *ISOS and Bio-Physics* has since been abolished and as a result of such abolition, the

service of the respondent No. 6 has been attached to the Department of Physics maintaining his status as Professor in the erstwhile Institute.

2. The aforesaid Institute was established under NEHU by an ordinance issued U/s. 26 (1) (d) of the NEHU Act, 1973 and approved by the Ministry of Education, Govt. of India's letter dated 21.12.87 with a view to pursue Inter-School multidisciplinary Research work. The respondent No. 6 was first appointed as a Reader in Bio-Physics in the said Institute. In the year 1990, a UGC expert committee visited NEHU and the Institute, and on the basis of the report submitted by the said committee, the UGC conveyed its decision to close down the Institute. The matter pertaining to closure of the Institute was taken up by the Academic Council (AC) and Executive Council (EC) in the year 1998 and it was resolved that the Institute should not admit the students any further into M. Phil and Ph.D. programmes. Thus, according to the petitioners, for all practical purpose the Institute stood closed with the resolution adopted by the AC and EC in the meetings, held on 11th and 12th the June, 1998.

3. The respondent No. 6 was promoted as Professor under the scheme called Career Advancement on 04.04.01. It is the case of the petitioners that the respondent No. 6 could not have been promoted as such at a time when the Institute itself was virtually closed down. In addition, they have also contended that the selection committee which recommended the respondent No. 6 for such promotion was not duly constituted as required under Statue 20 of the NEHU Statute.

4. It is the contention of the petitioners that the respondent No. 6 could not have been attached to the department of Physics as Professor firstly on the ground that his promotion itself as Professor in the ISOS was illegal and secondly his such promotion as Professor being in the Institute, he could not have been inducted to the Department of Physics as Professor.

5. By the impugned notification dated 10.09.03 (Annexure-5), the Registrar of the University conveyed the decision of the University pursuant to 116th resolution of the EC adopted in its meeting held on 21.08.03 to abolish the Institute with immediate effect. By the same very notification, consequent upon abolition of the Institute, the incumbents in the Institute named in the notification have been attached in the respective departments which includes the respondent No. 6 with his attachment to the Department of Physics. Thereafter, by Annexure 6 notification dated 16.03.04, the University authority, pursuant to 117th EC meeting notified that the Professors temporarily attached to various departments consequent upon 116th resolution adopted by EC shall have the rights and privilege being enjoyed by other regular Professors of the Departments. However, such benefit conferred on the attached Professors has been stated to be "until such time as other arrangement are made". Endorsing a copy of the Annexure-5 notification dated 10.09.03 to the Finance Officer, NEHU, it was requested to make payment of salary to the concerned Teachers against the departments to which they were attached and to abolish the budget provision of the Institute and to enhance the budget provision suitably to the departments to which the teachers were posted. For a ready reference, the impugned notifications (Annexures 5 and 6) are quoted below:

"NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS :: SHILLONG

No. F.24/Estt.II/2003/615-1 Dated 10th September, 2003

NOTIFICATION

In pursuance to the 116th E.C.'s Resolution No. E.C. 116:2003:8(ii) in its meeting held on 21.08.03, the Vice Chancellor is pleased to order that the ISOS and Biophysics stands abolished with immediate effect.

Accordingly, the following teachers are hereby attached to the departments as mentioned below and the attachment will be temporary. However, the teachers so attached will carry their post which will be treated as personal to them. The concerned teachers

6:2:1(8)

will function under the direction and control of the concerned Head/Director of the Department.

| <u>Name of the Teachers</u> | <u>Department attached</u> |
|-----------------------------|----------------------------|
| 1) Prof. R.P. Bajpai | R.S.I.C. as Professor |
| 2) Dr. Satish Kumar | Department of Physics |
| 3) Dr. Debjani Roy | Department of Zoology |
| 4) Dr. Binode Singh | Department of Biochemistry |

The faculty members as mentioned above shall make a list of all equipments pertaining to projects under them and submit it to the Head/Director of the Department to which they are attached.

(Prof. D.T. Kathing)
Registrar"

"NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS :: SHILLONG

No. F.24/Estt.II/2003(pt.)/0989

Dated 16th March, 2004

NOTIFICATION

In continuation to this office Notification No. F.24/Estt. II/2003/6154 dated 10.09.03 on condition of the Institute of Self Organizing system and Biophysics vis-à-vis temporary attachment of faculty members of the Institute to various academic Departments, it is hereby noticed that the 11th Executive Council while confirming the minutes of the 116th meeting resolved that the Professor temporarily attached in various Departments consequent upon the 116th resolution No. EC 11G-2003:5(1) (a) shall have all the rights and privileges enjoy by other regular Professor of the Department (s) he/she shall have all the responsibilities of other regular Professors of that Department until such time as other arrangements are made.

Deputy Registrar
Establishment-II"

6. Being aggrieved by the aforesaid decision of the NEHU authority, the petitioners submitted individual representation, but the same having not evoked any response, they filed the instant writ petition. By Annexure-10 Circular dated 07.01.04 the University authority circulated the draft seniority list of the three cadre namely the Professor, Reader and Lecturer in which the respondent No. 6 was included at serial No. 52 while the petitioner No.

3 at serial No. 88. The petitioners No. 1 and 2 were placed at serial No. 26 and 50, above the respondent No. 6. Such assignment of the seniority of the petitioners and the respondent No. 6 was on the basis of the respective dates of joining as Professor. The petitioners also objected to the inclusion of the respondent No. 6 in the seniority list by submitting individual representation. According to the petitioners, entire action of the NEHU authority towards inducting the respondent No. 6 to the department of Physics adversely affecting the service conditions and prospects of the petitioners is illegal. They assert that the respondent No. 6 upon abolition of the Institute for which only he was appointed, became retrenched employee and by no stretch of imagination, could be regarded as a regular incumbent in another department, i.e. Department of Physics, having no nexus with the Institute.

7. The University has filed its counter affidavit supporting the impugned notifications. Highlighting various phases of the Institute, they have contended that the Institute was closed only by Annexure-5 notification dated 10.09.2003 and not before that as has been contended by the petitioners. They have stated that the decision of the University in the year 1998 not to allow further admission of the students into the programmes of *ISOS and Bio-Physics* did not mean closure of the Institute inasmuch as the existing students continued their studies. According to them abrupt closure of the Institute was not possible and the same had to be done in the phased manner which eventually materialized by Annexure-5 notification dated 10.09.03 by which immediate closure of the Institute was notified.

8. As regards the apprehension of the petitioners that the respondent No. 6 would score a march over the petitioner No. 3, her date of joining as Professor in the Department of Physics being later than the respondent No. 6, the respondents in their counter affidavit have stated that the posting of the respondent No. 6 to the Department of Physics would not affect the seniority of the existing faculty members, although overall seniority in the University would continue to hold the field.

9. As regards the promotion of the respondent No. 6 as Professor which according to the petitioners was illegal, the respondent University has contended that absence of the Head of the Institute which post was vacant at the relevant point of time cannot render the selection void and illegal. Referring to Section 37 of the NEHU Act, 1973, it is the case of the respondents that no act of proceeding of any authority or other body of the University shall be invalidated merely by reason of existence of a vacancy or vacancies among its members.

10. As regards the placement of the respondent No. 6 to the Department of Physics and the apprehension of the petitioners that their seniority would be affected, the respondents apart from their aforesaid stand of not affecting the seniority of the existing faculty members, have also made following statements in their counter affidavit:

"It is stated that the Respondent No. 6 so placed with the new Department was transferred alongwith his post to ensure that the interest of the existing faculty of the Department is not affected. It would be clear from the Notification dated 10.09.2003 and 16.03.2004 that there was no move to place the Respondent No. 6, in the matter of Seniority over the existing faculty members. Therefore the attachment of Respondent No. 6 in the Department of Physic as Professor having not affected the rights and interests of the Writ Petitioners, the instant Writ Petition is absolutely misconceived and is liable to be dismissed."

"However, the Executive Council while placing the Respondent No. 6 in the Department of Physics has ensured that the interest of the existing faculty of the Department of Physics is not adversely affected in terms of seniority or otherwise and hence made it clear that the Respondent No. 6 would carry his post along as personal to him. Therefore, in the facts and circumstances the placement of Respondent No. 6 having not infringed any of the rights or interest of the Writ Petitioners, the Writ Petition is devoid of merit and is liable to be dismissed."

11. Referring to Section 19 of the NEHU Act, 1973, the respondents have emphasized the power, function and jurisdiction of the NEHU Court and the Executive Council.

12. Sharply reacting to the objection raised by the petitioners towards induction of the respondent No. 6 to the Department of Physics, the respondents in their counter affidavit have stated that even the petitioner No. 3 who was initially appointed as Lecturer in the Centre for School of Mathematics and Science in NEHU, was subsequently transferred and placed permanently in the department of Physics. In this connection, the respondents in their counter affidavit have annexed the initial appointment order of the petitioner No. 3 as Lecturer in the department/centre for School of Mathematics and Science and subsequent transfer to the Department of Physics.

14. According to the respondents, the respondent No. 6 is from the discipline of Physics and even before the closure of the Institute his services were utilized by the department of Physics time and again. Thus, according to them, there was nothing wrong in placing the service of the respondent No. 6 in the Department of Physics.

15. The respondent No. 6 has also filed his counter affidavit more or less reiterating the stand of the University authority. He has highlighted as to how he has been confirmed in the service and by the time he was inducted in the Department of Physics, he had already rendered 13 years of service in the Institute. In addition, he had 11 years of teaching experience at the Post-graduate level being a faculty member of the Department of Physics in Behrampur University before joining NEHU. Highlighting about his educational qualifications, the respondent No. 6 has stated that his basic qualification being M. Sc. and Ph. D. in Physics and having regard to the fact that even while working in the Institute he had taken classes in the Department of Physics, there was nothing wrong in placing his service in the department.

16. Referring to the report of the Committee constituted by the UGC, it is the stand of the respondent No. 6 that the decision to abolish the Institute was of the University and after going through various phases,

eventually the Institute was abolished by the impugned Annexure-5 notification. As regards his promotion as Professor, the respondent No. 6 has asserted that his such promotion was full fledged promotion like any other regular promotion and he was duly recommended for such promotion by the selection committee duly constituted as per the requirement of the statue 20 of the University Statutes. As regards the absence of the Head of the Institute, it has been stated that the post of Director (HOD) of the Institute was vacant at the relevant point of time. However, the requirement of forming the quorum of the selection committee was fulfilled and thus, there was nothing wrong in absence of the Head of the Department:

17. Reacting to the plea of the petitioners that the promotion of the respondent No. 6 being personal to him and that too as per the recommendation of the selection committee not property constituted in absence of the HOD, the respondent No. 6 has pointed out as to how the petitioner No. 2 was also promoted at the same time and in his case also the selection committee did not have the Head of the Physics Department namely Professor Y.S.T. Roa although he was very much in the station. Referring to the observations made by the observer sent by the UGC to monitor the selection procedure, the respondent No. 6 has contended that as per the said report there was no illegality towards the promotion of the respondent No. 6. He has also highlighted as to how some others were also promoted as Professor applying the same yardstick and parameters and such promotions were along with the respondent No. 6.

18. As regards the grievance raised in respect of the attachment of the respondent No. 6 to the Physics department, the respondent No. 6 has shown as to how the incumbents of the Institute, namely Professor R.P. Bajpai, Doctor Debjani Roy and Dr. Vinod Singh belonging to the same Institute, were also attached to the other departments and there was no objection to the same. The respondent No. 6 has also stated as to how even when he was in the Institute, his services were utilized by the Physics

Department. He has stated that he was engaged to take classes in the Physics Department in the years 1997, 1998 and 2001. According to him he was also requested by the petitioner No. 2 to do works in moderation of the question papers on his behalf. Like that of the official respondents, the respondent No. 6 has also stated in his counter affidavit that the draft seniority list published by the University depicts the overall seniority only and not the seniority in the department. His stand is that his initial appointment although was in the Institute, but in fact, was in the University and thus with the abolition of the Institute he can not be thrown out from the University.

19. The petitioners have filed their rejoinder affidavit to the counter affidavit filed by the University authority, reiterating the stand in the writ petition, the petitioners have questioned the very establishment of the Institute and its subsequent abolition leading to the present problem. As regards the promotion of the respondent No. 6 as Professor, the petitioners have contended that since his such promotion was only in the Institute and not in the Department of Physics, he could not have been inducted to the department as Professor granting him all the rights and privileges like that of any other regular Professor of the department. As regards the stand of the respondents regarding the seniority of the respondent No. 6, they have contended that it is not only the question of seniority but also other service prospects in the department of Physics which the respondent No. 6, but for his illegal induction would not have been entitled to. As regards the comparison drawn between the petitioner No. 3 and the respondent No. 6 regarding their induction from their erstwhile departments, the petitioners have tried to bring a distinction by stating that while the petitioner was inducted to the department from another department, the respondent No. 6 was inducted to the department upon abolition of the Institute. They also contended that if nobody objected to the case of the petitioner No. 3, it does not mean that the same would operate as a bar even against the statutory provision and thus the question of estoppel would not come.

20. Mr. V.K. Jindal, learned Sr. counsel for the petitioners; Mr. S. Sen, learned Standing counsel, NEHU and Mr. S. Chakraborty, learned counsel for the respondent No. 6 argued their respective cases supporting the rival contentions of the parties.

21. Amidst the aforesaid rival contentions, the issue to be answered is as to whether the induction of the respondent No. 6 to the department of Physics is legally valid or not and secondly even if such induction is held to be valid, whether he would carry seniority over the petitioners in the department. As regards the second issue, it is the stand of the respondents that although induction of the respondent No. 6 to the department of Physics would not affect the seniority of the existing incumbents and for that matter the petitioners, the overall seniority of the respondent No. 6 to the University on the basis of the date of his joining as Professor would continue to count. This is precisely the reason as to why in the overall draft seniority list the respondent No. 6 has been placed above the petitioner No. 3 on the basis of their respective dates and promotion as Professor. The grievance of the petitioners is that the induction of the respondent No. 6 would not only tell upon the seniority of the petitioner No. 3, but the same would also affect their service prospects, such as in the matter of appointment of the Head of the Department and other day to day affairs of the Department as well as in the matter of induction to various bodies of the University for which the respondent No. 6 would be an equal contender affecting the prospects of the petitioners.

22. In the above context, the stand of the University has been noted above. According to them the induction of the respondent No. 6 has got nothing to do with the seniority of the existing incumbents in the department, but at the same time they have contended that the date of appointment of the respondent No. 6 as Professor would be reckoned for the purpose of overall seniority taking into account the respective dates of appointment of the incumbents. No department wise seniority list has been published, but it is the overall seniority which has been published by the

University authority, placing the respondent No. 6 above the petitioner No. 3. Thus, the basic question is not the seniority as such, but the very induction of the respondent No. 6 to the department conferring upon him all the rights and privileges of the regular incumbents of the department which necessarily leads us to the first issue as to whether the induction of the respondent No. 6 to the department was legally valid or not.

23. The respondents in their counter affidavit have highlighted as to how the petitioner No. 3 was inducted to the Department of Physics from another department to which there was no objection of the other two petitioners. However, such induction of the petitioner No. 3 was as Lecturer way back in 1986. If the induction of the respondent No. 6 to the department is illegal on the basis of an earlier illegality, even if any, same cannot be legalized. However, it can very well be argued that the petitioner No. 3 is precluded from raising the grievance against the induction of the respondent No. 6, she herself being the beneficiary of such induction to the department of Physics from another department.

24. It is also on record that some other Professors of the Institute have also been inducted to the regular departments of the University to which no objection have been raised. It is only in respect of the respondent No. 6, the objection has been raised by the petitioners. However, on this count also, the petitioners cannot be precluded from raising the grievance. If no grievance has been raised by any one in respect of induction of other Professors/Teachers of the Institute to other departments, same by itself cannot preclude the petitioners from raising their grievance.

25. Let us now examine the contentions raised by the petitioners regarding the very induction of the respondent No. 6 to the department on the two fold grounds of the very promotion of the respondent No. 6 as Professor being illegal and he being a Professor of the Institute and not of the Physics Department could not have been inducted as such affecting the service prospects of the petitioners. As regards the promotion of the

respondent No. 6 as Professor, it is the case of the petitioners that his such promotion was illegal having been recommended by a selection committee improperly constituted. In this connection, they have referred to Statute 20 of the University Statutes as per which the selection committee for appointment to the post of Professor shall consist of :

- (i) *Vice-Chancellor-Chairperson*
 - (ii) *An Academician nominated by the Visitor*
 - (iii) *Three experts in the concerned subject/field not below the rank of Professor nor in the service of the University and nominated by the Executive Council, out of panel of names recommended by the Academic Council.*
 - (iv) *Dean of the School*
 - (v) *Head of the Department/Centre*
- (At lease four members, including two experts shall constitute the quorum)**

26. In the instant case, the selection committee was consisted of the following members:

- (i) *The Vice Chancellor*
- (ii) *Visitor Nominee*
- (iii) *Dean of the School concerned*
- (iv) *Two experts*

27. Thus it will be seen that the members present duly constituted the quorum, but the objection raised on behalf of the petitioners is the presence of the Dean of the School of Physical Science as member of the selection committee. According to them, the Institute was not under the School of Physical Science. It is on record that at the time of making the selection, the post of the Director of the Institute was vacant and thus, there was no question of inducting the HOD of the Institute as the member of the selection committee. As noticed above, the quorum of the selection committee was constituted. I am of the considered opinion that the very presence of the Dean of Physical Sciences in the selection committee cannot render the selection invalid. The Dean of a faculty necessarily comprises various departments and it has not been conclusively established that the institute did not come within the faculty represented by the Dean who was present in the selection. In absence of anything to show that the

According to the Dean of the Physical Science as a member of the selection committee did influence the selection process, it is an of the considered opinion that the promotion of the respondent No. 6 as Professor in the Institute can not be set aside on that ground, more particularly when admittedly the quorum of the selection committee was duly formed. The Dean of the Physical Science was not an outsider, but was the Dean of the particular faculty within the University. Further there is no formal challenge to the promotion of the respondent No. 6 as Professor and only challenge made in the writ petition is in respect of the induction of the respondent No. 6 to the Department of Physics conferring him rights and privileges of regular incumbents in the Department.

28. Apart from the above, the selection of the respondent No. 6 made in 2000 by a duly constituted selection committee cannot be put to challenge by filing the writ petition in 2004 without explaining the reasons for delay. The challenge having been made only collaterally, while making the challenge to the notifications (Annexures 5 and 6), on that ground also such challenge is not sustainable in law. Moreover, neither the Selection Committee nor the Dean of Physical Science against whose induction the petitioners have made grievance are party to this proceeding. Moreover, the plea raised by the respondent No. 6 in his counter affidavit that the petitioner No. 2 was also promoted at the same time from the post of Reader to Professor and the selection committee was without the Head of the Department of Physics, has not been denied by the petitioners.

29. Having upheld that the selection of the respondent No. 6 as Professor, the question remains in the fray for consideration is as to whether the induction of the respondent No. 6 to the department can be said to be illegal and if it is held to be legally valid, whether he would be entitled to claim seniority over the petitioners and consequently all service benefits. The impugned notifications having been issued pursuant to 116th and 117th meeting of the EC and the resolutions adopted therein, the learned counsel for the University was requested to produce the said

resolutions. During the course of hearing, he has produced the same. The 116th resolution reads as follows:

"EC : 116 : 2003:8 (ii): The report of the Committee on the "Placement of the Institute of Self Organizing System and Bio-Physics faculty members, Equipment and other Assets" was considered and the Council RESOLVED to accept its recommendation as under.

The institute of Self Organizing System & Bio-Physics be abolished with immediate effect. The teachers already on roll in the Institute be attached to the Department as mentioned below and the attachment will be temporary. However, the teachers so attached will carry their post with them which are personal to them. The Department of Finance be informed of making the payment of salaries of such teachers against the Department to which they are attached. The concerned teachers will function under the direction and control of the concerned Head/Director of the Department".

30. On perusal of the aforesaid resolution, it is seen that although the teachers of the Institute have been attached to the respective departments, their such attachment has been stated to be temporary and the teachers so attached would carry their post with them as personal to them. However, while confirming the minutes of the meeting of the 116th meeting of the EC by the EC's 117th meeting, the following resolution was adopted:

EC:117:2003:1(i): The Council considered the minutes of the 116th meeting of the Council held on 21st August, 2003 along with the comments of the members and RESOLVED to approve the same with the following amendments.

- 1) ...
- 2) ...
- 3) *The temporary attachments under RESOLUTION EC:116:2003:8: (ii) means (a) A Professor temporarily attached, shall have all the rights and privileges enjoyed by other regular Professors of the Department, (b) he/she shall have all the responsibilities of other regular Professors of that department, until such time as other arrangements are made.*

31. On perusal of the aforesaid resolution, it is seen that the Professors who have been temporarily attached to the respective departments shall have all the rights, privilege enjoyed by other regular Professors of the departments with same responsibility, until such time as other arrangement

6:2:1(19)

are made. Thus, on perusal of both the resolutions of EC adopted in its 116th and 117th meetings, it will be seen that service of the respondent No. 6 and for that matter, all other teachers have been attached to the respective departments only on temporary basis and until an alternative arrangement is made. However, at the same time even for such temporary phases, the incumbents have been conferred with all the rights and privilege of the regular incumbents of the Departments. Thus, really speaking, the University authority is yet to take final decision in the matter. If the attachment of the respondent No. 6 is temporary and until an alternative arrangement is made, the question necessarily arises as to whether during such temporary attachment the rights and privilege granted to him would also include the benefits having direct bearing with the service prospects of the petitioners.

32. The decision on which Mr. Jindal, learned Sr. counsel for the petitioners has placed reliance, i.e. *Gurdeep Singh vs. Union of Indian and others (AIR 1982 SC 1176)*, is of no help to the case of the petitioners. This case was pressed into service so as to argue that with the abolition of the Institute, the respondent No. 6 had no claim to hold any post under the University. In the said case the petitioner who was placed under suspension wanted reinstatement in service, but the Apex Court having noticed that the department itself was abolished, held that his claim to hold any post in that department must fail. Unlike the said case, although the Institute was abolished, but the Executive Council of the University took a decision to continue the service of the respondent No. 6 and others keeping the post intact as personal to them.

33. In the above context, it will be appropriate to refer to the report of the Expert Committee constituted by the UGC for abolition of the Institute. Dealing with the staff of the Institute and the possibility of setting up a department of Bio-Physics in lieu of the Institute, the committee recommended the following:

(b) About the Staff:

Detailed discussions with the faculty of the Institute and of the other Departments lead us to make the following specific suggestion.

- (i) *The two Lecturers, Duncan and Bajpai are alumni of the NEHU and perhaps have acceptability if they are transferred along with the posts to Departments of Chemistry, and Physics (or Centre of Science Education) respectively.*
- (ii) *Dr. Satis Kumar, a Reader has joined only 3 weeks back and is on leave from his previous post in another University. He can perhaps return to his University.*
- (iii) *Dr. D. Roy (Zoologist, whom we could not meet since she was out of town) is from within the NEHU and she could go back to the Department of Zoology with her post.*
- (iv) *Dr. Vinod Singh is a biochemist and he has attracted research support of external agencies. He could carry on his research activities, with his post, in the School of Life Science, to everyone's benefit.*
- (v) *Nongkynrih is a nuclear physicist from NEHU and she could go with her post either to the Department of Physics or the Centre of Science Education.*
- (vi) *Prof. Bajpai could possibly join the School of Computer Science, with his post.*

These are admittedly difficult decisions but the individuals as well as the University should realize that these adjustments would lead to the prospect of better performance compared to the frustrations which have prevailed.

(c) About a possible Department of Bio-Physics:

The possible setting up of the Department of Bio-Physics should be a "bottom up" approach. The NEHU faculty and Academic Council should consider the proposition and make a modest approach to set up such a Department in order that teaching and research in this interesting and exciting field can be undertaken. Such a Department would be complementary to other specializations already available at NEHU.

34. From the above, it will be seen that although having regard to the tenure of service of the respondent No. 6 at that point of time (1990), the committee recommended for repatriation of the respondent No. 6 to his previous post in another University, but in respect of the incumbents mentioned in the report, the Committee recommended for their transfer and attachment to other departments such as Chemistry, Physics, Zoology, Life Science, Computer Science etc. Thus, even the committee appointed by the UGC was not opposed to attachment of the incumbents of the Institute

6:2:1(21)

to other departments. Although the recommendation for repatriation of the respondent No. 6 to his former University, having regard to the fact that he was on lien at that point of time was made, but the Institute did not come to closure for long 13 years and the respondent No. 6 continued in the Institute severing his lien with the University from which he had come. At such distant point of time, there was no question of repatriating him to his earlier University and instead in tune with the recommendations made by the committee constituted by the UGC, his service was attached to the department of Physics.

35. The committee had also recommended for setting up a department of Bio-Physics with the opinion that such a department would be complementary to other specialization already available in NEHU. It is not known as to whether any such department has been set up by the University and as to whether the University has given any thought to the proposal so made by the committee. If the Department had been set up, the present problem would not have arisen.

36. As noted above, as per the resolutions adopted by the EC in its 116th and 117th meeting, the attachment of the respondent No. 6 and for that matter all others of the Institute is only temporary and till such time an alternative arrangement is made. During the course of hearing, the learned counsel for the NEHU submitted that no decision could be taken in the matter was, since the matter is sub-judice in the Court. Thus, as per the own admission of the respondents, the matter has not attained its finality. If that be so, it is not understood as to how overall seniority of the respondent No. 6 could be fixed above the petitioner No. 3. If his presence in the Department of Physics is only temporary and until such time an alternative arrangement is made, irrespective of maintaining his rights and privilege as professor, the conferment of the benefits as a regular Professor of the department so as to affect the service prospects of the petitioners without finalizing the matter first as to the status of the respondent No. 6 in the department, would not be in the fitness of the things.

27. The question which necessarily arises is that, even if the induction of the respondent No. 6 to the department of Physics with the passing of the impugned notifications is upheld, what would be the date of his appointment as Professor in the department. In the case of *Dr. M.A. Haque and others vs. Union of India and others* reported in (1993) 2 SCC 213, the question which arose for consideration was as to whether the Medical Officers recruited by the Railways on *ad hoc* basis as Assistant Divisional Medical Officers between 1968 and October, 1984 would score a march over the officers who were appointed through the UPSC. In the case reported in 1987 Suppl. SCC 497 (*Dr. A.K. Jain vs. Union of India and others*), filed by the *ad hoc* Doctors claiming regularization of their services, the Apex Court directed regularization of their service in consultation with the UPSC on the evaluation of their works and conduct on the basis of their confidential reports in respect of a particular period indicated in the judgment. It was directed that the Doctors so regularized shall be appointed as Assistant Divisional Medical Officer w.e.f. the date from which they had been continuously working as such.

38. Consequent upon the aforesaid direction of the Apex Court, the authority experienced difficulty in adjusting the seniority between the *ad hoc* Doctors and the Doctors who were appointed through regular process of selection conducted by UPSC. The Apex Court while directing that the seniority of the Direct recruits should be determined according to the dates of their regular appointments through UPSC, the *ad hoc* Doctors regularized through orders of the Apex Court should be placed below them, stated thus:

"8. Since the petitioner applicants are admittedly not regularly appointed through the UPSC according to the rules but have been directed to be regularized by following the procedure laid down by this Court, it is obvious that they are not appointed to their posts according to the rules. Under no circumstances, therefore, they fall within the scope of guideline (A) laid down in Direct Recruit Class II Engineering Officers' Association's Case (supra). In fact, they do not

6:2:1(23)

fall under guideline (B) given therein either, since their regularization is not in accordance with the rules but as a consequence of special procedure laid down by this Court. The expression "in accordance with the rules" or "accordance to rules" used in the said guidelines (A) and (B) means the rules of recruitment and not the special procedure laid down by this Court. The petitioner-applicants thus fall in an altogether different category not covered under any of the guidelines given in Direct Recruit Class II Engineering Officers' Association's case (supra). We have, therefore, to evolve a procedure for fixing their seniority. That procedure can not be in violation of the guidelines laid down in Direct Recruit Class II Engineering Officers' Association's case (supra). Secondly, the seniority given to the petitioner-applicants will have to be below the seniority of the outsiders directly recruited through the UPSC as well as below that of the directly recruited erstwhile ad hoc Medical Officers. This is not an cannot be disputed on behalf of the petitioner-applicants.

9. This matter was heard earlier on 14th September, 1992 and was reserved for judgment. At that time, neither the in-service direct recruits nor the outsider direct recruits were made parties to the application. They made separate applications, being I.A. Nos. 2 and 3 respectively for impleadment/intervention and requested that they be heard in the matter before judgment is pronounced. Hence, this matter was set down for a fresh hearing and all the parties were heard on 11th and 18th January, 1993. The anxiety of the interveners, was obvious. In no case their seniority should be disturbed and they be penalized for passing the examinations/interview tests and for coming into the cadre according to the rules through the UPSC, and no premium should be given to the applicants for their refusal to appear for the tests or for their failure to pass the same. This contention of theirs is unexceptionable and whether they had appeared in the case or not, the Court was bound to protect their interests particularly when the matter was heard in their absence. The petitioner-applicants, however, relied upon a decision of this Court in Dr. P.P.C. Rawani & Ors. etc. v. Union of India & Ors. (11 1991 (6) 534). Shri Bhandare, appearing for the petitioner-applicants, made a very fervent plea that in the circumstances, the course adopted by this Court in Dr. Rawani's case (supra) should be followed which will do no injustice to both the categories of direct recruits. We have gone through the said decision and have anxiously considered whether the course adopted there should be adopted in the present case. We are conscious of the fact that the petitioner-applicants have been serving the Railways from the year 1968. It is also possible, as contended on their behalf that many of the outside direct recruits have joined the service long after 1968 and some of them might have even taken initial instructions from the petitioner-applicants. We are also conscious of the fact that candidates in service have a disadvantage as against the fresh candidates in the tests particularly when they face the tests after a long lapse of time.

As against this, however, we cannot lose sight of the fact that the recruitment rules made under Article 309 of the Constitution have to be followed strictly and not in breach. If a disregard of the rules and the by-passing of the Public Service Commissions are permitted, it will open a back-door for illegal recruitment without limit. In fact this Court has, of late, been witnessing a constant violation of the recruitment rules and a scant respect for the Constitutional provisions requiring recruitment to the services through the Public Service Commission. It appears that since this Court has in some cases permitted regularization of the irregularly recruited employees, some Governments and authorities have been increasingly resorting to irregular recruitments. The result has been that the recruitment rules and the Public Service Commissions have been kept in cold storage and candidates dictated by various considerations are being recruited as a matter of course. What is further, in the present case, come of those like the petitioner-applicants who were initially recruited on ad hoc basis, have exerted themselves and taken pains to appear for the tests before the UPSC and have enrolled themselves through regular channel unlike in Dr. Rawani's case (*supra*). We have thus on hand three cases of employees as pointed out earlier, viz., the outside direct recruits, the in-service direct recruits and the ad hoc employees like the petitioner-applicants who were regularized through the Court's order. Further, Dr. Rawani's case (*supra*), as has been pointed out on behalf of the respondents, pertains to the Central Government Health Services which has a larger component both at the initial and promotional stages. The course adopted by this Court to direct creation of supernumerary promotional posts at every higher promotional stage there, may not be feasible in the medical service in the Railways. The creation of supernumerary posts has its own limitations, both physical and financial. The burden of additional posts even when they are not necessary and cannot be accommodated, is not easy to carry. We are, therefore, of the view that the direction given in Dr. Rawani's case (*supra*) has to be confined to the special facts of that case and cannot be extended to other cases. IN any case, this Court should not give any such direction to the Railways decide to follow that course, they can do so and nothing prevents them from doing it. We would rather refrain from creating a precedent by giving such directions.

10. In the result, we direct that the seniority of the direct recruits-both outsiders and insiders should be determined according to the dates of their regular appointment through the UPSC and the petitioner-applicants should be placed in the seniority list after those direct recruits who are recruited till this date. Among themselves, their seniority will be governed by the dates of their initial appointments."

39. Mr. S. Chakraborty, learned counsel for the respondent No. 6 placing reliance on a Book of Bio-Physics, argued that the subject of Bio-Physics is very much integral part of the subject of Physics and the respondent No. 6 being a Professor of Bio-Physics is as good as Professor of Physics and thus, his induction to the department of Physics is legally valid. Suffice it to say that this Court does not have expertise to come to a definite conclusion that the subject matter involving Bio-Physics and Physics are one and the same. It is for the expert bodies to decide as to whether any equation can be made between the two subjects.

40. Mr. S. Sen, learned counsel for the University during the course of hearing submitted that in case of holding the induction of the respondent No. 6 to the Department of Physics as illegal, same will have serious repercussion inasmuch as the teachers who have been inducted in the like manner would be adversely effected. Particularly referring to the attachment of the Teachers of the University campus situated at Mizoram to the NEHU campus at Shillong, he submitted that such course of action has been adopted by the University authority under peculiar facts and circumstances and in case of any interference to the induction of the respondent No. 6 to the Physics Department, same will have far reaching effect on the ongoing processes of the University. Suffice it to say that those cases are not the issue in this case. Even otherwise also, I am not inclined to interfere with the temporary induction of the respondent No. 6 to the Physics Department since the same is till such time an alternative arrangement is made. However, stand of the University authority that the respondent No. 6 would be entitled to all the rights and privileges like that of any regular Professors of the department with the counting of overall seniority as Professor from the date of his such appointment is contrary to the own stand of University that such attachment is only temporary and till such time alternative arrangement is made.

When not interfering with the rights and privileges of the respondent No. 6 of the University, the University authority is not bound to provide any

opinion, that till final decision is arrived at by the University, it will be inappropriate to confer him with the rights and privileges which may adversely affect the service interest and prospects of the petitioners. The respondents will also have to bear in mind their own stand that the respondent No. 6 shall have no claim over the regular incumbents in the Department and cannot rank senior to them, runs counter to their stand that the respondent No. 6 will retain his overall seniority from the date of his appointment as Professor in the Institute. The question is not what is intended to, but what it ought to be. If the respondent No. 6 is not entitled to claim seniority over the regular incumbents in the department, he cannot be given such seniority in the name of overall seniority in the University taking into account his appointment as Professor in the Institute. The respondents will also have to bear in mind that his appointment as Professor was not in the department of Physics but was in the erstwhile Institute, since abolished.

42. In view of the above, while not interfering the induction of the respondent No. 6 to the Department of Physics, having regard to the fact that as per the impugned notifications such induction is temporary and until such time an alternative arrangement is made, the respondents are directed to take final decision in the matter consistently with the observations made above. Till such time, having regard to the fact that the respondent No. 6's tenure in the department is only temporarily, the respondents shall not do anything so as to adversely affect the service prospects of the petitioners. It will be for the own interest of the University that a final decision is arrived, as early as possible.

43. With the above directions and observations, the writ petition stands disposed of. There shall be no order as to costs.

Kborah

From:
Shri Subir Sen,
Standing Counsel,
NEHU, Shillong.

Dated, Shillong 18 Sept., 2006

Ref _____

To :
The Legal Officer,
NEHU, Umsing, Shillong.

Subject : Legal opinion on permanent placement of Dr. Shatish Kumar in the Department of Physics, NEHU, Shillong.

Ref: Your letter dated 14.09.2006.

Sir,

With reference to the above, and on perusal of the judgment dated 21.03.2006 passed by the learned Single of the Hon'ble High Court in WP(C)No.242 (SH)2004, pertaining to the placement of Dr. Shatish Kumar in the Department of Physics, I give my opinion as hereunder:

From the judgment of the Hon'ble High Court, it is apparent that the University has not been barred from permanently placing Dr. Shatish Kumar in the Department of Physics, but the Hon'ble Court at the same time declined to express its view in the matter of placement of Dr. Shatish Kumar for the reason that the University is yet to take a final decision in this regard. However, the Hon'ble High Court has held that department wise and the overall seniority in the University cannot be at variation and therefore, while taking any final decision, with regard to placement of Dr. Shatish Kumar in the Physics Department by the University, the same is to be taken into consideration.

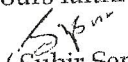
From the discussion and findings of the learned Single Judge, it is clear that the University is not restricted from permanently absorbing Dr. Shatish Kumar in the Physics Department, but while doing so, the University is required to ensure that seniority position of the existing faculty members in the Department of Physics are not disturbed in the overall seniority list of teachers of the University.

As the observations of the learned Single Judge that the Department wise seniority and the overall seniority of teachers cannot be distinct and separate, would lead to chain consequences, an appeal has been preferred before the Division Bench of the Hon'ble High Court. It may be stated that the appeal registered as Writ Appeal No.13(SH)2006 has been filed beyond the period of limitation along with an application for condonation. The Hon'ble Court issued notice in the matter of condonation of delay and the same is pending as such before the Hon'ble High Court.

That in view of the above position, the University in case finally absorb Dr. Shatish Kumar as Professor in the Physics Department, should make it clear that fixation of his overall seniority in the University would be dependant on the outcome of the writ appeal, now pending before the Hon'ble High Court.

Thanking you.

Yours faithfully,


(Subir Sen)

6: - ADMINISTRATIVE MATTERS:

6:3 - Leave/Deputation:

- (i) Grant of Child Adoption Leave for 135 days to the Female Government Servants in adoption of a child up to one year of age.

The University has received an office Memorandum from the Government of India Ministry of Personnel, P.G. & Pensions Department of Personnel & Training, New Delhi vide Annexure 'A' regarding leave to a female Government Servants on adoption of a child up to one year age. The same has been approved by the Academic Council in its 76th meeting held on 20.11.06.

The matter is placed before the Council for consideration.

D/o Revenue

ANNEXURE 'A'

①

No.13018/4/2004-Estt.(L)
 Government of India
 Ministry of Personnel, P.G. & Pensions
 Department of Personnel & Training

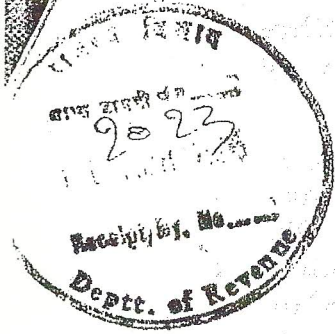
New Delhi, the 31st March, 2006OFFICE MEMORANDUM

Sub: Grant of Child Adoption Leave for 135 days to the female Govt. servants on adoption of a child upto one year of age -

The undersigned is directed to refer to this Department's OM No.13018/4/89-Estt.(L) dated 25th October, 1989 regarding grant of leave to female Govt. servants on adoption of a child and to say that on having considered the justifications given by the Association of Adoptive Parents (ATMAJA) and the views of the Ministry of Health & Family Welfare as well as those of the Department of Women & Child Development, it has been decided to extend the benefit of leave for 135 days to the adoptive mothers with fewer than two surviving children as 'Child Adoption Leave' on adoption of a child upto one year of age, on the lines of maternity leave admissible to natural mothers.

2. 'During the period of Child Adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
3. Child Adoption leave may be combined with leave of any other kind.
4. In continuation of 'Child Adoption leave', the adoptive mothers may also be granted, if applied for, leave of the kind due and admissible (including Leave not due and Commuted leave not exceeding 60 (sixty) days without production of Medical certificate).

Contd... 2/-



for a period upto one year reduced by the age of the adopted child on the date of legal adoption without taking into account the period of Child Adoption leave, subject to the following conditions.

- (i) This facility shall not be admissible to an adoptive mother already having two surviving children at the time of adoption.
- (ii) The maximum period of one year leave of the kind due & admissible (including Leave not due and Commuted leave upto 60 days without production of Medical certificate) will be reduced by the age of the child on the date of adoption without taking into account Child Adoption leave as in following illustrations:

- if the age of the adopted child is less than one month on the date of adoption leave upto one year may be allowed.
- If the age of child is six months and above but less than seven months, leave upto 6 months may be allowed.
- If the age of the child is 9 months and above but less than ten months, leave upto 3 months may be allowed.

5. Child Adoption leave shall not be debited against the leave account

6. So far as persons serving in the Indian Audit & Accounts Departments are concerned, these orders are being issued after consultation with the C&AG of India.

7. Relevant rule is being incorporated/amended.

8. These orders will have effect from the date of issue.

9. Hindi version will follow.

(S. Meenakshisundaram)

Deputy Secretary to the Govt. of India

To

All the Ministries/Departments of the Govt. of India etc.

6:4: - Disciplines:

(1) Case of Shri X.P Mao, Lecturer, Department of Philosophy.

The 12th Emergent meeting of the Executive Council considered the inquiry report submitted by Shri M.D. Raptap IAS(Retd.) on the charge sheet issued to Shri X.P Mao, Lecturer of the Department of Philosophy vide No. F. 19-241/Estt.II/Vol.II)-1334 dated 05.07.2005(copies are placed at the (Annexure-'A'). The said Executive Council accepted the inquiry report and found Shri X.P Mao guilty of the charges framed against him. Accordingly, the Council imposed the penalties to Shri X.P Mao as under vide Resolution No. EEC:12:2001:1(i): (Annexure 'B').

- A. His increment be stopped for 5(five) years with immediate effect.
- B. He be debarred from membership of any Statutory Body of the University for the next 5(five) years with immediate effect.
- C. He be debarred from consideration of any higher position either under CAS or through direct recruitment for next 5(five) years with immediate effect.
- D. The Dean of the School concerned shall submit six monthly confidential reports in consultation with the Head Department of Philosophy, to the Executive Council on the conduct of Shri X.P Mao during this 5(five) years period. The Executive Council will review his case after 5(five) years on the basis of these reports and decide accordingly.

The decision of the Executive Council is under rule 11 CCS (CCA) Rules read with the proviso there to.

The period of 5(five) years on imposition of the penalties has expired on 12.10.2006. Also the Dean School of Humanities & Education & Head of Education Department submitted 8(eight) reports as desired by the Council for the period of aforesaid 5(five) years. It may be mentioned here that Shri X.P Mao was under suspension from 29.4.2005 to 08.11.2005 and hence there is no report for that period. Also the report dated 09.11.2006 covers the period from 17.11.2005 to 12.10.2006. The above 8(eight) reports will be tabled by the Chair.

The matter is, therefore, placed before the Council for review.

1334

NORTH-EASTERN HILL UNIVERSITY
SHILLONG-793022

No.F.19-24/Estt.II/(Vol.II)- 1334

Dated Shillong the 5th/July, 2005MEMORANDUM

1. The Executive Council of the North-Eastern Hill University, Shillong vide its resolution No.EC:121:4:2005:8(v) adopted in its meeting held on 27.4.2005 proposes to hold an inquiry against Shri Xavier P.Mao, Lecturer in the Department of Philosophy of the University under Statute 25(i) and 27 of the North-Eastern Hill University Act, 1973 and Central Civil Service (Classification, Control and Appeal) Rules, 1975. The substance of the imputation of mis-conduct and mis-behaviour in respect of which, the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputation of mis-conduct or mis-behaviour in support of the charge is enclosed (Annexure-II). A list of documents by which and a list of witness by whom the article of charge are proposed to be substantiated are enclosed (Annexure-III).
2. Shri X.P.Mao is hereby directed to submit, within 10(ten) days of receipt of this memorandum, a written statement of his defence and also state in writing, whether he desires to be heard in person or not.
3. He is informed that the inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically accept or deny each article of charges.
4. Shri X.P.Mao is further informed that if he does not submit his written statement of defence on or before the date specified in para-2 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of C.C.S(Conduct) Rules, 1965 or the orders/directions issued in pursuance of the said Rules, the inquiry authority may hold the inquiry against him ex-parte.
5. The attention of Shri X.P.Mao is invited to rule-2 of C.C.S (Conduct) Rules 1964, in which, no government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the University.

Contd...2

28

- 2 -

If any representation is received on his behalf or any other person in respect of any matter dealt with in this proceedings, it will be presumed that Shri X.P.Mao is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-20 of C.C.S(Conduct) Rules 1964.

6. The receipt of the memorandum may be acknowledged.

By order and in the name of the Executive Council
of North-Eastern Hill University, Shillong.

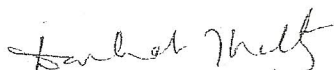


Prof.D. T.Khathing
Registrar

Memo No.F.19-24/Estt.II/88(Vol.II) dated 5th July, 2005

Copy to: Shri X.P.Mao, Lecturer(under suspension),
Department of Philosophy,
Qr. No.L-58, NEHU Campus, Shillong for information and necessary action.

Registrar

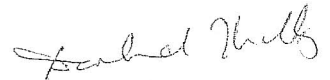


ANNEXURE-ITHE STATEMENT OF ARTICLE OF CHARGES AGAINST SHRI X.P.MAO,
LECTURER IN THE DEPARTMENT OF PHILOSOPHY, NORTH-EASTERN HILL
UNIVERSITY, SHILLONG.

On 6th of April, 2005 while a Ph.D seminar on the topic "An understanding of Audi's Psychological Foundation" was to be held, Shri Xavier P.Mao mis-behaved with Prof.C.R.Agera forcing Prof. Agera to leave the seminar hall. On the same day at 2.10 p.m, Shri Xavier P.Mao approached Prof.C.R.Agera's office in an excited mood and challenged Prof. Agera to come forward for a physical fight with him and was about to give Prof.Agera a blow. He also challenged Prof.Agera with the words : "I can manage five persons like you at a time". Shri Mao also used un-parliamentary and abusive language like "sala" for Prof.C.R.Agera repeatedly.

This behaviour of Shri Xavier P.Mao is unbecoming of a Government servant and much more so of a teacher of the University.

Shri Xavier P.Mao, a Lecturer in the Department of Philosophy (under suspension) is hereby charged with mis-behaviour and mis-conduct.



Registrar

ANNEXURE-II

On the basis of the facts stated at Annexure-I, Shri Xavier P.Mao, Lecturer in the Department of Philosophy of the University is guilty of disrupting the Ph.D seminar on the topic "An understanding of Audi's psychological foundation" and mis-behaving with Prof.C.R.Agera, a senior faculty member of the University. Shri Xavier P.Mao is thus charged with gross mis-conduct and mis-behaviour.



Registrar

ANNEXURE-III

1. Letter No.F.19/Phil/Deptl/2005-1015 dated 7th April, 2005 from Prof.Jagat Pal to the Vice Chancellor.
2. Statement of Prof.B.K.Agarwala, Department of Philosophy,NEHU, Shillong dated 26.4.2005.
3. Statement of Dr L.Lenka, Department of Philosophy, NEHU, Shillong dated 26.4.2005.
4. Statement of Prof.C.R.Agera, Department of Philosophy, NEHU, Shillong dated 26.4.2005.
5. Witnesses
 - (a) Prof.Jagat Pal, Head, Department of Philosophy, NEHU, Shillong.
 - (b) Prof.B.K.Agarwala, Department of Philosophy, NEHU, Shillong.
 - (c) Dr L.Lenka, Department of Philosophy, NEHU, Shillong.
 - (d) Smti. Sunepsungla, Ph.D scholar in the Department of Philosophy.

Jagat Pal

MINUTES OF THE 12TH EMERGENT MEETING OF THE
EXECUTIVE COUNCIL HELD ON THE 11TH OF OCTOBER, 2001
AT 19:00 HOURS AT POLO TOWERS

MEMBERS PRESENT:

A list of the members who attended the meeting of the Council is appended at

Appendix - I

WELCOME:

The Chairman welcomed the members of the Council especially the Principal, Synod College, Shillong

On the request of the Chairman, Professor A N Rai left the meeting and was, thus, not part of the deliberation.

Item No. 1

EEC:12:2001:1:(I): The Council went through the report of the Inquiry Officer, Shri M D Rapphap, IAS (Retd.), and the joint representations dated 9.10.2001 and 11.10.2001 of Professor N Malla and Shri X P Mao, the two charged officials, item by item. The Council accepted the findings of the Inquiry Officer and found the representations submitted jointly by Professor N Malla and Shri X P Mao to be unacceptable.

After detailed discussion, the Council resolved as under:-

1. Professor N Malla be compulsorily retired with immediate effect under Rule 11(vii) of the Central Civil Service (Classification, Control and Appeal) Rules.

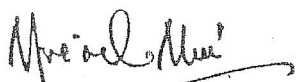
2. In view of the fact that Shri X P Mao is still young in age and has a possible long career ahead of him, it is resolved that Shri X P Mao be reinstated with immediate effect subject to the following:-

- (a) His increments be stopped for the next 5(five) years with immediate effect.
- (b) He be debarred from membership of any Statutory Body of the University for the next 5(five) years with immediate effect.
- (c) He be debarred from consideration for any higher position either under the CAS or through direct recruitment for next 5(five) years with immediate effect.
- (d) The Dean of the School concerned shall submit a six monthly confidential report in consultation with the Head of the Department of Philosophy to the Executive Council on the conduct of Shri X P Mao during this 5(five) years period. The Executive Council will review his case after 5(five) years on the basis of these reports and decide accordingly.

This decision of the Executive Council is under Rule 11 CCS(CCA) Rules read with the proviso thereto.

3. It is further resolved that the period of suspension till date in the case of both the charged officials be treated on duty for all purposes.

The meeting ended with a vote of thanks from the Chair at 22:15 Hours



Mrinal Miri
Chairman



D T Khathing
Secretary

पूर्वोत्तर पर्वतीय विश्वविद्यालय
पू. प. विवि. परिसर, शिलांग-७९३०२२ (मेघालय)

North-Eastern Hill University
NEHU Campus, Shillong - 793 022 (Meghalaya)

241/Estt.II/SS-4166

Dated October 12, 2001.

ORDER

In pursuance to the 12th Emergent Executive Council meeting Resolution No:12:2001:1:(I) held on Oct.12, 2001, the Vice-Chancellor, NEHU, Shillong is pleased to order as under in respect of Shri K.P.Mao, Lecturer, Deptt.of Philosophy, NEHU, Shillong.

1. The order of suspension issued vide No.P.10-241/Estt.II/SS-216 dated Sept.26, 2000, is revoked and Shri K.P.Mao is re-instated on duty with effect from 12.10.01(PN) subject to the following :-
 - (a) His increments be stopped for the next 5(five) years with immediate effect.
 - (b) He be debarred from membership of any Statutory Body of the University for the next 5(five) years with immediate effect.
 - (c) He be debarred from consideration for any higher position either under the CAS or through direct recruitment for next 5(five) years with immediate effect.
2. The period of suspension with effect from Sept.26, 2000, to 11.10.01(PN) will be treated as duty for all purposes.

For Registrar
12/10/2001

Registrar

Copy forwarded to:-

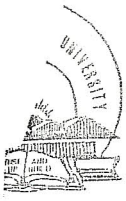
1. The Pro Vice-Chancellor, NEHU, Shillong/Tura Campus
2. The Finance Officer, NEHU, Shillong.
3. The Controller of Examinations, NEHU, Shillong.
4. The Librarian, NEHU, Shillong.
5. The Dean School of Humanities & Education, NEHU, for information & necessary action. The 12th EEC has RESOLVED that the Dean Sch of Humanities & Education is required to submit a sixth monthly

Contd.....P/-

6:4:1(10)

पूर्वोत्तर पर्वतीय विश्वविद्यालय
पू. प. विवि. परिसर, शिलांग-७९३०२२ (मेघालय)

Phone:
Grams: NEHU



North-Eastern Hill University
NEHU Campus, Shillong - 793 022 (Meghalaya)

- 2 -

Confidential report in consultation with the Head of the Department of Philosophy to the Executive Council on the conduct of Shri X.P. Mao during this #(Five) years period.

6. The Head Department of Philosophy, NEHU, Shillong.
7. Shri X.P. Mao, Lecturer, Deptt. of Philosophy, Otr. No. 58, NEHU Campus, Shillong.
8. The Deputy Registrar, Conference/Legal Cell/Estates, NEHU, Shillong.
9. The P.S to the V.C, NEHU, Shillong.
10. The P.A to Registrar, NEHU, Shillong.
11. The Personal File/Leave File.

Farhad Bhatt
12/11/2007

Registrar

CONFIDENTIAL

6:7:1 (1)

6:7: OTHERS

(i). Construction of Permanent Building for IGNOU at NEHU Campus.

The Regional Director (I/C), Indira Gandhi National Open University Vide Letter dt. 12.12.2006, has written regarding Construction of a Permanent Building for IGNOU at NEHU Campus (placed at Annexure 'A' & 'B' respectively).

The matter is placed before the Council for consideration.

ANNEXURE 'A'

इन्दिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय

INDRA GANDHI NATIONAL OPEN UNIVERSITY

SHILLONG REGIONAL CENTRE

SUNNY LODGE NONGSHILLIANG,
NONGTHYMMAI, SHILLONG - 783014
☎: 2521117 (O), 2521271 (Fax)
E-Mail: ignou18 @ sancharnet.in

F.No.

Dated: 12.12.2006

To,

Prof.D.T. Khating
Registrar (NEHU)
NE Campus
Mawlai Mawkynroh,
Umshing.

Sub: Construction of a Permanent Building for IGNOU at NEHU Campus.

Sir,

Please refer to your Fax letter No.2-5/Regr-CDD-2005:510, dated 11.12.06, regarding the subject cited above, I am to inform you that the IGNOU Hqrs. has already approved and a decision has been taken for the construction of the IGNOU Regional Centre building at NEHU campus allotted by NEHU. The approval and the decision of IGNOU Hqrs. New Delhi, will be communicated to you shortly. Till such time, I request you, not to consider for taking back the land allotted to IGNOU.

Thanking you,

Yours faithfully,

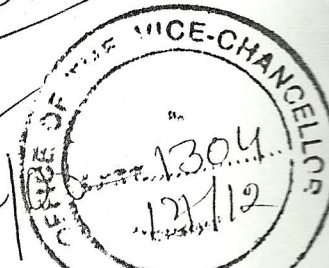
(Dr. D. Laloo)

Regional Director (i/c)

45334
14/12/2006
1/1

Please place the matter
in the EC meeting
scheduled for 20th December 2006.

Gramod 22
13/12/06



14.12.2006
20/12

IGNOU

इन्दिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय

6:7:1(3)

ANNEXURE 'B'

Dec-11-06 04:47P IGNOU RSD

01129533062

P.01

INDIRA GANDHI NATIONAL OPEN UNIVERSITY
CAMPUS DEVELOPMENT UNIT
'C' BLOCK - NEW ACADEMIC COMPLEX
MAIDAN GARHI : NEW DELHI- 110 065.

EE/CDU/2006/259
07.12.2006

The Regional Director /C
IGNOU Regional Centre
Sunny Lodge Dongshiliang
Shijiazhuang
Shandong 191014.


Sub: Construction of Regional Center at Shifong.

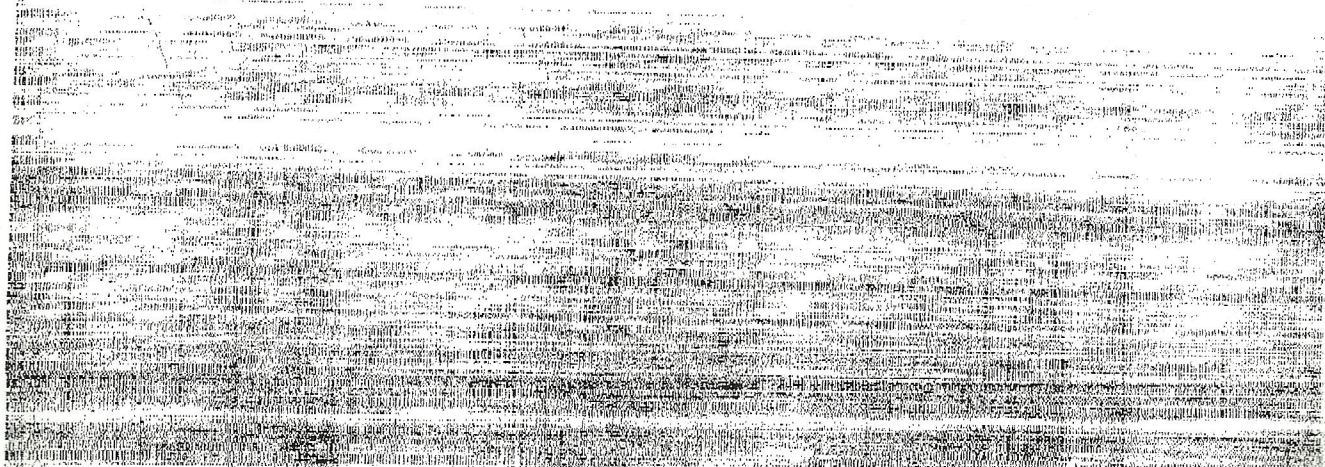
Dear Sir,

The proposal for construction of Regional Center from CPWD at Shifong has been approved in the 47th meeting of Works Committee held on 11.11.2006. You are, therefore, requested to coordinate with them and get the proposal for Planning, designing, estimation etc. which shall include the approval from the local bodies.

The proposal so obtained from them along with terms and conditions be sent to the undersigned for obtaining the approval of competent authority.

Thanking you,

Yours faithfully,

ANIL CHANDRA
Regional Director



(ii): Change of name of RSIC.

The Regional Sophisticated Instrumentation Centers, established by the Department of Science and Technology, Government of India was aimed at extending sophisticated analytical services to and cultivating the instrumentation culture of the scientific community in the country. Four such **Regional Centers** were established during the 5th Five Year Plan, 1974 – 1979 (viz. at IIT Madras, IIT Bombay, CDRI Lucknow and Bose Institute, Calcutta. Subsequently as part of the 6th Five Year Plan(1980 – 1985) three new centers were established at Nagpur university, Chandigarh University and North Eastern Hill University (See Annexure I). The Regional Sophisticated Instrumentation Center at NEHU Shillong was formally inaugurated on the 7th July, 1984. The DST also initiated a new scheme during the 7th Plan period with the sole objective of providing infrastructural facilities in terms of seminar complexes with all the auxiliary facilities. One such seminar complex was constructed at NEHU which now serves as the NEHU Guest House. Till date the number of such DST funded RSICs country wide stands at thirteen. The functions of the RSICs as stipulated in the sanction were as follows:

- a. To carry out analysis of samples received from scientists and Institutions of the **regions**.
- b. To provide facilities to scientists in the **region** to carry out measurements for the purpose of research.
- c. To organize short term courses/workshops on the use and application of various instruments and techniques for research students, teachers, and personnel from other laboratories, universities and industries.
- d. To acquire and develop capability for maintenance and repair of sophisticated instruments in other laboratories if and when possible.
- e. To train technicians for maintenance and operation of sophisticated instruments.
- f. To promote projects aimed at the development of prototype sophisticated instruments or the improvement of existing instruments.

Initial analytical services offered by the RSIC, Shillong were based on equipments pooled in by NEHU under the RSIC Programme. With the receipt and commissioning of new equipments a larger range and number of services kept on increasing. In order to streamline the functioning of the Center a memorandum of understanding was signed between the DST and NEHU on 12th September, 1994(See ANNEXURE II).

Until 1998 – 99 the expenditure incurred on the pay, allowances, etc. of the staff employed at the Center by NEHU was appropriately compensated by way of grant by the DST. However by an office memorandum dated 17th November, 1998(ANNEXURE III), the DST decided to provide financial support to the staff on **gradually reduced basis**. The DST grants to RSICs on recurring expenditure for salary was being reduced by 20% per year onward from the 1998-99 level.

Finally in pursuance of the E. C. Resolution No. EC:97:6:6:(v), an order was passed vide letter No. F.6-13/(19)/Admn/RSIC/2001 – 434, dated 17/5/2001 wherein the staff of the RSIC were deemed to be regular staff of NEHU and their salary were regulated by the Finance and Accounts Department as in the case of NEHU employees with effect from June, 2001(ANNEXURE IV).

In the **Steering Committee Meeting** which was held on 17th **October, 2002 in New Delhi**, the then Secretary informed that due to some technical problem relating to the funding of the DST by the Planning Commission, the regional character of all the RSICs must be abolished and they should all be **National Facilities**. Accordingly, although everything else remains more or less the same, all centers should henceforth be renamed as **SOPHISTICATED ANALYTICAL INSTRUMENT FACILITY (SAIF)**(See ANNEXURE IV).

Subsequently, the DST brought out a Brochure giving a detailed accounts of all the formerly known RSICs which have been renamed as SAIFs. The functions of the SAIFs remain more or less the same (page 3 of the brochure) except that the word **region** has been deleted:

- a. To carry out analysis of samples received from scientists/Institutions.
- b. To provide facilities of sophisticated analytical instruments to scientists to scientists and other users from academic institutes, R&D laboratories, and industries to enable them to carry out measurements for R&D work.
- c. To acquire and develop capability for preventive maintenance and repair of sophisticated instruments.
- d. To organize short term courses/workshops on the use and application of various instruments and analytical techniques.
- e. To train technicians for maintenance and operation of sophisticated instruments.
- f. To undertake design and development of instruments/accessories of existing instruments.

**The matter is placed before the Council
for consideration.**

No.5(2)/81-RSIC
Government of India
Department of Science & Technology

Technology Bhavan,
New Mehrauli Road,
New Delhi-110016.

Dt. the 29 June '82

To

The Vice-Chancellor,
North-Eastern Hill University
Shillong-793001

Sub : Setting up of a Regional Sophisticated Instrumentation Centre (RSIC) in North-Eastern Region at North-Eastern Hill University, Shillong.

Sir,

I am directed to convey the sanction of the President to the establishment of a Regional Sophisticated Instrumentation Centre (RSIC) at NEHU, Shillong on the following terms and conditions:-

1. LOCATION AND SETTING UP OF THE RSIC:

The RSIC shall be functionally separate and identifiable unit located in the NEHU, Shillong and will be built, to start with, around the existing instruments and equipments (as given in Annexure I) of the NEHU.

2. FUNCTIONS OF RSIC:

The RSIC will have the following functions:-

- a) To carry out analysis of samples received from scientists and institutions in the region;
- b) To provide facilities to scientists in the region to carry out measurements for the purpose of research;
- c) To organise short terms courses/workshops on the use and application of various instruments and techniques for research students, teachers and personnel from other laboratories, Universities and industries;
- d) To acquire and develop capability for maintenance and repairs of sophisticated instruments in other laboratories if and when possible.
- e) To train technicians for maintenance and operation of Sophisticated Instruments.
- f) To promote projects aimed at the development of prototype sophisticated instruments or the improvement of existing instruments.

3 MANAGEMENT AND ADMINISTRATION OF THE RSIC:

The day-today management and administration of the RSIC will be under the overall control of the Vice-Chancellor NEHU, Shillong. The programmes relating to the rendering of services to the intending regional users and other related matters, such as, augmenting the facilities by way of staff, equipment etc., of the RSIC will all be undertaken after consulting and getting approval of a duly constituted Advisory Committee for RSIC, Shillong. The Vice-Chancellor, NEHU, Shillong will be the Chairman of Advisory Committee. The terms of reference and composition of the Advisory Committee are given in Annexure II.

4 OPERATION AND MAINTENANCE OF RSIC:

The staff now existing for the operation of the instruments mentioned in Annexure I may be supplemented by the addition of more staff for operation and maintenance and other functions related to the RSIC. The recruitment of Staff for RSIC, purchase of equipments etc. shall be in accordance with the usual practices and rules and regulations being followed by the NEHU, Shillong. Such additions of Staff and equipments may only take place after getting approval of the Advisory Committee and subject to the availability of funds in the Budget of RSIC, Shillong.

Staff recruited for RSIC will be treated as employees of the NEHU, Shillong exclusively for the purpose of working at the RSIC, and will thus be governed by the rules and regulations of NEHU, Shillong.

5 LEVY OF CHARGES FROM INTENDING REGIONAL USERS OF RSIC:

Appropriate charges may be recovered from intending users of instruments pooled in the RSIC for specific services rendered on a tariff to be fixed in consultation with the Advisory Committee. In order to have a uniform pattern of charging schedule it has already been decided to levy charges from users on a uniform basis by all the RSICs in the country and charges have already been fixed for the instruments already available in the various RSICs, a copy of which is enclosed for guidance. The charges to be levied from the users have to be approved by the Advisory Committee. Separate registers shall be maintained by RSIC, Shillong regarding the revenue earned and this revenue should be utilized for RSIC activities. However, the revenue earned should be taken into account for both 'receipts' and well as expenditure purposes and should be shown in the Audited Statement of Accounts etc.

6 FINANCIAL GRANT FOR THE RSIC:

Funds to meet recurring and non-recurring expenditure of the RSIC, Shillong including the expenditures on the salary and allowances of the Staff recruited for the operation,

maintenance and other functions relating to the RSIC, and purchase of instruments equipments etc. will be provided by the Department of Science & Technology, Government of India, by way of grant-in-aid from time to time. Such grants will be sanctioned in favour of the Vice-Chancellor, NEHU, Shillong and will be subject to the conditions specified in para 7 hereunder. For this purpose, the Vice-Chancellor, NEHU, shall furnish in advance the annual budget estimates of requirement of funds under various Heads along with detailed justifications to the Department of Science and Technology, Government of India, after taking into account the receipts of the RSIC on account of services rendered to users.

7. CONDITIONS OF GRANT BY GOVERNMENT OF INDIA FOR RSIC:

- i) The grant shall be utilized exclusively for the purpose of activities of RSIC, NEHU, Shillong.
- ii) The NEHU, Shillong will maintain the accounts of income and expenditure relating to the RSIC, separate from those of the University. The grants shall be released in favour of the Vice-Chancellor, NEHU and the utilization certificates and any other documents found necessary from time to time shall be submitted by him to the Department of Science & Technology, Government of India.
- iii) The accounts of the university shall be open for checking by the comptroller and Auditor General of India or his accredited representatives in his discretion.
- iv) Any balance out of the grant remaining on hand with the RSIC, on 31st March of any year may be retained for meeting the expenditure during the next financial year but the extent of such carry forward should be reported to the Government of India, by the Vice-Chancellor so that approval to carry forward of unspent amount be accorded and the grant to RSIC for the next financial year could be suitably regulated.
- v) The Vice-Chancellor, NEHU, Shillong should exercise the utmost economy in respect of expenditure out of the grants released from time to time for the RSIC.

8. PLAN ALLOCATION

The detailed allocation of funds for the RSIC upto the period ending 31st March 1985 (Sixth Plan Period) is given in Annexure III.

9 The present sanction of the RSIC, Shillong is from immediate effect and for a period upto 31st March 1985. First release of funds from the Department will be made during 1982-83.

10 This issues with the concurrence of the Integrated

Finance Division of this Department vide their Dy. No.D-2578/
O/IFD/82 dated 4th June, 1982.

Yours faithfully,

Sd/-
(V. RAO AIYAGARI)
PRINCIPAL SCIENTIFIC OFFICER

Copy to:-

1. Director, Audit (Special Cell), Central Revenue, N.D.
2. Accountant General of Assam, Gauhati.
3. I.F. Division, D.S.T., NEW DELHI.
4. Sanction File.
5. Pay and Accounts Officer, DST., New Delhi.
6. Accounts section, DST., New Delhi.

Sd/-
(V. RAO AIYAGARI)
PRINCIPAL SCIENTIFIC OFFICER

MEMORANDUM OF UNDERSTANDING**1. PREAMBLE**

- 1.1 In order to promote the usage of advanced techniques in R & D and to cope up with the requirement of scientific community in the country, Department of Science & Technology (DST) initiated setting up of Regional Sophisticated Instrumentation Centres (RSICs) during 1974-75. These Centres have been equipped with sophisticated instruments, which cannot normally be afforded by Universities, R & D Institutions and Industries.
- 1.2 The RSIC at North-Eastern Hill University, Shillong was set up during 1982-83. In order to ensure the efficient and effective system for operating the RSIC programme of DST at North-Eastern Hill University, Shillong it is agreed now today to sign this MOU between North-Eastern Hill University, Shillong and DST as per the following terms and conditions.

2. OBJECTIVES OF RSIC

The objectives of the RSIC (Shillong) are as follows:

- (i) To carry out analyses of samples received from the institutions in the region;
- (ii) To provide facilities to scientists in the region so as to enable them to carry out measurements for research;
- (iii) To acquire and develop capability for preventive maintenance and repairs of sophisticated instruments;
- (iv) To organise short term course/workshops on the use and application of various instruments and techniques for research students, teachers and personnel from other laboratories, universities and industries;

- (v) To train technicians for maintenance and operation of sophisticated instruments; and
- (vi) To promote and participate in projects aimed at the development of prototypes of sophisticated instruments or to augment the capabilities of existing instruments.

3. ORGANIZATIONAL STRUCTURE

- 3.1 RSIC-Shillong will have a Centre Management Committee (CMC) to oversee and guide the activities of the RSIC. It will consist of the representatives of DST and experts to be nominated by the University in consultation with DST. The Centre Management Committee shall monitor the performance of the Centre and suggest measures to improve its performance. The Committee may also examine the deployment of staff and equipment at the Centre from time to time with a view to enhance productivity and efficiency and to avoid duplication. The Committee will scrutinize the annual budget of the Centre before it is submitted to DST. The Committee shall approve and forward half-yearly progress report of the Centre to DST. The Committee may also approve induction of equipment from other sources and to be operated under the control of RSIC.
- 3.2 The Chairman of the Centre Management Committee shall be the Vice-Chancellor, North-Eastern Hill University, Shillong or in his absence, his nominee and its Member-Secretary will be the Head of the Centre.
- 3.3 The Centre Management Committee shall meet at least twice a year.

4. PERSONNEL/STAFF

- 4.1 North-Eastern Hill University, Shillong shall provide adequate and competent staff, as recommended by the Management Committee and as approved by DST, for running the Centre efficiently. The staff shall belong to North Eastern Hill University, Shillong.

4.2 Personnel for the Centre may also be taken on an appropriate contract with the University as per rules and the practices of the University. These would be as per recommendation of the Centre Management Committee and as approved by DST.

4.3 No personnel working for the Centre will be eligible to deputation allowance.

5. FINANCIAL ARRANGEMENTS

5.1 The Department of Science & Technology agrees to meet the operating and maintenance cost of the equipment provided by DST to the Centre as well as consumables, approved annually.

5.2 DST shall release the annual grant (non-plan) twice a year after receipt of statement of expenditure from the NEHU, Shillong duly authenticated by their financial authorities.

5.3 DST shall provide financial support (Plan & Non-Plan) on plan to plan basis, based on allocation available to it.

5.4 Plan grants for purchase of specific instruments may be given at any time by DST.

5.5 Expenditure incurred on the pay, allowances, etc. of the staff deployed at the Centre by the North-Eastern Hill University, Shillong will be appropriately compensated by way of grant by DST.

5.5(i) The compensation referred to above will cover all payments made to the staff of the Centre by way of LTC, Children Education Allowance, reimbursement of Medical expenses,

5.6 The University will keep a separate account of the amounts received from DST and the expenditure incurred therefrom.

5.7 The University shall provide infrastructural facilities like power, water, accommodation etc. for running the Centre for which no claim will be made on DST.

- 5.8 Workshop, glass blowing and other technical facilities of the University shall be made accessible to the Centre.
- 5.9 In lieu of the land and all other amenities provided by the University its faculty scientists may be entitled to free use of the RSIC instrument upto a maximum of 33 1/3% of the total operating time. However, the RSIC will charge fees for analyses/testing from external users, and such fees will be taken into account by DST while releasing the grants.
- 5.10 The University shall send the Utilization Certificate to DST in the prescribed proforma after expiry of each financial year. This statement should be verified/audited by the competent authorities of the University.

6. GENERAL

- 6.1 DST may withdraw its support from the Centre by giving 2 years notice to do so.
- 6.2 Any dispute between DST and University will be resolved amicably between Secretary, DST and the Vice-Chancellor, North-Eastern Hill University, Shillong.

Signed on 12th Sep^r - 1994 day

R.P. Singh
(R.P. SINGH)
Director
Department of Science &
Technology, New Delhi

B. RAKEM
(B. RAKEM)
Vice-Chancellor
North-Eastern Hill
University, Shillong
NORTH-EASTERN HILL UNIVERSITY
SHILLONG-793 001

Peer
[Signature]

ID/RSIC-GUIDELINES/97
Government of India
Ministry of Science & Technology
Department of Science & Technology

Dated, the 17th November 1998.

OFFICE MEMORANDUM

The undersigned is directed to forward the guidelines decided by this department for implementation by Regional Sophisticated Instrumentation Centres (RSICs) and Sophisticated Instrumentation Facilities (SIFs) with immediate effect.

1. RSICs/SIFs would open a separate account for the grant received from DST, earnings and any other funds that accrue to the Centre.
2. The Centres would first meet recurring expenditure on manpower out of their earnings.
3. DST shall provide grant-in-aid to meet the partial funds requirement of recurring nature and also meet the requirements of a non-recurring nature.
4. It is clarified that the staff belongs to the host institution. It has been decided to provide financial support on gradually reduced basis. The Centres may make efforts to increase their earnings to meet their recurring expenditure (i.e. consumables, maintenance, salary etc.) and become self supporting. The DST grants to RSICs/SIFs on recurring expenditure for salary will be reduced by 20 % per year from next year onward from the present years level.

The RSICs/SIFs may kindly note the above guidelines to implement them accordingly.

This issues with the approval of Secretary (DST) vide Dy.No.5182 dated 10.09.1998 and JS & FA (DST) vide Dy.No. 1680/JS & FA/98 dated 10.09.1998.

[Signature]

(R. P. Singh)
Joint Adviser

14/11/98
To

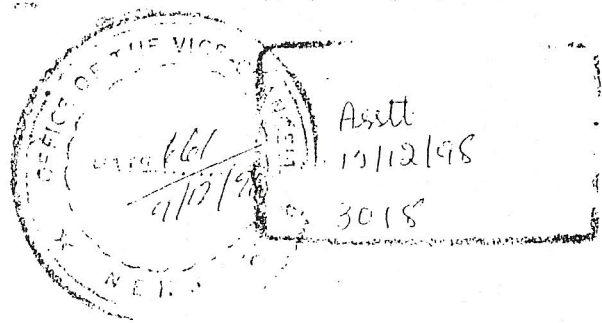
The Vice-Chancellor,
North Easter Hill University,
Shillong- 793 003.



Copy to:

1. Prof. D. T. Khathing, Head-RSIC, North Eastern Hill University, Bijni Complex, Bhagyakul, Shillong-793 003.
2. Secretary (DST).
3. JS & FA (DST).

15/12/98
[Signature]
16/12/98





Dr. P.K. MALHOTRA
SCIENTIST F

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
टेक्नोलॉजी भवन, नया महरौली मार्ग, नई दिल्ली-110 016
GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
Department of Science and Technology
Technology Bhavan, New Mehrauli Road, New Delhi-110 016

DO No. IDP/RS/SH3/97.

Date..... 29.12.2000

Dear Prof. Khathing,

Kindly refer to the DST O.M.No.ID/RSIC-Guidelines/97 dated 17.11.1998. As per this O.M., DST grants to RSIC/SIFs on the recurring expenditure for salary are being reduced by 20% per year from 1999-2000 from the level of 1998-99. It has been observed from the Statement of Expenditure and Utilisation Certificate for the year 1999-2000 that the salary of staff at your centre has not been reflected/accounted as per this order.

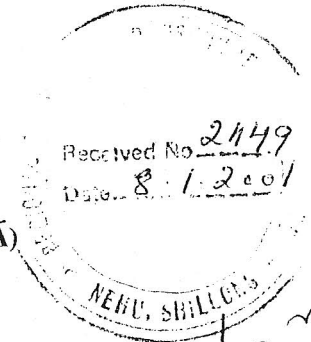
Kindly intimate the details of salary, in the enclosed format, for 1998-99, so that it may be accounted precisely as per the above order. The Statement of Expenditure and Utilisation Certificate for 1999-2000 may kindly be corrected accordingly and the corrected documents may be sent to us at the earliest so that the final instalment of funds for recurring requirement for 2000-2001 may be released by DST. Kindly note that DST grant for salary for subsequent years will be as follows:

| | | |
|----------------------|----|----------|
| Salary for 1998-99 | -- | x |
| Salary for 1999-2000 | -- | 80% of x |
| Salary for 2000-2001 | -- | 60% of x |
| Salary for 2001-2002 | -- | 40% of x |
| Salary for 2002-2003 | -- | 20% of x |
| Salary for 2003-2004 | -- | Nil |

With kind regards,

Yours sincerely,

P.K. Malhotra
(P.K. MALHOTRA)



Prof. D.T Khathing
Head
Regional Sophisticated Instrumentation Centre
North Eastern Hill University
Bijni Complex, Bhagyakul
SHILLONG-793 003.
(MEGHALAYA).

NORTH-EASTERN HILL UNIVERSITY
S H I L L O N G

No.F.6-13/(19)/Admn/RSIC/2001 .. 1/34,

Dated 17/5/2001.

O R D E R

In pursuance of the E.C. Resolution No.EC:97:6:6:(v), the existing regular staff of RSIC who were appointed in accordance with the recruitment procedure of NEHU are deemed to be the regular staff of NEHU from the date of appointment, joining, with their service conditions/service benefits and retirement benefits. They are deemed to be regulated on the rules and regulations as applicable to the staff of NEHU of the same cadre and grade.

The salary of the RSIC Staffs are to be regulated by the Finance and Accounts Department as in the case of NEHU employees with effect from June, 2001.

(D.T. Khathing)
 Registrar

....

Copy to :-

-) The Pro Vice-Chancellor, NEHU, Shillong.
-) The Sr.P.A. to the Vice-Chancellor, NEHU, Shillong.
-) The Finance Officer, NEHU, Shillong for information and necessary action.
-) The Head, R.S.I.C. NEHU, Shillong for information and necessary action.
-) The C.O.E. NEHU, Shillong.
-) All D.Rs./A.Rs. NEHU, Shillong.
- All Section Officer, NEHU, Shillong.
- All Officers, NEHU, Shillong.