

(x) Payment of Rs. 17,500/- to Shri N. Rynjah.

Shri N. Rynjah was appointed Inquiry Officer vide Annexure I indicating that remuneration will be paid as per the CC/CCA rules. Vide Annexure II Shri N. Rynjah accepted the offer.

The inquiry was conducted from 10.5.95 to 29.5.95 and the report was submitted by Shri N. Rynjah on 31.5.95 (Annexure III). Shri N. Rynjah preferred a claim for Rs. 17,500/- as remuneration including secretarial services.

The Above claim of Shri N. Rynjah was referred to Audit Officer, NEHU, the Audit Officer in his comments at Annexure IV had observed that strict adherence to the rules is not applicable as he is an outsider.

The calculation for remuneration at Annexure IV was done for 12 days only which amounts to Rs. 4,351/- with an honorarium of Rs. 500/- making a total of Rs. 4,851/-. Shri N. Rynjah declined to receive this amount and demanded that he should be paid Rs. 17,500/-, the amount paid by NEPCO while conducting similar inquiry (Annexure III).

The matter was referred to E.C. which regretted the claim vide its minute at Annexure VII which was conveyed to him Shri N. Rynjah vide his letter at Annexure VIII has requested to refer his claim to judicious forum of the University on the basis of the principles laid down in page 641 of Swamy's book which is reproduced below :-

10. Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.- The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Member shall be varied to his disadvantage after his appointment.

The views of the Audit Officer on the said principles is placed at Annexure VIII.

Considering all the aforesaid records, it appears that the appointment letter did not spell out the exact amount payable as provided in the CCS/CCA rules, while Shri M. Rynjah also accepted the appointment without citing the expected amount of remuneration. Thirdly, there was an omission in the calculation of remuneration which was done for 12 days only instead of 20 days (10.5.95 to 29.5.95) which should have been extended to 22 days viz. to 31.5.95, the date Mr. Rynjah submitted the report.

It may also be mentioned that the Inquiry was conducted out of the surprise check by the C.B.I. alongwith the vigilance, NEMU, relating to the Store in C.D.D. which the concerning J.E., Shri A.J. Borbhuiya could not account in the stock Register etc. While the C.B.I. presented the case, the University appointed Shri M. Rynjah as Inquiry Officer, after considering the fact that Shri M. Rynjah was in the University service at the initial stage of construction.

On the light of all these commissions and omissions, the council may please consider payment of the claim preferred by Shri M. Rynjah, i.e. Rs. 17,500/- since the work had been completed. This will settle the matter once and for all.

FDI

NORTH-EASTERN HILL UNIVERSITY
NEHU Campus, Shillong - 793 022 (Meghalaya)

SECRET

E.J. Mawlong
Registrar (Acting)

D.O.No.F.76-4/Estt.I/90-791

September 7, 1994.

Dear Mr. Rynjah,

Sometimes in December, 1989 there was a joint inspection of Campus Dev. Deptt. Store by the CBI and the University's Vigilance Officer. During the surprise inspection it was detected that there was discrepancy in the stock account of building materials, viz. MS rounds and cement purchased for the project "construction of Science Complex" at the permanent campus. Since then enquiries have been conducted by the University through various departments including the Internal Audit Cell. The enquiries so conducted reveal that the then store-in-charge, Shri A.J. Barbhuiya, JE now on deputation with the Assam University, Silchar has not been able to explain the discrepancies that have come to notice. The JE concerned has been served with the draft charge sheet and since he has denied the charges, the University has decided to institute departmental proceedings against him. As you are aware we hold you in very high esteem and with your vast knowledge and experience we feel that you are the fittest person to conduct the departmental proceedings as the Inquiry Officer. Since you are not at all involved in the matter we hope that you will not refuse our offer. You may also be aware that the Inquiry Officer is remunerated according to the rates prescribed in the CCS(CCA) Rules. Please therefore favour us with the information as to whether you are willing to accept to act as Inquiry Officer in the case mentioned above.

An early reply is solicited.

With warm regards,

Yours sincerely,

Sd/-

(E.J. Mawlong)

Mr. N. Rynjah,
Risa Colony,
Shillong.

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ANNEXURE - II

Dear Bah Mawlong,

I received your offer to make ^{me} an Inquiry Officer for NEHU to probe into the irregularities of Store-Keeping in the Engineering Cell of NEHU. I already sent verbal words through K. Nengnong, Asstt. Registrar that I accept your offer. It will be expediting matters if you issue formal order and to get the papers ready, you can then telephone to me 225108 and fix a date for my coming to the Campus. I shall need a transport from you to enable me to reach there.

Thanking you

Yours sincerely

Sd/-

19/9/94

(N. Rynjah)

Risa Colony, Shillong-3

Ph 225108

[Faint, illegible text, likely bleed-through from the reverse side of the page]

Mr. N. Rynjah, F.I.E.(Ind)

RISA COLONY
SHILLONG-793003Ptd. Addl. Chief Engineer and
Addl. Secretary, P.I.D. (R&B)
T. & CP Departments
Ptd. Managing Director
Meghalaya Government Construction
Corporation
Ptd. Adviser, Construction NEHU
(Meghalaya)

Phone -25108

Dated June 20, 1995.To
The Registrar,
North Eastern Hill University,
Mawkynroh-Umshing, Shillong - 793 022.

Subject : Remuneration for the jobs done for the NEHU.

Madam,

1. I had been entrusted the job of the Enquiry Officer in the matter of the irregularities/charges against Mr. A.J. Borbhuiya, Junior Engineer, on deputation to the Assam University, Silchar, vide your Memo No.F.76-4/Estt-I/907194 dated September 7, 1994. The Enquiry (with the Sub-Inspector, Mr. Adani Mao of the C.B.I. as a presenting officer on behalf of the NEHU) was concluded on 29th May, 1995 and the Report submitted to you on 31st May, 1995.
2. Fees for the job: - In respect of the Enquiries I shall be conducting in the NEEPCO Ltd, I settled with them to pay me Rs.15,000/- for each case and Rs.1,000/- for Secretarial Services - total Rs.16,000/- for each case provided they give me 4 or 5 cases at a time to be heard one after another, plus the travelling expense and free accommodation (Hotel fees) for the Enquiry sittings outside Shillong, free office space for the Enquiry and the contending parties.
3. As I did only one case for the NEHU, I feel it is reasonable to charge as under -

(a) Rs.15,000/- for each case	Rs.15,000.00
(b) Secretarial Services (as the case is only one and I employed one man (part time) I charge for Secretarial Service Rs.2,500/-	Rs. 2,500.00
Total	Rs.17,500.00

(Rupees Seventeen thousand, five hundred) only.

I hope this will meet with your kind approval.

PRE-RECEIVEDReceived with thanks
Rs.17,500.00 (Rupees Seventeen-
thousand five hundred) only from
the Registrar/Accounts Officer, NEHU.Yours very cordially
Sd/- 20/6/95
(N. Rynjah)

Sd/- 20/6/95

(N. Rynjah)

Affixed
Revenue
Stamp

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NEHU NOTES

Notes ante.

The Govt. of India have decided vide their OM.No.134/5/85-AVD.I, dt.11.7.1988 that the competent authority within its financial powers, may consider sanction of suitable honorarium, from Rs.250 to Rs.500/- to inquiry officers where inquiries are not part of their sphere of duty. The amount payable on each occasion may be decided on merits depending on quality/volume of work and its quick and expeditious completion.

This meagre amount of honorarium is paid to an Officer appointed as Inquiry Officer in addition to his normal duties, since he is sitting salaries for the days of inquiry held.

However, occasions may arise where the disciplinary authority may consider it appropriate to entrust inquiry to an outsider who may be a consultant or may be having special qualifications or experience in service matters or the particular problem under the enquiry.

The principle in this regard is that if the rules specifically provide that a person not belonging to the service concerned or even outsider can be appointed as an inquiry authority, no difficulty shall arise. But where the rules do not provide for it. An outsider may be appointed as an inquiry authority only after the consent of the employee concerned is obtained and relaxation of the rule is obtained at appropriate level.

There is also no objection in making appropriate payments to the persons so appointed for the services rendered.

In this instant case no agreement was signed between the employer and the Inquiry Officer. No appropriate amount was settled before hand.

It is therefore, suggested that the "appropriate amount" payable can be determined by applying the following norms :-

- (1) Maximum amt. of honorarium payable to an in Service Inquiry Officer - viz. Rs.500/-
- plus (2) An amt of salary payable for the total number of days of inquiry held if our University Engr. would have conducted the Inquirings.

In the absence of any agreement executed before hand between the parties, the appropriate amt. payable to an outsider Inquiry Officer can be arrived at by following the above norm if the Administration so desires.

Submitted

Sd/-
Audit Officer
4/8/95

F.O.

I agree with the observations of A.C. and the suggestion at 'X' to determine the "appropriate amt." Admn. Section is advise to take necessary action.

Sd/-
Registrar
5/8

NEHU NOTES

from prepage.

The appropriate amount payable as remuneration for 12 days based on the specific dates at flag 'A' in the minimum of the U/E scale @ Rs.4,500/- plus allowances would be as follows :-

10.1.95	- 1 day	@ G/S Rs. 10,688/-	Rs.345/-
3.2.95	- 1 day	- do -	Rs.382/-
14.3.95	2 days	- do -	Rs.690/-
24.3.95			
4.4.95			
5.4.95			
6.4.95	5 days	@ G/S Rs. 11,138/-	Rs.1,856/-
26.4.95			
28.4.95			
5.5.95			
17.5.85	3 days	- do -	Rs.1,078/-
29.5.95			
12 days		Total	Rs.4,351/-

AR(Admn)

Sd/-
A.R.(Finance)
5/9/95

Shri N. Rynjah, was appointed as Enquiry Officer on payment of fees under CCS (CCA) Rules vide office letter at Sl.66c below:

As per the above Rules, he is to get honorarium for Rs.500/- per case plus an amount of salary payable for the total number of days of inquiry held if our University Engineer would have conducted the Inquiry as per Audit Officer's notes in page 42/N 'K' and 'Y' ante and as clarified by

ANNEXURE - VI

(ii) Payment of Rs. 17,500/- to Shri N. Rynjah,
Inquiry Officer.

No:EC:91:96:6:6:(ii): The Council considered the payment
of Rs. 17,500/- to Shri N. Rynjah for conducting an enquiry
in the University and RESOLVED to regret the payment of the
amount as demanded by Shri N. Rynjah.

I am in receipt of your above mentioned memo. Thank you
for your interest in getting up the case to the Executive Council
of the University. I regret to state that I am not
in agreement with the views expressed in what I have already stated
in my letter dated June 6, 1956 to Dr. P. Bakam. I am not willing
to accept the remuneration of Rs. 4000.00 fixed arbitrarily ignoring
the scale of the remuneration which I used to get for the same type
of work in the other organisations.

I request you to put up the case to the other members
of the University, unless and until this claim of mine
is carried on the basis of the principles laid down in page 604
of my book. I am not in a position to accept it.

Yours very cordially,
Shri N. Rynjah

Dr. P. Bakam
Vice-Chancellor

ANNEXURE - VII

Mr. N. Rynjah, EIE (Ind)
Ptd. Addl. Chief Engineer and
Addl. Secretary, P. I. D. (R&B)
T. & CP Departments
Rtd. Managing Director
Meghalaya Government Construction
Corporation
Rtd. Adviser, Construction NEHU
(Meghalaya)

RI SA. COLONY
SHILLONG-793003

Phone-225108

Dated 6th Feb, 1997

To:

The Dy. Registrar (Admn),
North-Eastern Hill University,
NEHU Campus - Mawkynroh-Umshing-Shillong 793022.

Sub : Remuneration for the Inquiry Officer.

Ref : Your Memo No. F-21-4/Adm/92-4551/. dated 28.1.97

Sir,

I am in receipt of you above mentioned memo. Thankyou for your interest in putting up the case to the Executive Council of the North-Eastern University. I regret to state that I am not in agreement with the views contrary to what I have already stated in my DO letter dated June 6, 1996 to Dr. B. Pakem. I am not willing to accept the remuneration of Rs.4851.00 fixed arbitrarily ignoring the scale of the remuneration which I used to get for the same type of work in the other organisations.

I request you to put up the case to the other judicious forum of the University, unless and until this claim of mine is settled on the basis of the principles laid down in page 641 of Swamy's book I am not in a position to accept it.

Thanking you,

Yours very cordially,

Sd/-

6/2/97

(N. Rynjah)

Copy to Shri B. Pakem
Vice-Chancellor.

NEHU NOTES

Orders at pre-page

Shri H. Rynjah was appointed as an Enquiry Officer by this University in respect of a certain departmental proceeding case. There is no objection in making "appropriate payments" to an outsider appointed as Inquiry authority. He was not appointed as a member/Vice-Chairman or Chairman of Administrative Tribunal by Govt. of India.

Para 10 of the Administrative Tribunal Act has no relevance in this case.

Audit view on the subject as well as the views of the Finance Officer were given at length at (1) P/41N to 43N and again at (4) P/55 N which may kindly be referred to.

submitted

Sd/-
Audit Officer
14/3/97

Sd/-
O.S.D.

of the Committee appointed by it to review the recommendations of the earlier Committee appointed to look into the upgradation etc., of pay-scales of Store-Keepers, Coaches etc. and RESOLVED to accept the recommendations of the Review Committee. The Council, further RESOLVED that the pay-scales with arrears for which Orders had been passed may be paid and an Undertaking for refund of the pay and arrears may be taken wherever necessary. The Council also RESOLVED that an Advisory Committee for Cadre Management may be constituted by the Chairman to look into all upgradation and fitment cases including promotion.

(viii) Compulsory Retirement in respect of Shri B.D. Marbaniang, L.D.C., CDD, NEHU, Shillong.

No: EC: 92: 97: 6: 6: (viii): The Council considered the proposal for compulsory retirement in respect of Shri B.D. Marbaniang, L.D.C., and RESOLVED that in view of his continuing mis-conduct Shri B.D. Marbaniang may be compulsorily retired.

(ix) Stepping up of pay of the Senior at par with the Junior.

No: EC: 92: 97: 6: 6: (ix): The Council considered the stepping-up of pay of the Seniors at par with the Juniors and RESOLVED that as already decided earlier Smti. G. Kapoor and others may be allowed "stepping-up of pay". The Council, further RESOLVED that the practice of officiating arrangement during the short term leave vacancies may be discontinued forthwith and the rates of remuneration as approved by the Council be made applicable to all categories of staff performing extra/higher duties.

(x) Payment of Rs. 17,500/- to Shri N. Rynjah.

No: EC: 92: 97: 6: 6: (x): The Council reconsidered the payment of Rs. 17,500/- to Shri N. Rynjah who was appointed as Inquiry Officer and in view of the rate of remuneration received by Mr. Rynjah from other Organisations the sum of Rs. 17,500/- may be paid to him for services rendered.

Contd/.../-