

(iii) Case of Dr.R.K.Pathak, Reader,  
Deptt.of Anthropology.

The Executive Council vide resolution NO:EC:99:98:6:3:(i) held on 8.12.98 considered the absence of Dr.R.K.Pathak from duty and RESOLVED that he may be directed to resume duties on or before 15.1.99, failing which the post held by him be treated as vacated and he ~~he~~ required to pay to the University three month's salary in lieu of the required notice period. The Council further RESOLVED that he should return the Computer and accessories.

Accordingly, the above decision of the Executive Council, was conveyed to Dr.R.K.Pathak vide letter dated 21.12.98. Dr.Pathak in reply ~~dated~~ vide letter dated 7.1.99 (Annexure-I) reiterated his earlier request for grant of EOL and has stated that he is unable to resume his duties at NEHU as he has to attend his ailing cancer patient mother who is undergoing medical treatment at the P.G Institute of Medical Education & Research, Chandigarh. He is however silent on the missing Computer & Accessories as referred by the HOD, Anthropology, and the office has again requested to return the Computer & Accessories.

As the Council at its 99th meeting did not consider the EOL and directed him to join on 15.1.99, the appeal of Dr.Pathak vide letter dated 7.1.99 to grant him EOL is therefore placed for consideration and decision with reference to Statute 27(2) (3) (4) which reads as :-

(2) Notwithstanding anything contained in terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher, or a member of the academic staff on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher or a member of the academic staff except for good cause and after giving three months notice in writing or on payment of three months' salary in lieu of notice.

(4) No teacher or a member of the academic staff shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

The matter is placed before the Council for a decision.

NO.F.18-212/Estt-II/91-64.

ANNEXURE-I

Prof.R.K.Pathak  
 Deptt.of Anthropology  
 Panjab University  
 Chandigarh - 160014

January 7, 1999.

To,

The Vice-Chancekkor  
 Chairman, Executive Council  
 North-Eastern Hill University  
 Shillong - 793022.

Sub :- Request for E.O.L

Ref :- Letter No.F.18-212/Estt.II/91-95, dated 21.12.98.

Respected Sir,

With reference to the above quoted letter I request you to place my case to the NEHU E.C for sympathetic review and re-consideration to grant E.O.L in the light of following :

1. I had applied for the post of Professor in Anthropology, Panjab University, through proper channel, and my application was forwarded by NEHU vide letter No.F.96-141/Estt.II/88-649 dated 27.10.97.
2. My first request for E.O.L is dated 24.3.98 and not 7.9.98 as mentioned in the above letter. Since March 1998, nine months have elapsed, so I was under the impression that NEHU had very kindly agreed to my request.
3. In my letter dated 29.5.98 I had explained the circumstances which forced me to join duty at Panjab University, and had also apologised for any lapse on my part.
4. Presently i am unable to resume duty at NEHU as I need to be with my aged and ailing mother who is under-going treatment for cancer at the Post-Graduate Institute of Medical Education and Research, Chandigarh.

Sir, I am enclosing photocopies of the letters cited above for your perusal and once again request you to grant me E.O.L.

With sanguine hopes,

Yours faithfully,  
 Sd/-  
 ( R.K.Pathak )

Encl :- Aa

NORTH-EASTERN HILL UNIVERSITY  
 PERMANENT CAMPUS : : SHILLONG

No.F.18-212/Estt.II/91-95

Dated 21.12.98

To,

Dr.R.K.Pathak  
 Professor  
 Department of Anthropology  
 Panjab University  
 Chandigarh - 160014

Sub :- Absence from the department/EOL

Ref :- Your letter dated 7.9.98

Sir,

With reference to the above subject, relating to your absence from the department and your request for EOL, I am directed to inform that the E.C held on 8.12.98 has RESOLVED that you are required to resume duties at NEHU immediately on or before 15.1.99, failing which the post held by you be treated as vacated and that you are required to pay to the University three(3) months salary in lieu of the required notice period. Further, the Council RESOLVED that you should return the Computer and Accessories of the Department which were purchased during your Headship period and found entered in the department stock register but reported not available in the department.

Yours faithfully,

sd/..

Deputy Registrar(Estt.II)

Copy to :-

1. Head of the department of Anthropology, NEHU, SHILLONG.
2. The Registrar, Punjab University, Chandigarh, for information.

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

(Through Head of the Department)

Subject : Request for leave without pay.

Sir,

I had proceeded to Chandigarh on two days (i.e. March 23 and 24, 1998) casual and station leave.

During my personal meeting with you on March 13, 1998, I had informed you, Sir, that I had appeared for an interview for the post of Professor in Physical Anthropology at Punjab University, Chandigarh for which my application was routed 'through proper channel' and forwarded by NEHU. Sir, I have now received the offer for the post of Professor in Physical Anthropology in the Department of Anthropology, Punjab University, Chandigarh, vide letter No.9772/Estt.I dated 24.3.1998 (Photocopy enclosed) and have joined the same on 24.3.1998 (afternoon).

My family circumstances do not allow me to join duty at NEHU immediately.

Therefore, this is to request your goodself to grant me leave without pay for a period on one year w.e.f. March 23, 1998 to March 22, 1999.

Thanking you in anticipation.

Yours faithfully

( R.K. Pathak )  
Reader,  
Department of Anthropology  
N.E.H.U.

March 24, 1998

Advance copy to: The Vice-Chancellor,  
North Eastern Hill University,  
Shillong.

Contd.

Two urgent situations compelled me to overstay and assume the charge of Professor at Panjab University, Chandigarh, (i) The suspected fear of litigation and court case relating to appointment.

5. Accordingly, at that point of time, I took a decision to stay back and join Panjab University (may be I am wrong). However, the same day, i.e. March 24, 1998, I sent a letter by 'speed post' to NEHU authorities (advance copy marked to the Vice-Chancellor, NEHU) explaining the circumstances under which I had to stay back to join Panjab University, and requesting to grant me leave of absence for one year.

6. I was teaching one course on Human Ecology and Adaptation, and was sharing one Practical in Semester IV. I had already taught more than one unit out of four units of the course. On March 25, 1998, I requested H.O.D. Anthropology, NEHU over telephone to make necessary arrangements for teaching the course, and suggested the name of Dr. R. Khongsdier, Lecturer in the Department, who has the same specialization as that of mine (i.e., Physical Anthropology) as he would have no difficulty in teaching the course. It may not be out of place here to mention that last year Dr. R. Khongsdier had shared the same course with me.

7. At present four Research Scholars are working with me for Ph.D. Two of them are in the advance stage of their work, while the other two scholars had been doing field work in the last five months and have come back this month. During my stay for the last 12 days here I have been supervising their work. I assure the University authorities that it is my moral responsibility that the scholars complete their work well in time.

I must again state that I had no intention of violating the Rules of the University where I have worked sincerely for the last 10 years. It was not a willful absence on my part. The urgent situation and compelling circumstances guided me to join Panjab University, Chandigarh.

I am extremely sorry for the inconvenience caused to the University in this respect. At that time I was in a fix; I could not do otherwise except joining P.U.

Dr. R.K. Pathak  
 Professor of Anthropology  
 Deptt. of Anthropology  
 panjab University  
 Chandigarh 160 014

MAY 29, 1998

To  
 The Registrar  
 North-Eastern Hill University  
 Shillong

Sir,

Kindly refer to your Memo No.18-212/Estt.II/91-77 dated 25.5.98. In this connection, I have to state the following:

1. I applied through proper channel for the post of Professor in Anthropology, Panjab University, Chandigarh, and my application was forwarded by NEHU (vide letter No.F.96-141/Estt-II/88-649 dated 27.10.97).
2. I appeared for the interview on March 4, 1998. On March 12, 1998, I met the Vice-Chancellor, NEHU, and informed him that I have appeared for the interview, and in the event of my selection I would like to join the University for various reasons.
3. On March 21, 1998, I received a telephone call that my old mother who stays alone at Chandigarh was seriously ill. Since there is nobody to look after her, immediately I rushed to Chandigarh on March 22, 1998. March 22, being Sunday I could not give my leave application to H.O.D. Anthropology, NEHU. However, I gave the leave application to my wife instructing her to submit the same to H.O.D. in the early hours of March 23.
4. Upon reaching Chandigarh I made necessary arrangement for medical treatment of my mother. Further, the doctor advised me that it will take some time for her to recover. Consequently, I decided to stay on and extend my leave.
5. On March 24, 1998, on receipt of a telephone call from a friend at Panjab University, I reached there and learned that my appointment order was ready and I had to join immediately lest there might be litigation and court cases. In this connection, I must say that I did not have any type to violate the Rules and Regulations of NEHU where I have been teaching for about years.

Dr. R.K. Pathak  
Professor of Anthropology  
Dept. of Anthropology  
Panjab University  
Contd..

I request you to kindly consider my case, treat this letter as an apology, and grant me one year leave of absence as per rules, and allow me to continue at Panjab University, Chandigarh.

Thanking you,

Yours faithfully,

(R.K. Pathak)

Kindly refer to your Memo No. 18-212/Estt. II/31-77 dated 11/11/77 in connection, I have to state the following:  
1. I applied through proper channel for the post of Professor in Anthropology, Panjab University, Chandigarh, and my application was forwarded by NENU (vide letter No. P. 96/141/Estt-II/88-649 dated 27.10.77).  
2. I appeared for the interview on March 4, 1978. On March 12, 1978, I met the Vice-Chancellor, NENU, and informed him that I have appeared for the interview, and in the event of my selection I would like to join the University for various reasons.  
3. On March 21, 1978, I received a telephone call that my old mother who stays alone at Chandigarh was seriously ill. Since there is nobody to look after her, immediately I rushed to Chandigarh on March 22, 1978, being Sunday, I could not give my leave application to H.O.D., Anthropology, NENU. However, I gave the leave application by the instructing her to submit the same to H.O.D. in the early hours of March 23.  
4. Upon reaching Chandigarh I made necessary arrangements for medical treatment of my mother. Further, the doctor advised me that it will take some time for her to recover. Consequently, I decided to stay on and extend my leave.  
5. On March 24, 1978, on receipt of a telephone call from a friend at Panjab University, I reached there and learned that my appointment order was ready and I had to join immediately next day. I might be liable for misconduct and court case, in this connection, I must say that I did not have any type to violate the rules and regulations of NENU where I have been teaching for about years.

**6:2: Appointment/Confirmation/Extension/Transfer/  
Release/Termination, etc.**

- (i) Confirmation in respect of Dr. IL Aier, Reader,  
Sociology Deptt., NEHU, Shillong.

EC:100:99:6:2: (i): The Council considered the confirmation of Dr. IL Aier as Reader in Sociology w.e.f. 27.7.96 and RESOLVED to approve the same.

- (ii) Termination of lien and Technical Resignation  
tendered by Dr. KK Dwivedi, as Reader in Chemistry.

EC:100:99:6:2: (ii): The Council considered the technical resignation tendered by Dr. KK Dwivedi, Reader in Chemistry w.e.f. 8.1.99 (A.N.) and RESOLVED to accept the same w.e.f. the date he left NEHU for DST on lien subject to clearance of all dues.

**6:3: Leave / Deputation**

- (i) Deputation term in respect of Prof. JB Bhattacharjee,  
Department of History and extension thereto.

EC:100:99:6:3: (i): The Council considered the extension of deputation in respect of Prof. JB Bhattacharjee as the Vice-Chancellor of Assam University for a period of one year w.e.f. 21.1.99 or until his successor assumes office, whichever is earlier, and RESOLVED to approve the same for one year only.

- (ii) Extension of lien to Prof. MA Sudhir,  
Deptt. of Education.

EC:100:99:6:3: (ii): The Council considered the extension of lien in respect of Prof. MA Sudhir for a period of six months w.e.f. 19.12.98 and RESOLVED to approve the same provided he has not been confirmed at the Gandhigram Rural Institute. The Council further RESOLVED that no further extension of lien be given.

- (iii) Case of Dr. RK Pathak, Reader, Department  
of Anthropology.

EC:100:99:6:3: (iii): The Council considered the unauthorised absence of Dr. RK Pathak and RESOLVED that the post held by him may be deemed to have been vacated. He may further be required to clear all dues. The Administration may take necessary steps in this matter. The matter concerning Computer may also be pursued.