

6:6: - Service condition/Financial & Other benefits:

- (i) Request for protection of seniority and pay scale –case of Dr. S.Umdor, Reader, Deptt. of Economics.

The University had floated an advertisement on 23rd July, 2009 for teaching posts of various departments including the post of Reader in the Department of Economics in the pay scale of Rs.12000-420-18300(pre-revised).

Against the said advertisement, Dr. Umdor was appointed as Reader in the Department of Economics w.e.f. 25.3.2009 in the scale of pay of Rs.12000-420-18300(pre-revised).

Meanwhile, the MHRD had announced the Revision of Pay of teachers and other equivalent cadres in the University, consequent upon the recommendation of the VIth Pay Commission. The MHRD in its letter dated 31.12.2009(Annexure - A) categorically mentioned that there shall be only three designation in respect of teachers in the Universities/colleges viz. Assistant Professor, Associate Professor and Professor. The Assistant Professor shall carry the Pay Band of Rs.15600-39100 with AGP of Rs.6000, Associate Professor shall carry Pay Band of Rs.37400-67000 with AGP of Rs.9000 and Professor shall carry Pay Band of Rs.37400-67000 with AGP of Rs.10000. However, the MHRD did not provide any revised qualifications for the above mentioned categories pending notification of Regulation by UGC in this regard.

Further, the MHRD had also categorically mentioned the following:

- i. Incumbent Readers and Lecturer(Selection Grade) who have completed 3 years in the current pay scale of Rs.12000-18300 on 1.1.06 shall be placed in the Pay Band of Rs.37400-67000 with AGP of Rs.9000 and shall be re-designated as Associate Professor.
- ii. The incumbent Readers who have not completed 3 years in the pay scale of Rs.12000-18300 on 1.1.06 shall be placed at the appropriate stage in the Pay Band of Rs.15600-39100 with AGP of Rs.8000 till they complete 3 years of service in the grade of Lecturer Selection Grade/Reader, and thereafter shall be placed in the higher Pay Band of Rs.37400-67000 with AGP of Rs.9000 and accordingly re-designated as Associate Professor.

Keeping the above directives in view, Dr.Umdor has been placed in the Pay Band of Rs.15600-39100 with AGP of Rs.8000 w.e.f. 25.3.2009.

Subsequently, on 3.9.09, the University had floated an advertisement of teaching (vacant)posts with designations such as Professor, Associate Professor and Assistant Professor with the appropriate Pay Band and Grade Pay as recommended by MHRD for each cadre. The qualifications that were prescribed for the aforesaid positions were as per UGC Regulation 2000.

As a result, the qualifications that was prescribed for the post of Associate Professor was similar to that of Reader which may be read as follows:-

6:6:1(2)

- (i) A good academic record with a Doctoral degree or equivalent published work. In addition to this, candidates from outside the University system shall be required to possess at least 55% marks or grade B in the UGC seven point scale in the letter grade O,A,B,C,D,E,F at Master's degree level.
- (ii) 5 (five) years of teaching or Post Doctoral experience and contribution to scholarship as evidenced by quality of publications/educational innovation/ design of new courses/curricula shall be part of essential qualifications.

In the process, the Selection Committees has recommended quite number of candidates for appointment to the post of Associate Professor, which duly approved by the E. C in its 139th meeting held on 11.12.2009, in the Pay Band of Rs.37400-67000 with AGP of Rs.9000 and most of the selected candidates had joined the post of Associate Professor by January 2010.

On 19.2.2010, the UGC vide its letter No.F.1-2/2009(EC/PS) (Annexure- B) has conveyed that pending finalization of Regulation on VI Central Pay Commission of teachers, the University may go ahead with the recruitment and promotion of teachers under CAS as per UGC Regulation of 2000 and as amended from time to time.

The UGC vide its letter dated 19.2.2010 has further clarified that the designation of Associate Professor in AGP of Rs.9000 would not be admissible as per the Regulation 2000 whereas the University had already appointed the Associate Professors as mentioned above, due to non-receipt of any directives or instructions from UGC on the score since this was clarified only in the month of February,2010.

In view of the above development, the Associate Professors who were appointed with qualifications similar to that of Reader are in higher Pay Band to that of Readers who were appointed prior to them.

Considering the above position in view, Dr.Umdor vide his representation dated 14.7.2010 at (Annexure -C) has requested the University to step up his pay corresponding to the pay of Associate Professor appointed subsequently and also to maintain the seniority accordingly. It is also pertinent to mention that a part of Dr. S. Umdor, there are number of Readers, whose case need to be considered in the similar line.

In view of the above, the matter is placed before the Executive Council for consideration and decision.

No.1-32/2006-U.II/U.I(I)
Government of India

Ministry of Human Resource Development
Department of Higher Education

New Delhi, dated the 31st December, 2008

To

The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

Subject:- Scheme of revision of pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the Sixth Central Pay Commission.

Sir,

I am directed to say that the Government of India have decided, after taking into consideration the recommendations made by the University Grants Commission (UGC) based on the decisions taken at the meeting of the Commission held on 7-8 October 2008, to revise the pay scales of teachers in the Central Universities. The revision of pay scales of teachers shall be subject to various provisions of the Scheme of revision of pay scales as contained in this letter, and Regulations to be framed by the UGC in this behalf in accordance with the Scheme given below. The revised pay scales and other provisions of the Scheme are as under:-

1. General

(i) There shall be only three designations in respect of teachers in universities and colleges, namely, Assistant Professors, Associate Professors and Professors. However, there shall be no change in the present designation in respect of Library and Physical Education Personnel at various levels.

✓ (ii) No one shall be eligible to be appointed, promoted or designated as Professor, unless he or she possesses a Ph.D. and satisfies other academic conditions, as laid down by the University Grants Commission (UGC) from time to time. This shall, however, not affect those who are already designated as 'Professor'.

✓ (iii) The pay of teachers and equivalent positions in Universities and Colleges shall be fixed according to their designations in two pay bands of Rs. 15600-39100 and Rs. 37400-67000 with appropriate "Academic Grade Pay" (AGP in short). Each Pay Band shall have different stages of Academic Grade Pay which shall ensure that teachers and other equivalent cadres covered under this Scheme, subject to other conditions of eligibility being satisfied, have multiple opportunities for upward movement during their career.

(iv) Posts of Professors shall be created in under-graduate (UG) colleges as well as in post-graduate (PG) colleges. The number of posts of Professors in a UG College shall be equivalent to 10 percent of the number of posts of Associate Professors in that College. There shall be as many posts of Professors in each PG College as the number of Departments in that College. No new Departments shall be created in UG or PG Colleges without prior approval of the UGC.

(v) Up to 10% of the posts of Professors in universities shall be in the higher Academic Grade Pay of Rs. 12000 with eligibility conditions to be prescribed by the UGC.

(vi) National Eligibility Test (NET) shall be compulsory for appointment of the entry level of Assistant Professor, subject to the exemptions to the degree of Ph.D. in respect of those persons obtaining the award through a process of registration, course-work and external evaluation, as have been/ or may be laid down by the UGC through its regulations, and so adopted by the University. NET shall not be required for such Masters' programmes in disciplines for which there is no NET.

2. Revised Pay Scales, Service conditions and Career Advancement scheme for teachers and equivalent positions:

The pay structure for different categories of teachers and equivalent positions shall be as indicated below:-

(a) Assistant Professor/Associate Professors/Professors in Colleges & Universities

(i) Persons entering the teaching profession in Universities and Colleges shall be designated as Assistant Professors and shall be placed in the Pay Band of Rs. 15600-39100 with AGP of Rs. 6000. Lecturers already in service in the pre-revised scale of Rs. 8000-13500, shall be re-designated as Assistant Professors with the said AGP of Rs. 6000.

(ii) An Assistant Professor with completed service of 4 years, possessing Ph.D Degree in the relevant discipline shall be eligible, for moving up to AGP of Rs. 7000.

(iii) Assistant Professors possessing M.Phil degree or post-graduate degree in professional courses approved by the relevant Statutory Body, such as LL.M/M.Tech etc. shall be eligible for the AGP of Rs. 7,000 after completion of 5 years service as Assistant Professor.

(iv) Assistant Professors who do not have Ph.D or M.Phil or a Master's degree in the relevant Professional course shall be eligible for the AGP of Rs. 7,000 only after completion of 6 years' service as Assistant Professor.

(v) The upward movement from AGP of Rs. 6000 to AGP of Rs. 7000 for all Assistant Professors shall be subject to their satisfying other conditions as laid down by the UGC.

(vi) The pay of the incumbents to the posts of Lecturer (senior scale) (i.e. the pre-revised scale of Rs. 10,000-15200) shall be re-designated as Assistant Professor, and shall be fixed at the appropriate stage in Pay Band of Rs. 15600-39100 based on their present pay, with AGP of Rs. 7000.

(vii) Assistant Professors with completed service of 5 years at the AGP of Rs. 7000 shall be eligible, subject to other requirements laid down by the UGC, to move up to the AGP of Rs. 8000.

(viii) Posts of Associate Professor shall be in the Pay Band of Rs. 37400-67000, with AGP of Rs. 9000. Directly recruited Associate Professors shall be placed in the Pay Band of Rs. 37400-67000 with an AGP of Rs. 9000, at the appropriate stage in the Pay Band in terms of the conditions of appointment.

(ix) Incumbent Readers and Lecturers (Selection Grade) who have completed 3 years in the current pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed in Pay Band 3:

Rs. 37400-67000 with AGP Pay of Rs. 9000 and shall be re-designated as Associate Professor.

- (x) Incumbent Readers and Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs. 12000-18300 on 1.1.2005 shall be placed at the appropriate stage in the Pay Band of Rs. 15600-39100 with AGP of Rs. 8000 till they complete 3 years of service in the grade of Lecturer (Selection Grade)/Reader, and thereafter shall be placed in the higher Pay Band of Rs.37400-67000 and accordingly re-designated as Associate Professor.
- (xi) Readers/ Lecturers (Selection Grade) in service at present shall continue to be designated as Lecturer (Selection Grade) or Readers, as the case may be, until they are placed in the Pay Band of Rs. 37,400-67000 and re-designated as Associate Professor in the manner described in (x) above.
- (xii) Assistant Professors completing 3 years of teaching in the AGP of Rs. 8000 shall be eligible, subject to other conditions, that may be prescribed by the UGC and the university, to move to the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000 and to be designated as Associate Professor.
- (xiii) Associate Professor completing 3 years of service in the AGP of Rs. 9000 and possessing a Ph.D.degree in the relevant discipline shall be eligible to be appointed and designated as Professor, subject to other conditions of academic performance as laid down by the UGC and if any by the university. No teacher other than those with a Ph.D. shall be promoted, appointed or designated as Professor. The Pay Band for the post of Professors shall be Rs.37400-67000 with AGP of Rs. 10000.
- (xiv) The pay of a directly recruited Professor shall be fixed at a stage not below Rs. 43000 in the Pay Band of Rs. 37400-67000, with the applicable AGP of Rs. 10000.
- (xv) Ten percent of the posts of Professors in a university shall be in the higher AGP of Rs. 12000, however, teachers appointed to the posts shall continue to be designated as Professor. Eligibility for appointment as a Professor in the higher Academic Grade Pay shall be as may be laid down by the UGC, and such eligibility conditions shall, inter alia, include publications in peer reviewed/ refereed Research Journals, and the requirement of at least 10 years of teaching as Professor and post-doctoral work of a high standard. No person appointed directly as Professor in the AGP of Rs. 12000 shall be fixed at a stage less than Rs. 48000 along with the AGP.
- (xvi) For initial direct recruitment at the level of Associate Professors and Professors, the eligibility conditions in respect of academic and research requirements shall be as may be or have been prescribed by the UGC through Regulations and as may be laid down by the university.
- (xvii) Discretionary award of advance increments for those who enter the profession as Associate Professors or Professors with higher merit, high number of research publications and experience at the appropriate level, shall be within the competence of the appropriate authority of the concerned University or recruiting institution while negotiating with individual candidates in the context of the merits of each case, taking into account the pay structure of other teachers in the faculty and other specific factors.

(b) Professors in Under Graduate and Post Graduate Colleges:

- (xviii) Ten percent of the number of sanctioned posts of Associate Professor in an Under Graduate College shall be that of Professors and shall be subject to the same criterion for selection/ appointment as that of Professors in Universities, provided that there shall not be more than one post of Professor in each Department; and provided further that

One-fourth (25%) of the posts of Professor in UG Colleges shall be directly recruited or filled on deputation by eligible teachers and the remaining three-fourths (75%) of posts of Professors shall be filled by merit promotion from among eligible Associate Professors of the relevant department of the Under Graduate College. Identification of posts of Professor in an Under Graduate College for being filled through direct recruitment/deputation shall be within the competence of the University acting in consultation with the College. Where the number of posts of Professor worked out as a percentage of the number of posts of Associate Professor for merit promotion or direct recruitment/ deputation is not an integer, the same shall be rounded off to the next higher integer.

(xix) There shall be one post of Professor in each Department of a Post Graduate College and shall be subject to the same criterion for selection/ appointment as that of Professors in Universities, provided that One-fourth (25%) of the posts of Professor shall be filled on deputation/direct recruitment from among eligible teachers and the remaining three-fourths (75%) of posts shall be filled through merit promotion from among the eligible Associate Professors in the relevant department of the Post Graduate College. Identification of posts of Professor in a Post Graduate College for being filled through direct recruitment/deputation shall be within the competence of the University acting in consultation with the College. Where the number of posts of professor for merit promotion or direct recruitment/ deputation worked out as a percentage of the total number of posts in a Post Graduate College is not an integer, the same shall be rounded off to the next higher integer. The UGC shall issue separate guidelines to ensure availability of minimum standards of academic infrastructure (library, research facilities etc.) for starting Post Graduate Courses in Colleges.

3. Pay Scales of Pro-Vice Chancellor/Vice Chancellor of Universities:

(i) Pro-Vice-Chancellor

The posts of Pro-Vice Chancellor shall be in the Pay Band of Rs. 37400-67000 with AGP of Rs. 10000 or Rs. 12000, as the case may be, along with a Special Allowance of Rs. 4000 per month, subject to the condition that the sum total of pay in the Pay Band, the Academic Grade Pay and the Special Allowance shall not exceed Rs. 80,000.

(ii) Vice Chancellor

The posts of Vice Chancellor shall carry a fixed pay of Rs. 75000 along with a Special Allowance of Rs. 5000 per month.

4. Pay Scales of Principals in Colleges:

(i) Principal of Under Graduate Colleges

Appointments to the posts of Principal in Under Graduate Colleges shall be based on the conditions of eligibility in respect of educational qualifications and teaching/research experience laid down by the University Grants Commission and if any by the university, from time to time. The posts of Principal in Under Graduate Colleges shall be in the Pay Band of Rs. 37400-67000 with AGP of Rs. 10000, plus a Special Allowance of Rs. 2000 per month. All Principals in service shall be appropriately fixed in the Pay Band with the AGP of Rs. 10000.

(ii) Principal of Post Graduate Colleges

Appointments to the posts of Principal in Post Graduate Colleges shall be based on the conditions of eligibility in respect of educational qualifications and teaching/research experience laid down by the University Grants Commission and if any by the university



UNIVERSITY GRANTS COMMISSION
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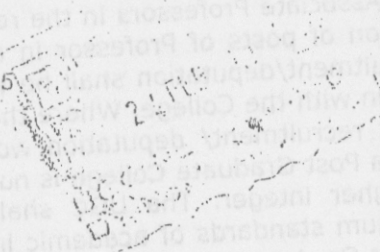
February, 2010

Speed Post

19 FEB 2010

No.F.1-2/2009(EC/PS)

Dr. S.C. Ray
Deputy Secretary,
UGC North-Eastern Regional Office
3rd Floor, House Fed, Rental Block-5
Bellola-Basistha Road, Dispur
Guwahati - 781 006 (Assam).



Sir/Madam,

I am directed to refer to the UGC Regulation 2000 as amended from time to time on minimum qualification for appointment of teachers and equivalent cadres in the Universities and Colleges and to say that the process of finalization of Regulation based on Sixth Central pay commission for teachers is on and likely to be finalized shortly.

In the interim period, the Universities and colleges may go ahead with the recruitment and promotion of teachers under CAS as per UGC Regulation of 2000 as amended from time to time and instructions, guidelines and amendments issued by the Commission from time to time.

As soon as the new Regulations are notified in the Gazette of India, the same would supersede the existing Regulation and the Universities would be required to follow the same. It is further clarified that the designation of Associate Professor in AGP of Rs. 9000 would not be admissible as per the Regulation, 2000 as amended from time to time.

The contents of the letter may be brought to the notice of all the affiliated Colleges/ Institutions.

Yours faithfully,

B.K. Singh

(B. K. Singh)

Deputy Secretary

not received
[Signature]
24/2/10

To
The Registrar
NEHU

14th July, 2010

Subject: Request for Protection of Seniority and Pay Scale

Dear Sir,

I would like to place the following points for your kind consideration and necessary action:

1. I was appointed as Reader in the pay scale of 12000-420-18300/- in the Department of Economics, NEHU in March 2009 based on the recommendation of the selection committee held during February - March 2009, and approved by the 136th Executive Committee of NEHU which met on 25th of March 2009.

2 The advertisement for this post, along with other posts of Reader, Lecturer and Professor, was made by NEHU in July 2008 vide Employment Notice No. F.1-4/Estt.II(B)/07-08-1170 dated 23rd July, 2008. As per this advertisement (see annexure 1), the essential qualifications for direct recruitment are:

(i) a good academic record with a doctoral degree or equivalent published work. In addition to this, candidates from outside the University system shall be required to possess atleast 55% marks or grade B in the 7 point scale in the letter grade O,A,B,C,D,E,F at Master's Degree level.

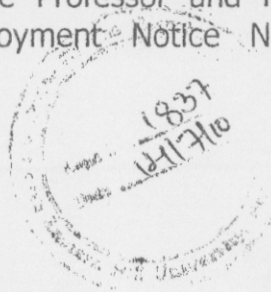
(ii) 5 (Five) years of teaching or Post doctoral experience and contribution to scholarship as evidenced by the quality of publications/educational innovation/design of new courses/curricula shall be part of essential qualifications.

3 These essential qualifications are as per UGC Regulations of March 2000 on Minimum Qualifications for Appointment of Teachers in Universities and Colleges, as amended from time to time which have been incorporated under NEHU Ordinances/ Regulation {RE 4.2(A) under OE 5.4}.

4 Subsequently, the University has placed me in the pay band of 15600-39100 with AGP 8000 as per revised pay scales recommended by Sixth Central Pay Commission and notified by MHRD vide letter No.1-32/2006-U.II/U.I(i), GoI, MHRD) dated 31st March 2008.

5. A few months after my appointment as Reader, NEHU advertised for posts of Assistant Professor, Associate Professor and Professor in different departments in September of 2009 (Employment Notice No. F.1-4/Estt.II(B)/07-08-875 of 3rd

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September, 2009). In this advertisement (annexure 2), the essential qualifications for the position of Associate Professors in the pay band of 37400-67000 with AGP of Rs. 9000/- are:

(i) a good academic record with a doctoral degree or equivalent published work. In addition to this, candidates from outside the University system shall be required to possess atleast 55% marks or grade B in the 7 point scale in the letter grade O,A,B,C,D,E,F at Master's Degree level.

(ii) 5 (Five) years of teaching or Post doctoral experience and contribution to scholarship as evidenced by the quality of publications/educational innovation/design of new courses/curricula shall be part of essential qualifications.

6. The above two essential qualifications for post of Associate Professor are the same as those prescribed for the post of Reader by UGC Regulations of March 2000 as mentioned in paragraph 1(2) under which I was appointed as Reader in March 2009.

7. Following the interview held during November and December of 2009, the 139th meeting of the Executive Council of NEHU held on 11th of December 2009 approved the selection of Associate Professors (as well as for the posts of Assistant Professors and Professors) in different departments of NEHU.

8. In the period between these two appointments, MHRD issued a letter (No.1-32/2006-U.II/U.I(i), GoI, MHRD) according to which three new designations were introduced in respect of teachers in universities and colleges, namely, Assistant Professor, Associate Professor and Professor in respective pay band. For Associate Professor, the pay band is Rs. 37400-67000 with AGP of Rs. 9000/-.

9. According to the first paragraph of the above mentioned letter (annexure 3), the revision of pay scales of teachers shall be subject to various provisions of the Scheme of revision of pay scales and more importantly through Regulations to be framed by the UGC in this behalf in accordance with the Scheme given below. In the case of recruitment of Associate Professor in the AGP of Rs. 9000/-, paragraph 2.a. (xvi) of the letter reads For initial direct recruitment at the level of Associate Professors and Professors, the eligibility conditions in respect of academic and research requirements shall be as may be or have been prescribed by the UGC through Regulations and as may be laid down by the university.

10. Following the MHRD's letter, the Academic Council of NEHU in its 3rd Emergent meeting held on 20th of February, 2009 accepted the revision of pay scales, etc as per the letter (annexure 4). The Council also resolved to authorize the Chairman to constitute a Committee to amend the relevant rules of the University on the service conditions and pay scales, etc.

11. Sir, after careful consideration of the criteria of appointment of Readers and of Associate Professors by NEHU in March 2009 and December 2010 (as presented in the preceding paragraphs), and also the conditions for such appointment as specified in MHRD's letter of 31st December 2008, it is my humble opinion that:

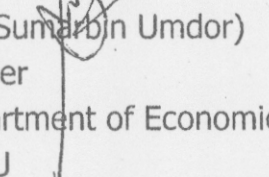
(a) Recruitment and appointment of Associate Professors by NEHU in December 2010 was according to the minimum qualifications requirements as stipulated by UGC Regulations of 2000 for direct recruitment of Reader.

(b) The recruitment of Readers (pay band of Rs. 15600-39100 with AGP 8000) in March 2009 as well as Associate Professors (pay band of Rs. 37400-67000 with AGP Rs. 9000/-) in December 2010 by NEHU was under same UGC Regulations of 2000 and, thus, they belong to the same category.

(c) Readers appointed in March 2009 are senior to those appointed as Associate Professors in December 2009; considering both these recruitment and appointments were made under same UGC regulations. Hence, Readers appointed in March 2009 should not get lower salaries than Associate Professors appointed in December 2009, as in the case now.

In the light of the above, I request you to kindly take appropriate measures to protect my seniority and pay scale with respect to Associate Professors appointed in December 2009, as per rules.

Yours faithfully,


(Dr. Sumant Umdor)
Reader
Department of Economics
NEHU

Enclosed:

- (i) Relevant pages of Employment Notice No. F.1-4/Estt.II(B)/07-08-1170 dated 23rd July, 2008 in Annexure 1.
- (ii) Relevant pages of Employment Notice No. F.1-4/Estt.II(B)/07-08-875 of 3rd September, 2009 in Annexure 2.
- (iii) Relevant pages of MHRD's letter No.1-32/2006-U.II/U.I(i), GoI, dated 31st December 2008 in Annexure 3.
- (iv) Minutes of 3rd Emergent meeting of the Academic Committee of NEHU held on 20th of February, 2009 in Annexure 4.

Professor in the Department of Bio-Chemistry be granted to him for a period of five years w.e.f. 11.10.2010 for his tenure as Vice-Chancellor, NEHU.

6:6: Service condition/Financial & Other benefits

- (i) **Request for protection of seniority and pay scale-
Case of Dr. S. Umdor, Reader, Department of
Economics.**

NO:EC:144:2010:6:6:(i): The Council considered the request for protection of seniority and pay scale of Dr. S. Umdor, Reader, Department of Economics and the Council **RESOLVED** to seek legal advice and clarification from the University Grants Commission with respect to the appointment of Associate Professor prior to UGC Regulations, 2010 being in place.

- (ii) **Adoption of Modified Assured Career Progressive
(MACP) Scheme.**

NO:EC:144:2010:6:6:(ii): The Council considered the UGC's letter of 9th July, 2010 for extension of Modified Assured Career Progressive (MACP) Scheme (MACPs) to the non-teaching employees of the Central Universities/UGC maintained Deemed to be Universities and **RESOLVED** to approve the adoption of the same.

- (iii) **Remuneration aspects of Library cadre for
holding additional responsibilities in addition
to their normal duties.**

NO:EC:144:2010:6:6:(iii): The Council considered the remuneration aspects of Library cadre for holding additional responsibilities in addition to their normal duties and the Council **RESOLVED** to regret the same.

