

## (iv) Invitation of Prof. A.C. Sinha to Taleem Foundation.

The Executive Council vide resolution No. EC:92:97:6:3:(i) held on 21.3.97 approved in principle the deputation of Prof. A.C. Sinha to Taleem Research Foundation, Ahmedabad provided the Foundation is accorded/recognition by the Government, and the borrowing Institute may be directed to remit the H.B.A. and Car Advance lying outstanding against him. The Taleem Research Foundation in their letter dated 31.5.97 at page 131c at Annexure 'A' had informed that the Foundation's recognition and affiliation from Baba Saheb Ambedkar Open University, Ahmedabad, Gujarat is under consideration and requested to release Prof. A.C. Sinha as per agreed deputation terms pending approval from the Baba Saheb Ambedkar University, Ahmedabad.

Prof. Sinha in his letter dated 1.7.97 at page 136c at Annexure 'B' while agreeing to our terms and conditions has intimated that the outstanding H.B.A. with interest would be paid on regular or quarterly instalments but has agreed to pay himself the leave salary and pension contribution monthly during the term of deputation, which the Taleem University has also agreed as per our terms and conditions of the deputation period as approved by the 92nd E.C.'s resolution No. EC:92:97:6:3(i) held on 21.3.97. Further, Prof. A.C. Sinha in his letter dated 1.7.97 at Annexure 'B' has given an undertaking "that in the absence of Prof. A.C. Sinha, his successors shall pay the residential H.B.A. amount plus interest against his entitled gratuity and other dues from NEHU". In view of the above, the University will have full authority to recover the outstanding dues if any from the DCRG and leave encashment admissible to him on the event of his resignation from the service of the University or his retirement.

As per the letter dated 31.5.87 received from Taleem Research Foundation at Annexure 'B', it appears that the Foundation is registered on 17th May, 1996 under the Charitable Trust and Societies Act as a literary, scientific and education society. In this connection, a reference may be made to Government of India order O.M.No. Ministry of Home Affairs No.14/5/67-Ests (A) dated 11.9.67 under para 7 of F.R. 111 i.e. Utilisation of services of Govt. officers in private organisation is placed below at Annexure 'C'.

A reference may also be made to para 6(4) of F.R. 111 vide Govt. of India M.F O.M. No.F.1.(7)-E-II(B) 75 dated 12.11.75 which says about Deputation to consultancy organisations in Public/Private Sector as produce below :-

Para 4 : As regards foreign service to the Private Sector consultancy organisations, it may be stated that under F.R. 111, transfer to foreign service is not permissible unless the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant. It has also been emphasised in order (1) above that in case where a Government servant's services are proposed to be lent to a private undertaking it is necessary that the principles of F.R.111, should be applied more rigorously and the loan of a Government servant to a private undertaking should be regarded as an exceptional case requiring special justification.

In view of para 7 of the Government of India O.M. No. Ministry of Home Affairs No.14/5/67/Ests(A) dated 11.9.67 i.e. Utilisation of services of Government officers in private organisations lending of the Government servant be only in the public interest. In this connection, a reference may kindly be seen to the letter received from Taleem Research Foundation dated 14th Oct. 1996 at Annexure 'D' marked 'Y' and their letter dated 31st May, 1997 marked 'X' at Annexure 'A'.

The agenda is placed to the Executive Council for consideration and decision.

TALEEM Research Foundation  
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E-mail taleem@adl.vsnl.net.in

May 31, 1997

The Deputy Registrar (ESTII)  
North Eastern Hill University,  
NEHU Campus,  
Shillong 993 022  
Meghalaya

Fax No. 0364-250076/231631

Sir,

Thank you very much for your letter No.F.17-58/Estt.II/85-837 dated April 23, 1997 in connection with the deputation of Professor A.C.Sinha of your University to TALEEM Research Foundation.

The Foundation is registered under the Charitable Trust and Societies act as a literary, scientific and educational society on May 17, 1996 and is autonomous in nature. The major objective of the Foundation is to set up "University in the Sky" - the first open University in non-government initiative.

At this juncture, the services of Professor Sinha is absolutely essential to give a new director to our research programmes and projects. Given his outstanding academic achievements and research perspective, his expertise will be utilised for the programmes being launched by us in future. He will also be able to provide direction and guidance to the academic curriculum right from the planning stage and thus his presence is eagerly awaited by the Foundation.

As on today, the Foundation's application for recognition and affiliation from Babasaheb Ambedkar Open University, Ahmedabad, Gujarat is under consideration. As soon as we get the approval, a copy of the same will be sent to you. In the meanwhile, we will be grateful if Professor Sinha could be permitted to join us, pending approval from the Babasaheb Ambedkar Open University.

In view of the above, we request you to kindly agree to the deputation of Professor A.C.Sinha to the Foundation at an early date, but not latest than August 1997. We shall be awaiting for an early response from you in this regard at an early date.

Thanking you,

Sincerely yours,

Sd/-

S. Sengupta  
Registrar

NORTH-EASTERN HILL UNIVERSITY  
Mayurbhanj Complex, Nongthymmai, Shillong-793014  
(Meghalaya)

Prof. A.C. Sinha  
Department of Sociology

Dated Shillong,  
The 1st July, 1997

No. 4011

To

The Deputy Registrar (Estt. II)  
North-Eastern Hill University,  
Shillong-22.

Madam,

With reference to your letter No. 17-58/Estt. II/85-371/5 dated 3.12.1997, the following terms and conditions of deputation are acceptable to me:

1. The transfer on deputation for a period of two years from August 1, 1997 to July 31, 1999 on foreign service is requested.
2. Prof. A.C. Sinha decides to opt for the pay fixed in the scale of pay of the Taleem Foundation.
- 3&4 Joining time and transfer T.A. (both ways) will be borne by the Taleem Foundation.
- 5&6 Prof. A.C. Sinha agrees to pay leave salary and pension contribution monthly to the University for the period of deputation mentioned above in (1).
- 7-10 Prof. A.C. Sinha will be governed by the rules of medical, L.T.C. and residential accommodation as per provisions of the Taleem Foundation.
11. (i) Prof. A.C. Sinha has already paid 89 out of 100 instalments of Rs. 2,32,000 H.B.A. and the rest of 11 instalments plus the interests will be paid on regular monthly or quarterly instalments by Prof. A.C. Sinha.
  - (ii) Prof. A.C. Sinha has already paid the M.C.A. loan of Rs. 66,000 and all the interests within 23 instalments ending July, 1997.
  - (iii) In case Prof. Sinha decides to be absented personally or to resign from the services of the University, all the dues outstanding against him will be recovered from the D.C.R.G. and other dues payable to him by the University.

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- (iv) In case of untoward eventuality, in the absence of Prof.A.C.Sinha his successors shall pay the residual H.B.A amount plus interests against Prof.Sinha's entitled gratuity and other dues from the University.
- (v) Prof.A.C.Sinha shall be sending Rs.100/-(one hundred) only per mensem as his contribution to G.L.I.P.

Yours faithfully,

Sd/-

(A.C.Sinha)

## FOREIGN SERVICE

F.R. 111

(7) Utilisation of services of Government Officers in private organisations. - In para 59 of their 34th Report (Third Lok Sabha), the Public Accounts Committee have made the following observations:

(i) The practice of utilising the services of Government officers exclusively for the work pertaining to a private organisation is improper; and

(ii) The logic or desirability of increasing cadres of Central Public Works Department and other Departments of the Centre and the States for meeting the needs of the technical personnel of voluntary organisations is not clear and the practice of deputing Government officers on loan to private bodies who execute works on contracts and earn profits should be discontinued.

Under the provisions of Fundamental Rule 111 transfer to foreign service is not admissible unless duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant. It has also been emphasised in Government of India orders below the said rule that if in a case where a Government servant's services are proposed to be lent to a private undertaking, it is necessary that the principles of F.R. 111 should be applied most rigorously. The loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification. Thus, the existing rules and orders are sufficiently stringent and if they are closely followed, no undesirable results are likely to cause.

The Ministry of Works, Housing and Supply etc., are, therefore, requested to ensure the observance of the above principles and the recommendations of the Public Accounts Committee in this regard. An arrangement under which an officer is remunerated by Government but works on behalf of a voluntary organisation is undesirable and should be avoided. If it is in public interest to lend the services of a Government servant to a voluntary or private organisation, it should be only on foreign service terms.

As a corollary to the above decision, the strength of the various cadres of the organisation, should not be augmented to meet the need of voluntary organisations and other private bodies.

(G.I., M.H.A., C.M. No. 14/5/67-Ests. (A), dated the 11th September, 1967)

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Phone: 91-2717-31486

Fax: 91-2717-31354

October 14, 1996

Professor B. Pakem  
Vice Chancellor  
North-Eastern Hill University  
Shillong-793022  
Meghalaya

Dear Professor Pakem,

It gives me great pleasure to inform you about TALEEM Research Foundation in the enclosed copy of the brochure. This Foundation is to achieve the national cherished goal of education through distance and open learning. The foremost objective of the Foundation is to set up a University in the Sky - the first non-government open and distance learning University in the country. In addition media and communication research and training are other foci in the agenda of the Foundation.

To fulfill the primary objective of establishing the proposed University in the Sky, the process of setting up a committed team of academics, educational planners, experts and administrators has already begun. We have already approached Department of Education, Government of India and the Government of Gujarat for recognition and affiliation. Also a number of nationally and internationally important organisations had been approached for support and collaboration.

While considering various names the name of Professor A.C. Sinha, Dean, School of Social Sciences, North Eastern Hill University was suggested in view of his rich and varied academic expertise and contributions in the field of higher education and electronic media research.

Accordingly, we would like to invite Dr Sinha as Visiting Professor for a period of two years effective from his actual date of joining and as per the existing rules of your University on deputation. Considering the fact that Dr Sinha's presence in the initial stage of establishing the University will be very useful, we would request you to kindly relieve him as early as possible once the modalities at your end are worked out as per your statutes and acts.

We shall be immensely grateful to have your early response confirming Dr Sinha's availability and acceptance of our invitation. After hearing from you we will complete other formalities.

With best regards,

Sincerely yours,

Sd/-

Binod C. Agrawal  
Director

6:3: Leave/Deputation

- (i) Absence without leave in respect of Dr K K Dwivedi, Reader, Department of Chemistry, Shimla.

No:EC:93:97:6:3:(i): The Council considered the absence without leave of Dr K K Dwivedi, Reader in Chemistry and while RESOLVING to regularise the period of absence by Earned Leave further RESOLVED that he informed that the Council has taken serious note of his absence without prior permission and warned that he should not repeat the same in future.

- (ii) Deputation of Prof M Miri to I.I.A.S., Shimla.

No:EC:93:97:6:3:(ii): The Council considered the request of Prof M Miri for extension of the period of Prof M Miri beyond the prior of five years and RESOLVED to advise him to resume duty on expiry of the deputation term. The Council, further RESOLVED to seek for advice from the Ministry of Human Resource Development for advice in reply to Letter No.F.8-9/97-Desk( U) dt.17.3.1997 since as per Government of India's Rule as well as the University rule, the maximum period of deputation is five years only.

- (iii) Study leave in respect of Shri B K Gupta, Lecturer for Applied Statistics.

No:EC:93:97:6:3:(iii): The Council considered the grant of study leave in respect of Shri B K Gupta, Lecturer in the Centre for Statistics and RESOLVED to approve the same for a period of one year with effect from 10.9.97.

- (iv) Invitation of Prof A C Sinha to Taleem Foundation.

No:EC:93:97:6:3:(iv): The Council considered the grant of lien to Prof A C Sinha to enable him to accept the invitation for an assignment at Taleem Foundation and RESOLVED to grant him lien for a period of one year only as per University's terms and conditions agreed to by him vide his letter dated 1.1.1997. The Council further RESOLVED that he should also give an undertaking that he will continue to pay his Provident Fund Contributions to NEHU every month.