

**Representation of Dr. M Merwein Senior Medical Officer for consideration of her promotion under Dynamic Career Progression Scheme.**

Dr. M Marwein vide her presentation dated 28/7/09 has requested the University to reconsider her placement in the Specialized Grade – 1 with effect from the date of eligibility keeping in view the Dynamic Career Progression Scheme approved by the Government of India (Annexure- A)

In the backdrop of the representation of Dr. Marwein, the Council may be appraised of the following:

The University from time to time has followed various schemes of Government of India, extending financial upgradation to the Medical Officers of the University. In a nutshell, the schemes that are being followed by the University in respect of Medical Officers may kindly be read as follows:-

1. The Medical Officers in the pay scale of Rs 8,000-13,500/- are being promoted to Senior Medical Officer Grade – II in the pay scale of Rs 10,000-15,200/- (pre-revised).
2. By computing 12(twelve) years of continuous service, including five years in S.M.O Grade-II, the Senior Medical Officer is placed in the Senior Medical Officer Grade-I in the pay scale of Rs 12,000-16,500/- (pre-revised).
3. After completion of eight years of service in the pay scale of Rs 10,000-15,200/-, the Senior Medical Officers in Grade-I are placed in Specialist Grade-I in the pay scale of Rs 14,300-18,300/-. In other words, the Medical Officer on completion of 13(thirteen) years of regular service is entitled for placement in the Specialist Grade-I in the pay scale of Rs 14,300-18,300/-. However, for consideration of Specialist Grade-I as per the recommendation of the Tikko Committee, a Medical Officer in the Specialist Grade-II should have two “**Very Good**” grading during the last five years. At present, we have two Medical Officers, who have been placed to Specialist Grade-I in the pay scale of Rs 14,300-18,300/- w.e.f. the date of their eligibility i.e., after completion of 13(thirteen) years from the date of their appointment as Medical Officer in the University. Whereas, Dr(Mrs) M. Mawerin, Senior Medical Officer Grade-II has been placed in Special Grade Grade-I in the pay scale of Rs 14,300-18,300/- w.e.f. 1.4.2006 instead of 24.1.2004 as she has completed 13 (thirteen) years of service as Medical Officer in the University w.e.f. 24.1.1991 (i.e. from the date of her joining in the University). The deferment in the date of eligibility in respect of Dr(Mrs) M. Marwein was primarily because she did not have two “**Very Good**” A.C.R grading prior to 31<sup>st</sup> March, 2006. In other words, the recording of ACR years ending 31<sup>st</sup> March 2006 has enable her to get the placement in Specialist Grade-I w.e.f. 1.4.2006, on the recommendation of the Selection Committee vis-à-vis approval of the Executive Council thereon. As a sequel to this, Dr. (Mrs) M

Marwein has earlier represented to the University to consider her placement in Specialist Grade-I w.e.f. 24.1.2004 i.e, after completion of 13 (thirteen) years of service as Medical Officer in the University. The representation Dr. (Mrs) M. Marwein was duly examined by a Committee constituted by the Vice-Chancellor. The recommendation of the Committee along with the representation of Dr (Mrs) M. Marwein was placed before the Executive Council at its 131<sup>st</sup> meeting held on 23<sup>rd</sup> October 2007. The Executive Council vide its resolution No. EC:131:2007:6:6(i) considered the representation of Dr (Mrs) M. Marwein along with the report of the Committee and it resolved to seek the opinion of the Legal Advisor of the University. Shri Subir Sen, Legal Advisor of the University after careful consideration of the relevant documents had given his opinion, which may kindly be seen at Annexure – B.

Incidentally, it has been found that the UGC has considered a Dynamic Career Progression Scheme and other facilities for the Medical Officers of the Central Universities. The letter No. F.30-9/99(CU) dated 20<sup>th</sup> January, 2003 containing the guidelines provided by the Commission in regard to promotional avenues to the Medical Officers of the Central Universities may kindly be seen at Annexure – C.

In brief, the guidelines provided by the Commission in regard to promotional avenues to the Medical Officers of the Central Universities may kindly be read as follows:

1. The Medical Officer in the pay scale of Rs 8,000-13,500/- will be promoted to Senior Medical Officer in the pay scale of Rs 10,000-156,200 on completion of four years of regular service.
2. The Senior Medical Officers with five years of regular service will be promoted to the post of Chief Medical Officer in the pay scale of Rs 12,000-16,500 and after completion of four years in Chief Medical Officer's grade, the concerned staff will be promoted to Chief Medical Officer (Non-functional Selection Grade) in the pay scale of Rs 14,300-18,300/-. Thus, on completion of 13(thirteen) years of regular service as Medical Officer shall stand promoted to Chief Medical Officer (Non-functional Grade) in the pay scale of Rs 14,300-18,300/-.

Keeping the above position in view the Council may like to consider the Dynamic Career Progression Scheme in respect of Medical Officers of the University as stipulated in the UGC's letter No.F.30-9/99(CU) dated 20<sup>th</sup> January, 2003.

The aforesaid scheme may perhaps be implemented w.e.f. 20<sup>th</sup> January, 2003 i.e from the date of issue of the letter by the Commission. Further, it is also proposed that the case of Dr(Mrs) M. Marwein may be dealt under the UGC Scheme and she may be re-designated as Chief Medical Officer (Non-functional Selection Grade) and similar designation may also be extended to existing Medical Officer, who have been designated as Specialist Grade-I so far.

The matter is submitted before the Council for consideration.

Date 28-07-09.

To,  
The Vice-Chancellor,  
North-Eastern Hill University,  
Shillong-22.

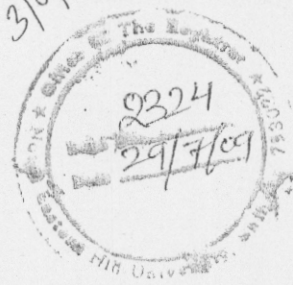
Sub: Redressal of Grievances.

Respected Sir,

With reference to the subject cited above, and in continuation to seek Redressal of my Grievances arising out of condition of service, I once again place before you the following few points for your kind attention, consideration and necessary action.

1. That Sir, I was promoted to Medical specialist grade-I w.e.f. 1<sup>st</sup> April,2006 instead of my due date which is 24<sup>th</sup> January,2004. Ref. to my letter Redressal of Grievance dt. 24<sup>th</sup> July, 2007 and letter No. F.14-139/Estt-II/91-4946 dated 25<sup>th</sup> Sept.,2007(enclosed).
2. That Sir, all the Medical Officers of NEHU are recruited as General Duty Medical officer cadre, where as the line of promotion is not according to the promotional avenue available to Central Government Health Services under General duty Medical officer cadre. Ref. letter no.A-45013/13/90-CHS.V office Memorandum(Tikku committee) dated Nov. 14<sup>th</sup>,1991 points no. 7,8,9 and 10 (enclosed).
3. That sir, I belong to the General duty Medical officer sub-cadre, but was not given promotion as per rule from the very beginning. I strongly feel that my promotion should be reviewed and be given as per rule and regulations available in the CHS rule. Ref. letter no. F.30-9/99(CU) dated 20<sup>th</sup> January,2003 from the joint Secretary of University Grants Commission and order No.F.14-139/Estt-II/91-3513 dated 13<sup>th</sup> February,2007(Enclosed).

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4. That sir, I was appointed to the post of Resident Medical officer vide appointment order no.F.14-139/Estt-II/91-8163 dated 02-02-1991. Offer of appointment letter no.F.2-43/Estt-II/90-1309 dated 24<sup>th</sup> January,1991 and Adv. Letter no.F.2-1/Admn/90-5640 dated 09-10-1990(enclosed).
5. That sir, NEHU is a Central University which follows the Central pay commission and CGHS rule for the Medical and para-Medical services regarding pay promotion etc. The pay scale of the Resident Medical Officer according to the fourth, fifth and sixth pay commission are:-
  - i). Junior Resident Doctor Rs.2630fixed 2630-75-2780/- } fourth pay  
Senior Resident Doctor Rs.3150-100-3350/- } Commission.
  - ii. Junior Resident Doctor Rs.9000fixed ;9000-275-9550/- } fifth pay  
SeniorResidentDoctorRs.10,325-325-10,975/- } commission.
  - iii. Sixth pay commission refer to chap. 3.6. Medical and Para-Medical services pt. no.3.6. 11(enclosed).
6. That sir, I was not paid in the scale of Resident Doctor, even though I had joined as Resident Medical Officer, residing in the residential quarter and have duly performed the duty of the residential Doctor. Instead I was paid only in the scale of Rs.2200-75-2800-100-4000/- p.m. plus the usual allowances as admissible to the employees of the same grade posted in Shillong who are not Resident Medical Officer.
7. That sir, I had continued to perform the duty of Resident Medical Officer beyond my residency period, even after I was being promoted to the scale of Rs.14,300-400-18,300(Pre-revised) but no incentive was given to me for the extra duty performed beyond official duty hours.
8. That sir, I left the residential quarter at the campus on 7<sup>th</sup> January,2008 because of unavoidable circumstances after asking for permission for more than

5(five)months before, but I was served with a memorandum Ref. memorandum letter no.F.14-139-Estt-II/91-6036 dated 11<sup>th</sup> March,2008 and my explanation letters dated 17<sup>th</sup> March,2008 (enclosed).

9. That sir, I was asked to furnished the details of the emergency duty performed by me beyond office hours during my stay at the campus only after I have left the residential quarter at the campus. Ref. letter no.F.14-139/Estt-II/91-6340 dated 23<sup>rd</sup> May,2008 and my letter dated 11<sup>th</sup> June,2008(enclosed).

Therefore Sir, in view of the above stated facts I once again bring all my grievances to your kind notice expecting concrete and justifiable solution once and for all. I am confident that in spite of your very tight schedule, you would be kind enough to look into my genuine grievances and take a positive decision at the earliest.

Yours faithfully,

*Sol*  
(Dr.(Mrs)M. Marwein)  
S.M.O., NEHU Health Centre.

Copy to:

1. The Pro-Vice-Chancellor, NEHU, Shillong.
2. The Registrar, NEHU, Shillong.
3. The Finance Officer, NEHU, Shillong.
4. The Dy. Registrar, Estt-II, NEHU, Shillong.
5. Sr. Medical Officer, In-Charge, NEHU, Health Centre.

} For information with a request to examine the matter.

*Yours faithfully*

*M. Marwein*  
(Dr(Mrs) M. Marwein)  
S.M.O.NEHU Health Centre.

SUBIR SEN

Advocate,

Samsar Mansion, 1<sup>st</sup> Floor,  
Police Bazar, Shillong.Dated Shillong, the 28<sup>th</sup> November, 2007

To,

The Legal Officer,  
North Eastern Hill University,  
Umshing, Shillong.Ref : Your letter dated 16.11.2007 seeking Legal Opinion with regard to the Claim of Dr.(Mrs) Marwein for promotion to the Post of Medical Officer Specialist Grade – I, w.e.f. 24<sup>th</sup> January, 2004.Sub : Legal Opinion on the aforesaid.

Sir,

I have carefully perused all the relevant documents handed over to me in connection with the aforesaid and also looked into the relevant provisions of the Rules governing the service condition of Dr. (Mrs) Marwein and on such consideration, I give my opinion on the matter as hereunder :-

That the condition of service of Dr. (Mrs) Marwein is governed by Central Health Service Rules, 1982. It appears from the Office Memorandum dated 14<sup>th</sup> November, 1991 that the Ministry of Health & Family Welfare, Govt. of India, had accepted certain recommendations made by the Tikku Committee including the mode and manner of promotion to the Post of Medical Officer, Specialist Grade-1. The recommendation in this regard clearly provides amongst others, for the purpose of promotion to the Specialist Grade – 1 Post, the requirement of atleast 2(two) "Very Good" assessment during the preceding 5(five) years of an incumbent in the Post of Specialist Grade – II Officer. The said recommendation which had been accepted by the Government of India have been duly incorporated in the Central Health Service Rules, 1982.

(Contd.....P/2)

SUBIR SEN  
Advocate,  
Saonsar Mansion, 1<sup>st</sup> Floor,  
Police Bazar, Shillong.

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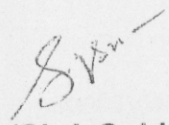
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That it transpires that prior to 1<sup>st</sup> April, 2006, Dr. (Mrs) Marwein could not be promoted to the Post of Medical Officer Specialist Grade-I for the reason that she did not have two "Very Good" assessment during the proceeding 5(five) years in the Post of Medical Officer Specialist Grade-II, as is the requirement of Central Health Service Rules, 1982. As regarding the grievance of Dr. (Mrs) Marwein that she had not been communicated before making an entries / remarks in her Annual Confidential Report, the same is not tenable in law in as much as none of the concerned entries/remarks are adverse and therefore, the question of communicating her does not arise.

However, it is also noticed that Dr. (Mrs) Marwein has been promoted to the Post of Medical Officer Specialist Grade-I from the feeder Post of Senior Medical Officer, whereas Tikku Committee refers to Medical Officer Specialist Grade-II. You may make necessary verification in this regard.

That in the circumstances as stated above, the question of reviewing the decision by changing the entries/remarks in the Annual Confidential Report also do not arise. In my opinion, the promotion of Dr. (Mrs) Marwein to the Post of Medical Officer Specialist Grade-I, w.e.f. 1<sup>st</sup> April, 2006 is in accordance with the requirement of relevant Rules governing her service condition, but of course subject to necessary verification from records with regard to the Post of Medical Officer Specialist Grade-II.

Thanking you.

  
(Shri. Subir Sen)  
Advocate, Shillong.



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

**(i) Appointment of Head, Department of Cultural  
and Creative Studies.**

**NO:EC:141:2010:6:2:(i):** The Council considered the appointment of Head, Department of Cultural and Creative Studies and the Council **RESOLVED** to appoint Dr. D.L. Kharmawphlang as Head, Department of Cultural and Creative Studies for a period of three years with immediate effect.

**(ii) Appointment of Head, Department of Adult  
and Continuing Education.**

**NO:EC:141:2010:6:2:(ii):** The Council considered the appointment of Head, Department of Adult and Continuing Education and the Council **RESOLVED** to appoint Professor E. Jyrwa as Head, Department of Adult and Continuing Education for a period of three years with immediate effect.

**(iii) Appointment of a Visiting Fellow, Department  
of Cultural and Creative Studies.**

Changed as **Item No.3:(ii)** being a Ratification Item.

**(iv) Appointment of Dr. H. Kayang as Proctor Campus.**

**NO:EC:141:2010:6:2:(iv):** The Council considered the appointment of Proctor Campus and the Council **RESOLVED** to appoint Dr. H. Kayang as Proctor Campus for another period of two years after completing the second term on 23<sup>rd</sup> February, 2010.

**(v) Representation of Dr. M. Marwein, Senior Medical  
Officer, for consideration of her promotion under  
Dynamic Career Progression Scheme.**

**NO:EC:141:2010:6:2:(v):** The Council considered the representation of Dr. M. Marwein, Senior Medical Officer, for consideration of her promotion under Dynamic Career Progression Scheme and the Council after deliberating on this issue

**RESOLVED** that a uniform policy be adopted for all Medical Doctors, and this case may be dealt vis-à-vis other doctors on the roll of the University.

- (vi) **Appointment of Shri Bubu Bhuyan as Head of the Department of Information Technology vice Md. I. Hussain, since resigned from Headship.**

Changed as Item No. 3:(iii) being a Ratification Item.

- (vii) **Appointment of Dr. L. Joyprakash Singh as Head of the Department of Electronics and Communication Engineering vice Shri S.K. Dutta, since resigned from Headship.**

Changed as Item No.3: (iv) being a Ratification Item.

- (viii) **Appointment of Head, Centre for Science Education- handing over and taking over of charge by Professor Man Mohan Singh as Head, Centre for Science Education.**

**NO:EC:141:2010:6:2:(viii):** The Council perused and considered correspondences received from Prof. Man Mohan Singh and the related issues and after thorough deliberation viewed seriously his performance as Head, Centre for Science Education and **RESOLVED** to institute an Inquiry with the following term of reference:

Dereliction of duty and non-compliance of the University Orders amounting to misconduct.

**6:3: Leave/Deputation**

- (i) **Grant of duty leave in respect of Prof. T. B. Subba Department of Anthropology.**

**NO:EC:141:2010:6:3:(i):** The Council considered the grant of duty leave in respect of Prof. T.B. Subba, Department of Anthropology who has been awarded the Baden-