

(viii) CASE OF SMTI.R.KHARBHIH, UDC WITH REGARD TO SENIORITY POSITION IN THE POST OF U.D.C..

Vide resolution No.EC:106:2000:6:6(vi) adopted in its meeting held on 13th April 2000, the Executive Council desired to have the advice of the University's Legal Adviser regarding the claim of Smti.Kharbhih for re-fixation of seniority in the grade of U.D.C..

The legal advice received is placed at Annexure - 'A' for consideration and orders of the Council please.

U.O.No.F.4-5/Estt-I/Apptt/88

ANNEXURE - A

CHAMBER OF :

Sunil Ranjan Sen B.A. LL.B.
Senior Advocate
Gauhati High Court

Dated Shillong
the 30th November 2000.

To

The Dy.Registrar,
(F) and Legal Cell,
NEHU, Shillong.

Ref : YOUR NOTE DATED 25th November 2000.

Sir,

With reference to above, Shri.S.R.Sen, Senior Advocate, University's Legal Adviser has perused and considered the relevant papers and he is of the view that it appears from record that Smti.R.Kharbhih was appointed as a Stenographer, which is regular cadre, but after a lapse of 9 (nine) years, on the representation of Smti.R.Kharbhih that though she was appointed as Stenographer but her services were utilised as U.D.C. and during this long period, she has forgotten Stenography and she should be accommodated in U.D.C. cadre and given seniority accordingly. It appears that D.P.C. also recommended her case and on the recommendation of D.P.C. the then Vice-Chancellor accommodated her in the post of U.D.C.. Such accommodation in U.D.C. cadre cannot be considered as a regular step. However, it appears that L.A. was not consulted and Rules were not examined. Thereafter, it further appears that Executive Council in its meeting accepted her case and ordered for regularising her service and to give seniority with effect from her initial appointment and while passing the Order relied on a case of one Shri.Tapash Chakravorty, whose case was not exactly similar.

From the relevant paper, it appears that Shri.Tapash Chakravorty was appointed as Technician-cum-Store keeper, which was an ex-cadre post and was redesignated as U.D.C. and brought to the U.D.C., which it appears, was done under the direction of U.G.C. in view of regularising the ex-cadre post.

Since both the cases are not similar and if her case is considered and her seniority is given effect from the date of her initial appointment as Stenographer in the cadre of U.D.C. - then some of the affected officers, who have made representations against her case, may initiate legal proceedings. It is also to be mentioned that such implementation may also affect the cases pending in the Court particularly the case of Shri.A.K.Sharma, who has filed a Writ Appeal against the decision of the Single Bench and now pending before the Division Bench.

Continuation :

Considering all these aspects, her case may be considered only to the extent of giving effect to her seniority in the U.D.C. cadre from the date of her accommodating in the U.D.C. cadre i.e. from 1989 and not from the date of her initial appointment as Stenographer as a compromised formula. It will be all the more advisable that some compromise may be reached in consultation with the aggrieved Parties and find an acceptable solution.

Yours faithfully,

Sd/-

(Ms.P.D.Bujarbaruah)
Advocate,
Under instruction of
Shri.S.R.Sen,
Advocate, Shillong.

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(vii) Case of Shri SL Marbaniang, Lecturer,
Department of Mathematics.

EC:109:2001:6:6:(vii): The Council considered the regularisation of the period of voluntary retirement and date of joining in respect of Shri SL Marbaniang, Lecturer in Mathematics and RESOLVED that the period may be regularised by granting him extra-ordinary leave and giving him all service benefits including notional increment as well as retaining his seniority.

(viii) Case of Smti. R. Kharbhih, UDC, with regard
to seniority position in the post of UDC.

EC:109:2001:6:6:(viii): The Council considered the case of Ms. R. Kharbhih, UDC, regarding her seniority in the post of UDC and RESOLVED to accept the views of the Legal Adviser.

6:7- Others.

- (i) Proportionate representation of elected teachers in all Statutory Bodies and Committee for participatory Management and corporate responsibility – Report of the Committee.

EC:109:2001:6:7:(i): The Council considered the representation of Teaching and Non-Teaching Staff in the Executive Council and RESOLVED to regret the same as suggested by the Committee appointed to examine the matter.

- (ii) Ban on creation of Plan and Non-Plan Posts, filling in of vacant posts etc.

EC:109:2001:6:7:(ii): The Council considered the ban on creation of Plan and Non-Plan posts and RESOLVED to accept the same.

- (iii) Deployment of Home Guards in the University Campus.

EC:109:2001:6:7:(iii): The Council considered the deployment of Home Guards in the Permanent Campus and RESOLVED to approve the same and that the cost of engaging them may be met by re-appropriating funds from the General Account. The Council, further RESOLVED that no more recruitment of Chowkidars be made and any requirement of chowkidars may be met by engaging Home Guards on a casual basis.