

3a (iv): TRANSFER OF SERVICE BENEFITS IN RESPECT OF PROF.P.JOTHILINGAM, FORMERLY PROFESSOR OF THE DEPTT. OF MATHEMATICS, NEHU TO PONDICHERRY UNIVERSITY.

Prof.P.Jothilingam served NEHU during the period from 9.8.1977 to 10.12.1986 as Reader/Professor in the Deptt. of Mathematics. He joined Pondicherry University by getting E.O.L. sanctioned by NEHU w.e.f. 11.12.86 to 10.12.87. Subsequently he resigned (technical resignation) w.e.f. 11.12.86 on being made permanent by Pondicherry University.

Consequent upon his permanency in Pondicherry University, question of transfer of his past service arose which was placed before the 61st Meeting of the Executive Council. The Council in its resolution No.EC:61:88:6:02(i) (ANNEXURE-I) while approving transfer of past service decided to settle the case under CURB Rules. (It may be pointed out that at that juncture i.e. when the 61st meeting was held, NEHU was following the CURB Rules). Accordingly Pondicherry University was informed that no gratuity is payable by NEHU (Prof.Jothilingam being CPF A/c holder, no pension is admissible gratuity is admissible) because under CURB Rules gratuity is payable by the University from which the employee finally retires from service.

In 68th meeting of the Executive Council the University adopted C.C.S.(Pension) Rules for all purposes including settlement of pensionary benefits. The E.C. adopted C.C.S. Rules w.e.f. 11.9.1986 (Ref. E.C.'s resolution No.EC:68:90:5:01:(vii) - ANNEXURE-II)

As the date of permanency of Prof.P.Jothilingam falls on 11.12.86 i.e. after the adoption of CCS Rules w.e.f. 11.9.86, the case had to be reopened. Accordingly the matter was placed before the E.C. in its 110th meeting to revoke its earlier decision to apply CURB Rules and to permit application of CCS Rules. But the Council resolved to maintain status-que of the decision taken in its 61st meeting (Ref.EC:110:2001:6:6:(iv)-ANNEXURE-III).

In view of the decision of the EC to apply CURB Rules in the one hand and adoption of CCS Rules w.e.f. 11.9.86 on the other hand the administration could not settle the case. The matter was also referred to the Conference Section who have opined that the case should be settle under CCS (Pension) Rules. Letter of A.R.Conference is at ANNEXURE-IV.

The matter is placed before the Council to review its earlier decision.

No F.17-83/ESH-U/86-253

ANNEXURE-I

6:2-Appointment/Creation/Transfer etc.

- (i) Transfer of service in respect of Prof.P. Jothilingam, Deptt. of Mathematics, NEHU, Shillong.

EC:61:88:6:02:(i): The Council RESOLVED to approve the proposal for transfer of services of Prof.P.Jothilingam, Deptt. of Mathematics, NEHU to Pondicherry University as per the provision of the Central University Retirement Benefit Rules, 1967.

ANNEXURE-II

AN EXTRACT FROM THE MINUTES OF THE 68TH MEETING OF THE EXECUTIVE COUNCIL HELD ON 30TH MARCH, 1990.

No.EC:68:90:5:01:(vii): The Council considered the recommendations of the Committee constituted in pursuance of its Resolution No.EC:67:89:5:01:(iii) and RESOLVED as follows:

(i) The Central Government Rules and Orders on GPF and CPF and other pensionary benefits, as may be amended from time to time, be adopted by the University and the benefits be made admissible with effect from 11.9.86.

(ii) Pension be paid through the State Bank of India or its subsidiary branches or other Nationalised Banks.

(iii) Additional benefit of qualifying service will be admissible to employees of the University as per the Government Rules.

(iv) A separate fund for pension/Gratuity be set up.

(v) A complete history of service of employees be maintained and the same may be communicated to every employee by 31st January every year for the year ending on 31st December.

ANNEXURE-III

AN EXTRACT FROM THE MINUTES OF THE 110TH MEETING OF THE EXECUTIVE COUNCIL HELD ON 17.8.2001.

- (iv) Transfer of service gratuity in respect of Prof.P.Jothilingam, former Professor of Mathematics, NEHU to Pondicherry University.

EC:110:2001:6:6:(iv): The Council considered the transfer of service in respect of Prof.P.Jothilingam to Pondicherry University and RESOLVED that the earlier decision of the Council transferring his services under the CURB Rules stands.

6:6:4(3)

(C O P Y)

ANNEXURE-IV

NORTH-EASTERN HILL UNIVERSITY
SHILLONG

No. EC:111-2/Conf/2001-467 Dated 31st Oct. 2001.

To

The Deputy Registrar,
Estt-II, NEHU, Shillong.

Subject: Transfer of service gratuity in respect of
Prof. P. Jothilingam and the resolution No.
EC:110:2001:6:6:(iv).

Ref: Your letter No. F.19-179/Estt-II/85-4167 dt.
15.10.2001.

Madam,

In referring to your office notes dated 6.10.2001
and your letter cited above, the comments, as desired are
as follows:-

Your Office agenda note as forwarded to this Section
vide your letter No. F.17-83/Estt-II/86/244 dt. 6.8.2001 with
regard to transfer of service gratuity in respect of Prof.
P. Jothilingam, now in Pondicherry University, correctly sought
the approval of the Executive Council to regulate his case
under the provisions of the CCS (Pension) Rules which has
been effective since 11.9.1986 in place of the CURB Rules.
However, since the Executive Council after considering the
said agenda in its 110th meeting resolved that the earlier
decision of the Council to transfer the service Gratuity in
respect of Prof. Jothilingam under the CURB Rules stands,
the matter needs to be placed again before the Council for
a decision with an unambiguous clarification to the Council
that the CURB Rules ceased to be operative w.e.f. 11.9.1986
and the CCS (Pension) Rules came into force from the said date
and since Prof. Jothilingam left this University on 10.12.1986,
his case has to be regulated under the provisions of the CCS
(pension) Rules.

Yours faithfully,

Sd/-

P.K.D. Purkayastha
Asstt. Registrar (Conf)

- (ii) Consideration of allowing options to change over from CPF to GPF scheme.

EC:111:2001:6:6:(ii): The Council considered the options to change over from CPF to GPF Scheme and RESOLVED that in accordance with the Government of India Notification (G.I., Dept. Pension & Pensioners Welfare, OM No.4/1/87-P.I.C-I, of 1st May, 1987 and UGC D.O.No.F.7-1/93(CU) dated 25th May, 1999 to approve that "All CPF beneficiaries who were in service on 1st January 1986 but did not opt to continue under CPF Scheme by 30.9.1987, are deemed to have come over to the Pension Scheme. Furthermore, no option for CPF is available to employees joining after 30.9.1987".

- (iii) Transfer of service benefits in respect of Dr.HSP Rao, former Lecturer in Chemistry, NEHU to Pondicherry University.

EC:111:2001:6:6:(iii): The Council considered that Transfer of service benefits in respect of Dr. HSP Rao, former Lecturer in Chemistry, NEHU to Pondicherry University and RESOLVED that the matter may be referred to a Committee which would look into this and other cases where anomalies have risen because of the CCS Rules vis-à-vis CURB Rules.

- (iv) Transfer of service benefits in respect of Prof. P. Jothilingam, formerly Professor of the Department of Mathematics, NEHU, to Pondicherry University.

EC:111:2001:6:6:(iv): The Council considered the transfer of service benefits in respect of Prof. P. Jothilingam, formerly Professor of the Department of Mathematics, NEHU, to Pondicherry University and RESOLVED to approve the transfer under the CCS Rules.