

(xxiii) Permanent placement of Prof. Satish Kumar in the Department of Physics.

1. Prof. Satish Kumar in his letter dated 15.6.2007 (**Annexure-A**) addressed to the Vice Chancellor and Chairman, Executive Council requested that he may be placed to the Department of Physics permanently. He however, left the matter of his departmental seniority with the University to decide as per rules.
2. The Executive Council in its 119<sup>th</sup> meeting vide EC:119:2004:6:2(xxii) decided his permanent posting to the Department of Physics (**Annexure-B**). Accordingly, his posting orders were issued (**Annexure-C**).
3. Background of the case is as under:-

On abolition of the Institute of Self Organising Systems and Biophysics w.e.f 21.8.2003, Prof. Satish Kumar was temporarily attached to the Department of Physics, NEHU, Shillong vide notification No.F.24/Estt.II/2003/6154 dated 10<sup>th</sup> September, 2003 (**Annexure-D**). Subsequently, the 117<sup>th</sup> Executive Council while confirming the minutes of the 116<sup>th</sup> meeting resolved that the Professor temporarily attached to various Departments consequent upon the 116<sup>th</sup> resolution No.EC:116:2003:8(ii) (a) shall have all the rights and privileges enjoyed by the other regular Professor of the Department: (b) He/She shall have all the responsibilities of other regular Professor of that Department until such time as other arrangement are made (**Annexure-E**).

On the aforesaid decision of the University in placing Prof. Satish Kumar in the Department of Physics, some of the faculty members of Physics, namely, Prof. Kamal Kumar, Prof. P.N.Pandita and Prof.(Mrs) Betylda Mary Jyrwa filed a writ petition in the Hon'ble High Court, Shillong bench.

The Hon'ble High Court in its judgment passed on 21.03.2006 against the writ petition (C) No. 242(SH) of 2004 order the following:

“While not interfering the induction of the respondent No.6 to the Department of Physics, having regard to the fact that as per the impugned notifications such induction is temporary and until such time and alternative arrangement is made, the respondents are directed to take final decision in the matter consistently with the observations made above. Till such time, having regard to the fact that the respondent No.6's tenure in the Department is only temporary, the respondent shall not do anything so as to adversely effect the service prospects of the petitioner. It will be for the own interest of the University that a final decision is arrived, as early as possible”.

6:2:23(2)

4. The resolution of the Executive Council adopted in its 119<sup>th</sup> meeting was adopted (Para-2) prior to judgement of the Hon'ble High Court. On receipt of the judgement, the matter was placed to the Executive Council in its 125<sup>th</sup> meeting which resolved vide No.EC:125:2006:8(II) (**Annexure-F**) seek legal opinion.
5. Meanwhile a writ appeal has been made to the Division Bench of the Hon'ble Guwahati High Court on the judgement of the single bench (para-4), the writ appeal has since been admitted.
6. The legal opinion as desired by the Executive Council (para-4) was obtained (**Annexure-G**) and the matter was placed to the Executive Council which resolved vide EC:127:2006:6:2(i) (**Annexure-H**) to defer taking a decision till the writ is disposed of by the Hon'ble High Court.

The matter is placed before the Council for consideration.

158 Dated: 15. 06. 07

To,  
The Vice Chancellor  
&  
Chairman Executive Council  
NEHU, Shillong - 793022  
Sir,

Registrar Shillong  
An agenda may be prepared for permanent placement of Mr. Satish Kumar as per court directive

I am writing this as a follow up of our meeting on 13.06.2007 at 1.00PM in your chamber. You discussed with me the issue of my permanent placement in the Department of Physics, NEHU Shillong and the matter of my seniority in that Department.

I have no objection if I am permanently placed in the Physics Department, NEHU Shillong. With regard to the matter of seniority in that Department I would like to point out that the University has preferred an appeal before the Division Bench (Shillong) of the Honorable Gauhati High Court.

However, I may mention that while determining my seniority in that Department NEHU rules may be followed.

Thanking you very much.

Yours sincerely,  
Satish Kumar  
(SATISH KUMAR)  
Temporarily attached  
to  
Physics Department  
NEHU, Shillong

26410  
15/6/07  
input  
p.c.

834  
15/6  
URGENT  
SECRET (A)  
AGENDA PLEASE  
18/6/07

7704  
15/6/07

the necessary steps, --

(xxii). Temporary attachment of faculty members of Institute of Self-Organising System & Bio-Physics to various Departments - Representations received against such attachment.

EC:119:2004:6:2(xxii): The Council considered the case of temporary attachment of the faculty of erstwhile ISOSB to various Departments and RESOLVED as follows:

1. Prof. R.P. Bajpai, shall be permanently posted as Professor in RSIC and the post shall be personal to him.
2. Prof. Satish Kumar, shall be permanently posted as Professor in the Department of Physics, and the post shall be personal to him.
3. Prof. (Mrs). Debjani Roy, shall be permanently posted as Professor in-Charge in the Centre for distance Education and the post shall be personal to her.
4. Prof. Vinod Singh, shall be permanently posted as Professor in the Department of Bio-technology & Bio-Informatics and the post shall be personal to him.

6:6:

These postings shall not affect the seniority of the existing faculty members in the Department although, the overall seniority in the University of persons thus posted shall continue.

EC

The representations by some teachers to the Visitor of the University regarding the earlier decision of the executive Council to temporarily attach Prof. Satish Kumar to the Department of Physics were considered and the Council found no substance in those representations. The Council, however, decided to forward these representations to the Visitor with the comments of the University.

EC

In this regard, the representation of Prof. S.N. Rai, of the Computer Centre was also considered and his allegation that, in retaining the services of the members of the faculty of the erstwhile ISOSB, the University violated the University's laws and rules was found baseless. It was also **RESOLVED** to ask Prof. S.N. Rai to explain why he had marked copies of his representation to the Visitor and authorities outside the University without awaiting the EC's response.

NORTH EASTERN HILL UNIVERSITY  
SHILLONG

No.F.24/Estt-II/2003/6154

Dated 11<sup>th</sup> Oct. 2004.NOTIFICATION

In partial modification to the notification No.24/Estt-II/2003/6154 dt. 10.9.2003, the Vice-Chancellor, in pursuant to the 119th Executive Council's resolution No.EC:119:2004:~~6:2(XXII)~~ <sup>6:2(XXII)</sup> adopted on 20.08.2004, is pleased to order permanent posting of the following faculty members of erstwhile I.S.O.S. and Bio-Physics to the Department/Centres as indicated below:

<u>Name of the Persons</u>	<u>Department/Centre posted to</u>
1. Prof.R.P.Bajpai	Regional & Sophisticated Instrumentation Centre,Shillong.
2. Prof(Mrs)Dejani Roy	Professor in the Centre for Distance Education,Shillong.
3. Prof.Vinod Singh	Department of Bio-Technology & Bio-Informatics,Shillong.

The above mentioned incumbents shall carry their post and the same will remain personal to them. Further, the above mentioned postings shall not effect the departmental seniority of the existing faculty members of the Department/Centres although, the overall seniority in the University of persons thus posted, shall continue.

*(D.T.Khathing)*  
Registrar.

Copy to :

1. The Pro-Vice-Chancellor,NEHU,Tura Campus,Tura.
2. All Deans of Schools,NEHU, Shillong.
3. The Head,RSIC/Zoology/Bio-Chemistry,NEHU,Shillong for information.
4. The Finance Officer,NEHU,Shillong for information.
5. The Registrar,NEHU,Shillong.
6. The Controller of Exams,NEHU,Shillong.
7. All Officers,NEHU, Shillong.
8. Prof.R.P.Bajpai,RSIC,NEHU,Shillong
9. Prof.Vinod Singh,Deptt. of Bio-Chemistry,NEHU,Shillong
10. Prof(Mrs)Dejani Roy,Deptt. of Zoology,NEHU,Shillong.
11. P.S.to Vice-Chancellor,NEHU,Shillong.

*(D.T.Khathing)*  
Registrar

NORTH EASTERN HILL UNIVERSITY  
P.O. NEHU CAMPUS:::SHILLONG

No.F.24/Estt II/2003/ 6154

Dated 10<sup>th</sup> Sept'2003

## NOTIFICATION

In pursuance to the 116<sup>th</sup> E.C's Resolution No. E.C:116:2003:8(ii) in its meeting held on 21.8.03, the Vice-Chancellor is pleased to order that the ISOS and Biophysics stands abolished with immediate effect.

Accordingly the following teachers are hereby attached to the departments as mentioned below and the attachment will be temporary. However, the teachers so attached will carry their post which will be treated as personal to them. The concerned teachers will function under the direction and control of the concerned Head/Director of the department.

<u>Name of the Teacher</u>	<u>Department attached</u>
1. Prof. R.P. Bajpai	R.S.I.C. as Professor
2. Dr. Satish Kumar	Department of Physics.
3. Dr. Debjani Roy	Department of Zoology.
4. Dr. Binode Singh	Department of Biochemistry.

The faculty members as mentioned above shall make a list of all equipments pertaining to projects under them and submit it to the Head/Director of the Department to which they are attached.

*(Prof. D.T. Kathing)*  
Registrar.

## Copy to :-

1. The Heads Departments of Physics, Zoology, Biochemistry NEHU., Shillong.
2. The Director, RSIC, NEHU, Shillong
3. The Finance Officer NEHU., Shillong, with a request to make payment of salaries of the concerned teachers against the Department to which they are attached, and to abolish the Budget provision under the ISOS & Bio-Physics and to enhance the Budget provision suitably of the departments to which the said teachers are posted.
4. All Deans of Schools, NEHU, Shillong.
5. The Registrar, NEHU., Shillong
6. The Controller of Examinations, NEHU., Shillong.
7. All Officers, NEHU, Shillong.
8. Prof. R.P. Bajpai, ISOS & Biophysics, NEHU, Shillong. ] They are directed to report to
9. Dr. Satish Kumar, ISOS & Biophysics, NEHU, Shillong. ] the concerned head of the
10. Dr. Debjani Roy, ISOS & Biophysics, NEHU, Shillong. ] Deptt. immediately.
11. Dr. Binode Singh, ISOS & Biophysics, NEHU, Shillong. ]
12. P.S. to the V.C. for V.C's kind information.

*A. K. Singh*

*(Prof. D.T. Kathing)*  
Registrar.

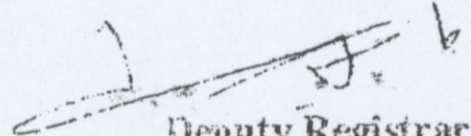
NORTH EASTERN HILL UNIVERSITY  
MAWKYNROIH UMSHING SHILLONG-22

No.F.24/Estt.II/2003(pt)./6989

Dated 16th March, 2004


NOTIFICATION

In continuation to this office Notification No. F.24/Estt.II/2003/6154 dated 10.9.03 on abolition of the Institute of Self Organizing system and Biophysics vis-à-vis temporary attachment of faculty members of the Institute to various academic Departments, it is hereby notified that the 117<sup>th</sup> Executive Council while confirming the minutes of the 116<sup>th</sup> meeting resolved that the Professor temporarily attached to various Departments consequent upon the 116<sup>th</sup> resolution No. EC:116:2003:8(ii)(a) shall have all the rights and privileges enjoy by other regular Professor of the Department;(b) he/she shall have all the responsibilities of other regular Professors of that Department until such time as other arrangement are made.

  
Deputy Registrar,  
Establishment-II.

## Copy to:

1. P.S to Vice-Chancellor, NEHU, Shillong. For V.C's kind information.
2. P.A to the registrar, NEHU, Shillong for information.
3. All Dean of Schools, NEHU, Shillong for information and necessary action.
4. All Head of the Departments, NEHU, Shillong for information and necessary action.
5. Finance Officer, NEHU, Shillong for information.
6. All Deputy Registrars, NEHU, Shillong.
7. All Asstt. Registrar, NEHU, Shillong.

  
Deputy Registrar,  
Establishment-II.

## ITEM NO.8

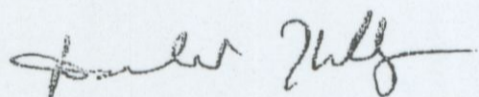
## ITEM FROM THE CHAIR

EC:125:2006:8:(i): The Council considered the request for voluntary retirement tendered by Shri BK Bhattacharjee, University Engineer, and **RESOLVED** that the same be accepted as per rules and the pensionary benefit may be released on receipt of the retirement benefits from the Government of Meghalaya. The Council further **RESOLVED** that the matter related to the appointment of Mr. BK Bhattacharjee and his permanent absorption in NEHU be looked into by Prof. MK Mahanti, a member of the Executive Council.

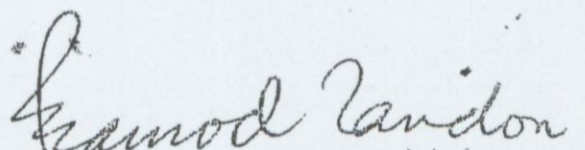
EC:125:2006:8:(ii): The Council considered the permanent placement of Dr. Satish Kumar, Department of Physics, and **RESOLVED** to seek legal advice on the matter.

EC:125:2006:8:(iii): The Council considered the case of Shri JP Jaiswal and **RESOLVED** that his case be examined as in the case of the Centre for Environmental Studies vide Resolution No.EC:125:2006:6:7:(ii).

The meeting ended with a vote of thanks from the Chair at 1900 Hours.



DT Khathing  
Secretary



Pramod Tandon 14/7/06  
Chairman

6:2:23(9)

Annexure - G



पूवोत्तर पर्वतीय विश्वविद्यालय

पू० प० विवि० परिसर, शिलांग-७९३०२२ (मेघालय)

**North-Eastern Hill University**

NEHU Campus, Shillong - 793 022 (Meghalaya)

Phone : 2307930 Extn. 1051

Grams : NEHU

Legal Cell/142/2004-495.

Dated : 19.9.2006.

To,

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

**Subject : Permanent placement of Dr. Satish Kumar in the Dept. of  
Physics, NEHU, Shillong.**

Sir,

With reference to your Letter No. 17-179/Estt.II/2001-3014 dated 14<sup>th</sup> September, 2006 on the subject mentioned above and to forward herewith a letter dated 18.9.2006 received from Shri. Subir Sen, NEHU Legal Adviser, which is self-explanatory, as desired by you.

Yours faithfully,

( T. R. Lyngdoh )  
Legal Officer.

Enclo : Copy of the legal opinion dated 18.9.2006.

E13

19.9.06

From:

Shri Subir Sen,  
Standing Counsel,  
NEHU, Shillong.

Dated, Shillong 18 Sept., 2006

Ref \_\_\_\_\_

To :

The Legal Officer,  
NEHU, Umsing, Shillong.

Subject : Legal opinion on permanent placement of Dr. Shatish Kumar in the Department of Physics, NEHU, Shillong.

Ref: Your letter dated 14.09.2006.

Sir,

With reference to the above, and on perusal of the judgment dated 21.03.2006 passed by the learned Single of the Hon'ble High Court in WP(C)No.242 (SI)2004, pertaining to the placement of Dr. Shatish Kumar in the Department of Physics, I give my opinion as hereunder:

From the judgment of the Hon'ble High Court, it is apparent that the University has not been barred from permanently placing Dr. Shatish Kumar in the Department of Physics, but the Hon'ble Court at the same time declined to express its view in the matter of placement of Dr. Shatish Kumar for the reason that the University is yet to take a final decision in this regard. However, the Hon'ble High Court has held that department wise and the overall seniority in the University cannot be at variation and therefore, while taking any final decision, with regard to placement of Dr. Shatish Kumar in the Physics Department by the University, the same is to be taken into consideration.

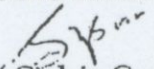
From the discussion and findings of the learned Single Judge, it is clear that the University is not restricted from permanently absorbing Dr. Shatish Kumar in the Physics Department, but while doing so, the University is required to ensure that seniority position of the existing faculty members in the Department of Physics are not disturbed in the overall seniority list of teachers of the University.

As the observations of the learned Single Judge that the Department wise seniority and the overall seniority of teachers cannot be distinct and separate, would lead to chain consequences, an appeal has been preferred before the Division Bench of the Hon'ble High Court. It may be stated that the appeal registered as Writ Appeal No.13(SH)2006 has been filed beyond the period of limitation along with an application for condonation. The Hon'ble Court issued notice in the matter of condonation of delay and the same is pending as such before the Hon'ble High Court.

That in view of the above position, the University in case finally absorb Dr. Shatish Kumar as Professor in the Physics Department, should make it clear that fixation of his overall seniority in the University would be dependant on the outcome of the writ appeal, now pending before the Hon'ble High Court.

Thanking you..

Yours faithfully,

  
(Subir Sen)

- (a) The Council considered the recommendation of the Departmental Promotion Committee in respect of Dr.(Mrs.) M. Marwein, S.M.O. for placement in the Grade of Medical Officer, Specialist Grade I in the scale of pay of Rs.14,300-400-18,300/- and **RESOLVED** as under:

The Executive Council approved the recommendation of the Departmental Promotion Committee placing Dr.(Mrs.) M. Marwein, in the Medical Specialist Grade I with effect from 1<sup>st</sup> April, 2006.

- (b) The Council also considered the recommendation of the Screening Committee held on 15.12.2006 for grant of first financial upgradation under ACP to Shri M. Bhattacharjee, Assistant Engineer and Shri I. Hussain, Assistant Engineer and **RESOLVED** as under:

1. Sri Manoj K. Bhattacharjee may be granted FFU under ACP in the pay scale of Rs.10,000-15,200 w.e.f. 20.12.2002.
2. Sri SI. Hussain may be granted FFU under ACP in the pay scale of Rs.10,000-15,200 w.e.f. 04.04.2001.

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

**(i) Permanent placement of Dr. Satish Kumar in  
the Department of Physics, NEHU, Shillong.**

EC:127:2006:6:2:(i): The Council considered the permanent placement of Dr. Satish Kumar in the Department of Physics, NEHU, Shillong and **RESOLVED** to defer taking a decision on the matter till the writ appeal is disposed by the Honourable High Court.

*6:3- Leave/Deputation*

**(i) Grant of Child adoption leave for 135 days to the Female  
Government Servants on adoption of a child up to one year  
of age.**

EC:127:2006:6:3:(i): The Council considered the recommendation of the 76<sup>th</sup> Academic Council vide Resolution No.AC:76:2006:6:3:(i) in approving the grant of Child Adoption Leave for 135 days to the female government servants on adoption of a child up to one year of age and **RESOLVED** to accept the same. The Council further **RESOLVED** that the Committee constituted to suggest amendment in the relevant ordinance to submit the report to be placed in the next Academic Council / Executive Council meetings.

**(xxi) Enhancement of superannuation age in respect of Deputy Librarian / Deputy Director of Physical Education/Assistant Librarian etc.**

**EC:129:2007:6:2:(xxi):** The Council considered the recommendation of the Academic Council taken in its 77<sup>th</sup> meeting in enhancement of superannuation age in respect of Deputy Librarian / Deputy Director of Physical Education /Assistant Librarian etc. and **RESOLVED** to accept the same as per the revised CAS / guidelines laid down by the University Grants Commission. and **RESOLVED** that necessary amendments may be made in the Ordinances.

**(xxii) Enhancement in the age of superannuation from 62 to 65 years in respect of teachers and 65 to 70 years in respect of Vice-Chancellor.**

**EC:129:2007:6:2:(xxii):** The Council considered the recommendation of the Academic Council taken in its 77<sup>th</sup> meeting in enhancement of the age of superannuation from 62 to 65 years in respect of teachers and 65 to 70 years in respect of the Vice-Chancellor and **RESOLVED** to approve the same and the relevant Statute and Ordinance be amended as per Annexure – K.

**(xxiii) Permanent placement of Prof. Satish Kumar in the Department of Physics.**

**EC:129:2007:6:2:(xxiii):** In pursuance of the Resolutions adopted in earlier Executive Council Meetings and the Direction of the Hon'ble High Court dated 21.3.2006 passed in W.P.(C) No.242 (SH) 2004, the Council **RESOLVED** that Dr. Satish Kumar, Professor of ISOS and Bio-Physics, since defunct, temporarily attached to the Physics Department of NEHU, is hereby posted permanently on a regular basis as Professor in the Physics Department, NEHU, along with his post as personal to him and by virtue of his posting in the Physics Department, Professor Satish Kumar would rank as the junior most amongst the existing Professors of the Department. However, the overall interse seniority position would depend on the final verdict of the Hon'ble High Court in the pending Writ Appeal W.A.No.13(SH) of 2006 concerning the issue.

**6:3: Leave /deputation**

- (i) Sabbatical leave in respect of Dr.H.Srikanth, Reader, Department of Political Science, NEHU, Shillong.

**EC:129:2007:6:3:(i):** The Council considered the grant of sabbatical leave in respect of Dr.H.Srikanth, Reader, Department of Political Science, for a period of five months with effect from 20.07.2007 and **RESOLVED** to approve the same.