

6:6: Service condition/Financial & other Benefits.

- (iii) Leave encashment for the period of re-employment on contract basis in respect of Prof.T.S.B. Narasaraju.

Prof.T.S.B.Narasaraju, Department of Chemistry, NEHU Shillong who had retired on superannuation on 30.6.95 (AN) was re-employed in the University on contract basis for two times. Initially as Professor in the Department of Chemistry for a period of six months with effect from 1.7.95 to 31.12.95 and subsequently as Professor in the Department of USIC for a period of two years with effect from 24.8.96 to 23.8.98.

In his letter dated 13.8.98 (copy at Annexure-'I') Prof.T.S.B.Narasaraju has made a request to sanction permission for encashment of earned leave accumulated during the aforesaid period of his re-employment.

This is the first case that a re-employed teacher has claimed for leave encashment for his re-employment period.

So far as leave encashment is concerned, the NEHU Ordinance is silent on the matter either on retirement after re-employment or after the term of re-employment is over. All the cases of leave encashment, as such, are followed as per Government of India rules from time to time.

Under Rules 39(6)(a)(iii) of the CCS(Leave) Rules 1972 at Annexure-'II' a Government Servant who is re-employed after retirement may, on termination of his re-employment, be granted, *su motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 240 days including the period for which encashment was allowed at the time of retirement.

But Prof.Narasaraju was re-employed on contract basis for both the terms. His claim as such is to be regulated under the leave terms to be granted to Officers appointed on contract in various posts vide G.I., Dept.of per.& Trg., O.M. No.12016/3/84-Est.(L), dated the 12th April, 1985, as amended by OM.No.12016/1/90-Estt.(L), dated the 5th July, 1990 incorporated

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at Appendix II of the CCS (Leave) Rules, 1972 (An extract at ANNEXURE-III) where it has been decided that the Officers appointed on contract in various posts under the Government will be entitled to earned leave, Half-pay leave and E.O.L. to a certain limit prescribed. Regarding encashment of leave, the contract Officers will *suo motu* be allowed encashment of earned leave at their credit on the date of termination of contract subject to the ceiling prescribed thereto.

Prof. T. S. B. Narasimhan was appointed on contract for two spells i.e. once for six months and again for another period of two years which was not continuous. Thus it appears that as per Appendix-II of the CCS Leave Rules as shown at Annexure-III, Maximum Earned Leave for which encashment will be allowed is more than 2 years.

The matter is therefore placed before the Executive Council for its consideration and decision.

NO: F.17-16/Estt.II/Re-employment/96

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sd/-Prof. T. S. B. Narasimhan
Professor-in-charge, USIU, NERU, Shillong

Copy for 1. E.S. to the Vice-Chancellor, NERU, Shillong.
2. Deputy Registrar (Estt. II), NERU, Shillong.

sd/-Prof. T. S. B. Narasimhan
Professor-in-charge, USIU, NERU, Shillong

NORTH EASTERN HILL UNIVERSITY
NEHU, CAMPUS SHILLONG & 793022
MEGHALAYA

No. F. 28-65/USIC/96-97-4227

Dated 13.8.98

To

The Registrar,
NEHU, Shillong.

Subject: Request for sanction of encashment of E.L. during
my re-employment in NEHU.

Dear Sir,

I wish to bring to your kind notice that after my retirement as Prof. of Chemistry I was re-employed in the same Department for a period of six months and subsequently as Prof. I/C of USIC for a period of two years. On the basis of the existing rules of re-employment, I am entitled to encash my accumulated E.L. I wish to state that the period of E.L. encashed by me for my regular service before retirement was much below the upper limit of 240 days. I request you to kindly sanction permission for encashment of E.L. and oblige.

Yours faithfully,

Sd/-Prof. T.S.B. Narasaraju,
Professor-in-charge, USIC, NEHU, Shillong.

- Copy to: 1. P.S to the Vice-Chancellor, NEHU, Shillong.
2. Deputy Registrar (Estt. II), NEHU, Shillong.

Sd/-Prof. T.S.B. Narasaraju,
Professor-in-charge, USIC, NEHU, Shillong.

Rule 39(6) (a) (iii) of the CCS(Leave)Rules 1972

"A Government servant who is re-employed after retirement may, on termination of his re-employment, be granted suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 240 days including the period for which encashment was allowed at the time of retirement".

Terms to be granted to Officers who are appointed on contract in various posts under the Central Government have been under consideration of the Government for some time. It has now been decided that the Officers appointed on contract basis in various posts under the Government will be entitled to leave as follows:-

(i) Earned leave as admissible to a Central Government servant governed by the Central Civil Services (Leave) Rules, 1972.

(ii) Half pay leave/commuted leave as admissible to a temporary Government servant under the Central Civil Services (Leave) Rules, 1972.

(iii) Extraordinary leave:

(a) in the case of contract appointments for one year or less, no extraordinary leave;

(b) in the case of contract appointments for more than one year but not more than 5 years;

extraordinary leave as admissible to a temporary Government servant under the Central Civil Services (Leave) Rules, 1972, subject to the condition that the total extraordinary leave sanctioned during the entire contract period shall not exceed 90 days;

APPENDIX-IILEAVE TERMS TO BE GRANTED TO OFFICERS APPOINTED
ON CONTRACT IN VARIOUS POSTS

G.I., Dept. of Per. & Trng., O.M.No.12016/3/84-Est.(L), dated
the 12th April, 1985 as amended by

O.M. No.12016/1/90-Estt.(L), dated the 5th July, 1990.

The Undersigned is directed to state that the leave terms to be granted to Officers who are appointed on contract in various posts under the Central Government have been under consideration of the Government for some time. It has now been decided that the Officers appointed on contract basis in various posts under the Government will be entitled to leave as follows:-

- (i) Earned leave as admissible to a Central Government ^{Services} servant governed by the Central Civil(Leave)Rules, 1972.
- (ii) Half pay leave/commuted leave as admissible to a temporary Government servant under the Central Civil Services(Leave) Rules, 1972.
- (iii) Extraordinary Leave:
 - (a) In the case of contract appointments for one year or less, no extraordinary leave;
 - (b) In the case of contract appointments for more than one year but not more than 5 years, extraordinary leave as admissible to a temporary Government servant under the Central Civil Services(Leave) Rules, 1972, subject to the condition that the total extraordinary leave sanctioned during the entire contract period shall not exceed 90 days;

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(c) Where the contract appointment is for more than 5 years extraordinary leave as admissible to a temporary Government servant, under the Central Civil Services (Leave) Rules, 1972;

(d) Where the contract appointment is for an indefinite period, the Officer will be entitled to extraordinary leave as admissible to an Officer in permanent Government service under the Central Civil Services (Leave) Rules, 1972.

2. Encashment of leave-The Contract Officers will suo motu be allowed encashment of earned leave at their credit on the date of termination of contract subject to the ceilings mentioned below:-

Period of contract appointment	Maximum earned leave for which encashment will be allowed at the time of termination of contract
2 years or less	No encashment
more than 2 years upto 5 years	30 days
more than 5 years upto 10 years	60 days
more than 10 years upto 15 years	90 days
more than 15 years upto 20 years	160 days
more than 20 years upto 25 years	200 days
more than 25 years	240 days

3. The encashment of earned leave as above will, however, be subject to the condition that the total earned leave for which encashment will be allowed together with the earned leave or full pay leave for which encashment had been allowed in previous appointments, if any, under the Government, an Autonomous Body or Bodies or Public Sector Undertaking(s) is not more than 240 days.

4. The grant of leave and the encashment of leave will be subject to the conditions prescribed in the Central Civil Services (Leave) Rules, 1972. The above orders are in supersession of all the existing orders on the subject issued from time to time by the Ministry of Finance.

in the scale of Rs.2200-4000/- and that he may be placed in the scale of Rs.3000-5000/- on making a fresh application and qualifying in the Selection.

- (ii) Condonation of late submission of Home Town
LTC-Case of Dr. Assem Sinha. Lecturer, Deptt. of
Chemistry, PUC, Aizawl.

EC:99:98:6:6:(ii): The Council considered the late submission of Home Town LTC in respect of Dr. Assem Sinha, Lecturer in Chemistry, Pachhunga University College and RESOLVED to condone the same, being the first time in his service period.

- (iii) Leave encashment for the period of re-employment
on contract basis in respect of Prof. TSB Narasaraju.

EC:99:98:6:6:(iii): The Council considered the leave encashment during the period of re-employment on contract basis in respect of Prof. TSB Narasaraju and RESOLVED that he may be allowed encashment of a total of 240 days leave including the period he was on regular service.

- (iv) Adoption of the GOI / UGC Scheme of "Grant of
Temporary status scheme and regularisation in respect
of Casual labourers in Central Universities"- Condition
stipulated on number of working hours per week.

EC:99:98:6:6:(iv): Further to its Resolution No.EC:98:98:6:6:(v) adopted in its 98th meeting, the Council RESOLVED that the same shall be applicable to such employees for those engaged for normal working time of 40 hours per week of the University effective from 15.9.1998. The Council further RESOLVED to move the University Grants Commission for effecting the said benefit w.e.f 1.9.1993 along with allocation of funds for the purpose.

- (v) Effective date for Regulation of Daily Wage with
reference to the Revised Scale of Pay Rs.2550-3200/-.

EC:99:98:6:6:(v): Further to its resolution No:EC:98:98:6:6:(v) adopted in its 98th meeting read with Notification EC:98-3/Conf/98-1005 dt. 8.10.98, the Council RESOLVED to confirm the effective date of the implementation of revised wages as 15.9.98. The Council, further RESOLVED to move the University Grants Commission for effecting the said benefit w.e.f. 1.1.96 along with allocation of funds for the purpose.

- (vi) Recommendation of the Selection Committee for
grant of advance increments to the JTAs of the RSIC.

EC:99:98:6:6:(vi): The Council considered the matter and RESOLVED that the same be further examined with reference to CCS Rules and report back to the Executive Council.