

IIND PART AGENDA PAPERS OF THE NINETY-SIX MEETING OF THE
EXECUTIVE COUNCIL

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Item No:2 REPORTING ITEMS

(1) Reporting items

1. No:EC:95:97:7:4(i) regarding to frame on Ordinance on the powers and function of the Proctor of the University.

Committee Report placed.

2. No:EC:95:97:6:7(1) regarding to examine the Ordinance on advertisement of Vacancies for the teaching posts with the direction of the Visitor

Committee Report awaited.

Action has been taken on all matters relating to placement of Senior Scale/Selection grade/Confirmation of service/grant of leave/Ammendment of Ordinances/inclusion of names in the Committee etc.

Item No.3 .RATIFICATION OF ACTION TAKEN BY THE
VICE-CHANCELLOR.

(X) Subject Appointment of Dean, School of Physical
Sciences.

Prof. S.N. Bhat was the Dean, School of
Physical Sciences with effect from 23.12.95 but retired
on superannuation with effect from 28.2.98.

The Vice-Chancellor in terms of provision
6 of the NEHU Act, 1973 has appointed Prof. S.S. Khare
as Dean, School of Physical Sciences, NEHU, Shillong with
effect from 1.3.98 for a period of three years.

The matter is placed before the E.C. for
ratification.

No.F.5-5/Estt.II/A/94-384

- (xi) Permission for filing of nomination in the Parliamentary Election of 1998 Mizoram.

Dr. K. Lalthangliana joined the Pachnunga University College in the Department of Sociology with effect from 19.4.85 and has been confirmed in the post. Dr. Lalthangliana requested permission for filing of nomination to contest in the Parliamentary Election of Mizoram 1998. He had earlier with due permission successfully contested the 2 (two) terms election of the MLA Mizoram during 1989 and 1993. He was granted Extra Ordinary Leave with effect from 1.4.89 and extended from time to time upto 31.3.98. The Executive Council has been authorised under Regulation RE-6 to permit a teacher to contest election as Member Parliamentary/Legislature/District Council. But in view of the addendum to the new Clause 3(iii) of the Regulation RE-6, the period spent as MP/MLA/DC has been restricted to 10 (ten) years during the entire service career of the teacher.

Considering the above and since Dr. R. Lalthangliana would be completing 9 (Nine) years with effect from 1.4.89 to 31.3.98, the Vice-Chancellor granted the permission to contest the Member Parliamentary Election 1998 subject to the condition that on his being elected the period spent as a Member of Parliament would be restricted upto 31.3.99 only.

The matter is therefore placed before the Executive Council for ratification.

No. F.15-56/Estt-II/86-875

- (xii) Permission for filling of nomination in the Parliamentary Election of 1998, Mizoram.

Dr.H.Lallungamuan joined the Pachhunga University College, Aizawl as Lecturer in the Department of Meizo with effect from 21/9/74 and subsequently was promoted as Sr.Lecturer Selection Grade with effect from 21/10/92, he is a confirmed teacher of Pachhunga University College Aizawl Mizoram.

Dr.H.Lallungmuana requested permission for filling of nomination to contest in the Parliamentary Election of Mizoram 1998. This is his first request for filling of nomination. As per Regulation KE - 6 the Executive Council can permit a teacher to contest election as member Parliament/Legislature/District Council.

Considering his request being the first time for contesting the election and also as he fulfill the requirement under Clause 3 (iii) of the Regulation KE - 6, the Vice-Chancellor accorded the permission.

The matter is reported to the Executive Council for ratification.

o o o

No.F.15-77/Estt-II/77-886

(1): Closure of the Department of ISOS & Bio-Physics

The agenda relating to the above subject have been taken up for deliberation both in the Academic and Executive Council vide resolution No.AC:44:92:5:08 (I) and No.EC:76:92:5:08 (II) respectively where the former has recommended for change of Nomenclature from the present ISOS & Bio-Physics to the "Centre for fundamental Research" and to request the University Grants Commission for separate funding. The latter examined report of the Committee set up to look into the re-structuring of the Institute and in the meantime Vice-Chancellor will take up the matter with the University Grants Commission for continuance of the Institute.

However, both the councils came to the same conclusion that the Institute in its present form may continue.

Meanwhile, the Education Officer, University Grants Commission vide letter No.F.6-6/85 (Cup/Cu) dated 8.10.1993 has conveyed the decision of the University Grants Commission for the discontinuance/closure of the Institute (Copy enclosed) and this was supported by the letter issued by the Officer on Special Duty to the Ministry of Human Resource Development. These refer to letters from U.G.C. on 18-6-90, 31-1-92 and 8-10-93. The necessary papers and file in this regard are maintained by DR(Planning).

The matter is therefore placed before the Executive Council for kind re-consideration as to whether the Institute be allowed or not to take further admission of students into M.Phil/Ph.D programmes.

NO.EX/PG/Misc(Ad)97/687

D. P. Hira
Joint Secretary

UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI - 110 002

....

D.O.No. F. PA/JS (NEE)/PE

June 18, 1990

Dear Prof. Iqbal Narain,

The University Grants Commission has appointed an Expert Committee for appraisal of the Institute/Centre of Self Organising Systems and Biophysics at North-Eastern Hill University. A copy of the report of the Committee is enclosed. The Commission after considering this report took the following decision:-

" The Commission generally accepted the report of the Expert Committee and desired that the comments of the University may be invited on the recommendations made by the Committee particularly regarding transfer of equipments and staff and starting of a Department of Bio-Physics. The Centre of Self-Organising Systems at NEHU in the present form may be closed, after the tenure of the present Director expires and preparations in that directions should proceed. There is no intention of reducing the overall activity at NEHU."

This is to request you kindly to take further action at your end, and send us necessary comments of the University.

With regards,

Yours sincerely

Sd/-
(D.P.Hira)

Professor Iqbal Narain
Vice-Chancellor
North-Eastern Hill University
SHILLONG-793001

5: 8: 1(3)

Yash Pal
Chairman.

UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110 002

D.O.1No. F.6-5/90(CM)

July 24, 1990.

Dear Dr. Iqbal Narain,

I have your letter. The report of the Committee was presented to the whole Commission and the decision of the Commission was communicated to you. I am not in a position to alter this decision on my own even if I so desired.

Having said this I would also like to point out that the Commission or I do not want to penalise the University. We want to help it. Some suggestions have been made by the review committee - however the University can suggest its own alternatives. If the University can meaningfully use all the equipment, it has received under the programme, we would not like to move it. However, if some of the equipment can be used by others, and the University does not need it, the Commission would find a way of compensating the University. Please tell the Chief Minister and the Governor that moving things away from NEHU has never been the intention. The intention is to ensure that first rate work develops in the University. The name of the Centre as it exists is not important. Something else can replace it, if it is properly argued. As the Committee says, and the Commission concurs, its rationale and work have not created a first-rate cohesive group. Let there be a restructuring. The resources would be forthcoming. for anything worthwhile grown through a group proposal. There are many occasions when restarting is better. This seems to be one.

I have seen Dr. Mishra's suggestion. I have no problem if an "Institute for General Systems Dynamics" replaces the present institute. A special committee can be appointed, involving Dr. C.N.R. Rao and others to define somewhat better and more realistically what this institute would do. Much would depend on finding an appropriate leader. It will need to develop a personality, based on the work of the people who gather. It should not put down grandiose, all encompassing objectives. It should start activities in one or two areas and then build up. I am not in favour of starting with a foreigner.

The question autonomy can be discussed in the framework of the guidelines recently sent to you, for departments, centres etc.

Yours sincerely,

Sd/-

(Yash Pal)

Prof. Iqbal Narain
V.C., NEHU, Shillong.

P.O.No:F.5-5/85(CUP)

Dated 31st January, 1992

Dear Professor Pakem,

Kindly refer to the D.O. letter No.F.PA/JS(NFE) 90 dated 18.6.1990 (Copy enclosed) addressed to Prof. Iqbal Narain, Vice-Chancellor, North-Eastern Hill University, Shillong 793001 from Shri D P Hira, Additional Secretary, University Grants Commission, New-Delhi regarding closing of Centre of self Organising system at NEHU.

I shall be grateful if action taken by the University is intimated to the Commission at your earliest.

With kind regards,

Yours sincerely,

Sd/-

(Tilak R Kem)

Prof B Pakem,
Vice-Chancellor,
North-Eastern Hill University,
Lower Lachumiere,
Shillong :-793001

Encl: as above.

5: 8: 1(5)

F.6-6/85(CUP/CU)

Dated 8th Oct'1993

To,

The Vice-Chancellor,
North-Eastern Hill University,
Shillong:-793001

Subject :- Regarding closing of Centre of Self Organising
System and Biophysics at NEHU, Shillong.

Sir,

With reference to your letter No:11/8-2/AC/EC/
82/1332 dated 1.3.93 on the above subject, I am directed to say
that the Commission reiterate its decision as already conveyed
to the University vide this office M.O.No:F.6-6/85(CUP/CU)
dated 31.1.92.

Yours faithfully

Sd/-

(Dr M V KRISHNASWAMY)
EDUCATION OFFICER

6:2.Appointment/Creation-Upgradation of Posts/
Confirmation/Option/Transfer/Release/Termination.

- (iv) Appointment offered to Prof. K.S. Singh, for Rajiv Gandhi Chair.

The appointment to the Professor's post has been offered to Prof. K.S. Singh for the 'Rajiv Gandhi Chair' vide our letter No.G.45-71/Acad/R.G.Chair/Appoint/97-359, dated 22.10.97 (Annexure-A).

In response to the above letter, Prof. K.S. Singh made some query on the age bar upto 65 years, vide his letter dated November, 1997, (Annexure-B); which was placed to the Executive Council (EC). Then, as per the EC. decision a reply was send to him vide our DO.letter No.G.45-71/Acad/Apptt/97-570 dated 7.1.98 (Annexure-C); which confers to him the NEHU Statute 21(i) that he was appointed to the post-'On such terms and conditions as it (the EC) deems fit'.

Again, in response to the above letter Prof. K.S. Singh gave his second reply vide his letter dated 16.1.1998 which shall be placed before the Executive Council by the Vice-Chancellor as a Chairman, Prof. K.S. Singh's letter will be tabled by the Chair.

Submitted for consideration by the Council.

No.G.45-71/Acad/Apptt/Rajiv/-734

ANNEXURE 'A'
6:2:4(2)
NORTH EASTERN HILL UNIVERSITY
SHILLONG.

ANNEXURE 'A'

Shri P.S.Rynjah, IFS,
Registrar

No.G.45-71/Acad/R.G.Chair/
Appoint/97-359.

Dated Shillong the 22 October, 97.

Sub: Offer of appointment to the post of "Rajiv Gandhi
Professor".

Dear

On the recommendation of the Search Committee and approval of the Executive Council at its meeting held on the 23rd Sept.1997.I am directed, to convey to you the offer of an appointment to the post of Rajiv Gandhi Professor with a salary of Rs.8000/- (Rupees Eight thousand) per mensem plus the usual allowances as admissible (Pre-revised for a period of three years from the date of joining or till you attain the age of sixty five years, whichever is earlier. The appointment will be governed by the Ordinance of the "Rajiv Gandhi Chair" of which a copy is enclosed. Some of the clauses of the said Ordinance are highlighted as below:-

1. The Professor shall formulate and complete the Research Project and submit the manuscript of the Research to the University within the period of assignment.
2. The Professor shall submit a Comprehensive Annual Report on the progress of the Research Project to the Chairman of the Deans Committee.
3. The Professor shall be entitled to free-residential accommodation as per University Professors entitlement and local conveyance in Shillong for official purposes only.

If the above terms and conditions are acceptable to you, kindly make it convenient to join the post immediately; but not later than one month, from the date of receipt of the appointment offered.

I look forward to your kind co-operations and valuable contribution to the 'Rajiv Gandhi Chair' in this University.

with regards,

Yours sincerely,

Sd/-

(P.S. Rynjah)

Prof. K.S. Singh,
A/40 3 SFS Flats,
SAKET, New Delhi - 110017.

6:2:4(3)

ANNEXURE 'B'

K.S. Singh,
A.40/3 SFS Flat,
Saket, New Delhi-110017
(Tel.6968986.

4 November 1997

Dear Shri Rynjah,

Thank you for your letter dated 22 October 1997, offering me the post of Rajiv Gandhi Professor for studies in Protective Discrimination for a period of three years. For past 30 years I have been engaged in the study of the subject and have written extensively about the tribal people and their movements in the country including the North-East. This offer will help me further in conducting such studies.

However, I am not in a position to join immediately or within a month as I am engaged on a number of projects. I will take me some time to wrap up my current assignments.

I will be completing 65 years in March 2000 AD, which means two years of assignment instead of three. There is no mention of 65 years in the Ordinance. Therefore, you may kindly clarify if it is three years from the date I take up assignment some time in 1958 or it is 65 years, i.e. March 2000 AD.

I look forward to an early reponse from you.

With regards,

Yours sincerely,

Sd/-

K.S.Singh.

Shri P.S. Rynjah, IFS,
Registrar
NEHU., Shillong.

6.2.4(4)
NORTH EASTERN HILL UNIVERSITY
SHILLONG.

ANNEXURE 'C'

Mr. P.S. Rynjah, IFS,
REGISTRAR.

D.O.No.G.45-71/Acad/Apptt/97/-570
Dated: 07.01.98.

Dear

Kindly refer to your letter dated 4 November, 1997 on the clarification sought by you on the offer of the University for appointment of a Professor for the 'Rajiv Gandhi Chair', I am to inform you that the Executive Council has decided that the offer of appointment is only upto your attaining the age of 65 years or upto March 2000 AD. as per Clause 7(i) of Ordinance 7, read with Statute 21(i) which states as below:-

"Notwithstanding anything contained in Statute 20, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit," and on the person agreeing to do so, appoint him to the post.

Kindly make it convenient to join the post as soon as possible but not later than one month from the date of issuing this letter of clarification thereof.

With warm regards.

Yours sincerely,

sd/-

(P.S.RYNJAH)

Professor K.S. Singh,
A. 40 3 SFS Flat,
Saket, New Delhi - 110017.

... ..

(v) Confirmation of service of Dr.(Mrs)
Grace George Lecturer Chemistry, De-
partment of Pachhunga University College,
Aizawl.

Dr.(Mrs) George was appointed as Lecturer
in the Department of Chemistry Pachhunga University College
with effect from 18/8/93. She has completed the required 2
years of probationary period and was due for confirmation
on 18/8/93. The self appraisal report has been submitted by
her with factual data verified by the Principal Pachhunga
University, to be tabled from the chair for consideration of
her/^{Confirmation} against the post held by her with effect from 18/8/93.

The matter is placed to the Executive
Council for consideration.

No.F.15-101/Estt.II/93-894

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(vi) Re-employment cases of North-Eastern Hill University Teachers under Merit Promotion Scheme.

The modified guidelines for re-employment states that the teachers on retirement may be re-employed for a period of two years from the date of retirement against the post vacated by them.

In this connection, the Executive Council have approved for re-employment for some retired teachers promoted under MPS for a period of two years. Since the post held by them prior to retirement is under MPS which is personal to them as per the MPS guidelines, as such on their retirement to the MPS post occupied by them ceases to exist with the resultant vacancy created in the lower post.

The question arises as to how those teachers under MPS who have retired/due for retirement from service and approved by the Executive Council for re-employment for two years are to be adjusted as the MPS post ceases to exist consequent on their retirement.

In order to avoid audit objection which may arise in future the office has proposed for adjustment of the re-employed MPS faculty member against floating post, clear vacancies of the Department and lien/deputation vacancies. The names of the MPS teachers who have retired and considered for re-employment is enclosed as per the statement.

In this connection, it may be mentioned that except in the case of Prof. B. Pakem and Prof.S.N. Bhatt, who have been accommodated against 1(One) floating post and 1(One) clear vacancy of the Deptt., subsequent to the absorption of Prof.M.P.Mahajan in Guru Nanak Dev University respectively, the other 3(Three) cases in respect of Prof.K. K. Dharma, Dr.S.C. Daniel and Prof. P.P. Gokulanathan, temporary accommodation against lien vacancy post has been made. Since there is no clear vacancy in the Department's concerned and also other Department, post cannot be utilised. But in view of the lien vacancy falling earlier to the term of the re-employed incumbents, the office has proposed that necessary adjustments would be made in future vacancy that may arise in the concerned Department or against any lien vacancy. The 1(One) vacant floating post in the event of not being able to accommodate on the lines proposed above could also be utilised on the subsequent occupation of the post on completion of expiry of their lien term by the incumbents concerned.

The matter is therefore, placed before the Council for a decision.

No.F.-17-45/Estt.II/Re-employment/89-887

Sl.No.	Names	Designation	Department	Date of retirement (superannuation)	Date of re-employment (From To)	Remarks/Proposals
1.	Prof. K.K.Sharma	Prof.MPS	Education	31.8.97	1.9.97 to 31.8.99	His re-employment has been adjusted against the 2yrs.lien vacancy of Prof.M.A.Sudhir proceeded on lien for 2yrs. w.e.f.19.12.96 to 18.12.98 and with the presumption that his lien may be beyond 31.8.98.
2.	Prof. B. Pakem	Prof.MPS	Pol.Sc.	31.12.97	1.1.98 to 31.12.2000	His case may perhaps be adjusted against the 1 (One) of the vacant floating post as there are no vacancies in the Deptt.
3.	Prof.S.N.Bhatt	Prof.MPS	Chemistry	28.2.98	1.3.98 to 28.2.2000	His case may perhaps be adjusted against the two yrs.lien vacancy of Prof.M.P.Mahajan who proceeded on lien for 2yrs.and confirmed at G.N.Dev Univ.The matter is under process.The post may not be advertised till 28.2.2000.
4.	Dr.S.C.Daniel	Reader MPS	Philosophy	31.3.98	1.4.98 to 31.3.2000	The deputation term of Prof.Miri will expire on 10.9.98 but the MRD (Deptt.of Ech.) has conveyed the proposal for apptt. of Prof.Miri as Director, IAS Shilala for a second term upto 10.9.99. Dr. Daniel could be accommodated against this lien vacancy of Prof.Miri upto 10.9.99 & alternative arrangement may be made to accommodate him in subsequent /
5.	Prof. P.P. Gokulanathan	Prof.MPS	Education	31.8.98	1.9.98 to 31.8.2000	His re-employment may perhaps be adjusted against the vacancy of Prof.J.B.Bhattacharjee whose deputation term will expire on 20.1.99.Beyond 20.1.99, he will be adjusted against subsequent vacancy there.

/vacancy that may arise w.e.f.11.9.99 to 31.3.2000.

(vii) Confirmation of service of Ms. Zotnankimi.

Ms. Zotnankimi was appointed as Lecturer in the Department of English, Pachhunga University, Aizawl on 20th Sept, '88 through a regular selection Committee. She has completed the required period of two years probation period on 20-9-90 and is due for confirmation. The self appraisal report has been submitted by her with factual data verified by the Principal, Pachhunga University College to be tabled by the chair for consideration of her confirmation against the post held by her with effect from 20/9/88.

The matter is placed to the Executive Council for consideration.

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No.F.15-83/Estt-II/88-885

(viii) tender of resignation in respect of
Dr. A.C. Pandey.

Dr. Pandey is a confirmed Lecturer in the Department of Zoology with effect from 1/10/82 at Pachhunga University College, Aizawl. Dr. Pandey had left the College for Barapani on 21/3/92 to conduct NBHU practical examination but without prior permission from the Principal as per the principal letter at annexure 'A'. In the meantime Dr. Pandey left the place of duty suddenly and sent a letter from Narendra Deva University of Agriculture and Technology that he had joined the University with effect from 31/3/92 and requested for lien of three (3) years period.

The Principal had strongly objected to the irregularities committed by him when on exam duty had left and joined other institution without prior permission which is in violation of service rules. Dr. Pandey in his letter at annexure 'B' had stated that on receipt of urgent message he had to rush to his home town informing the COE on 29/3/92. But this statement could not be verified from the COE except that he was paid TA/DA amounting to Rs. 730/- for attending the examination duty and the vouchers to confirm the exact date of his duty which was of 1992, could not be located.

Though the application to the post of Asstt. Professor at Narendra Deva University of Agriculture was forwarded by this University vide letter dt. 6/8/1988, but the fact remains that he had joined Narendra Deva University of Agriculture on 31/3/92 without any release order neither from the headquarters or from the Principal, Pachhunga University College. This is a serious lapse on the part of Dr. Pandey which the Principal had also pointed out that it is highly objectionable. He left the College when on Examination duty at NBHU headquarters without prior permission from the authority. Dr. Pandey then tendered his resignation with effect from 30/3/92 annexure 'C' through the Principal with a request to accept the same and for early transfer of his dues to the Controller of Narendra Deva University of Agriculture and Technology. In view of the above irregularities on the part of Dr. Pandey the resignation tendered by him with effect from 30/3/92 could be accepted, but perhaps he may have to forfeit his past services in NBHU as he was not released through proper channel but joined on his own without completing the formalities which is against the provision of Ordinance OE 5 clause 5 (i). However Executive Council may consider the lapses committed by Dr. Pandey whether or not his resignation maybe accepted without benefit of his past services in NBHU to be transferred to Narendra Deva University of Agriculture Faizabad.

The matter is placed before the Executive Council for a decision.

6.2.8(2) PACHHUNGA UNIVERSITY COLLEGE Annexure-'A'
AIZAWL - 796001, MIZORAM

Dated Aizawl, the 13th April 1992.

NO.PUC/PH (10), 33-450

The Registrar
NEHU, Shillong.

Subj.- Application of Dr.A.C. Pandey Lecturer,
Zoology Department, PUC, for lien for
3 years etc.

Sir,

While forwarding the application of Dr.A.C. Pandey on the above subject, I have the honour to state that Dr.A.C. Pandey left the College for Barapani on 21/3/92 to conduct Practical examination as per NEHU order No.CONE/Practical/ Appt1/92 dated 9.3.92. He left the College without obtaining prior permission from the College authority which was highly objectionable. However, he left a letter intimating the Principal that he was proceeding to U.C.C. Barapani and the fact was intimated to the head of Department.

He has now sent this application from Narendra Dev University of Agriculture & Technology, Kumargang Faizabab stating that he had joined the University from 31.3.92 (fornoon) as Associate Professor. And at the same time he applies for lien for 3 years with effect from 31.3.92.

I would like to stress that the teacher concerned has joined another institution without obtaining any permission while apparently doing University work at Barapani. It is violative of the service conduct rules. Moreover, A.C. Pandey has to clear his dues in Pachhunga University College as well as in NEHU Campus Mizoram.

Necessary action may kindly be taken on the above lines at an early date.

Yours faithfully

S/d

Principal,
Pachhunga University College
Aizawl: Mizoram. 13/4

Encls: Application in Original

Copy to:

Dr.A.C. Pandey Lecturer, Zoology Department PU. College.

6-28(3) Narendra Deva University of Agri & Technology
 Narendra Nagar, P.O.Kumarganj, FAIZABAD -
 224 229 (U. P.)

Dated April 22nd, 92

NO
 Dr. A.C.Pandey
 Associate Professor

To,
 The Officer-On-Special Duty,
 North-Eastern Hill University,
 Lower Lachumiere,
 Shillong-793 001, Meghalaya.

Subj:- Application for release and Lien w.e.f.
 31.3.1992.

Sir,

This bears reference to my registered dt. 31.3.1992 (through proper channel) in the aforesaid subject. My above application dt.31/3/1992 was forwarded to you on 13/4/1992 vide letter No. PUC/PE (15)/33-498 with certain objectionable remarks, which I would like to refute strongly and clarify my position:

- a) While evaluating scripts at Shillong HQS, I received urgent message from home on the late evening of 28/3/1992 to rush to Varanasi. I did not leave Shillong without intimating authorities. Infact I informed the Controller of Exams on 29.3.1992 citing reason for my sudden departure and the letter was handed over to Shri Deb, Asstt.Registrar (Exam-I) and requested him to make alternative arrangement for Practical Exams at Barapani.
- b) After arriving home I came to know about my selection as Associate Professor. There was danger of some one bringing legal stay against my appointment. Therefore, I had no option but to join the post on the forenoon of 31.3.1992. The application for this post was forwarded through proper channel in 1987-88.
- c) Immediately after joining, I sent one registered letter on 31/3/92 as mentioned above.
- d) There is no dues against me. I had cleared bills etc. for the University quarter at Aizawl and all the furniture were properly received by Sri Das if the DK Office, Mizoram Campus, on 16.4.1992.
- e) I had returned one day salary (for 31.3.1992) amounting Rs.201-23 (two hundred one rupees and paise twenty three only) to the Sri Manliana (S.O. Admn), PUC, Aizawl, on 14.4.1992.
- f) I have served NENU since 01.10.1982 and was the first person to be appointed by EC for the PUC. however, I was never given proper treatment and harassed at slightest pretext by the PUC authorities. -

- i) In 1987, I was operated for appendicitis and was granted E.L. instead of M.P.L on medical grounds.
- ii) Last year my salary for 8 days was cut simply because I went to Shillong HQS for script evaluation in March 1991 after receiving your order. The same has not yet been cleared despite my repeated requests.
- iii) My one day E.L was cut for 15.2.1991 even though I was present on that very date in the Office. This needs to be rectified.
- iv) In December 1990 I was asked to overstay after College was closed for winter vacation for Zoology (Mons) practical exams. Compensatory E.L. for those 3 days are yet to be granted.
- v) Even my leave record for E.L/M.P.L are not properly maintained. This I brought to the notice of the PUC authority.

Sir, at last I would like to emphasize that PUC authorities are bent upon harassing me because I ~~realised~~ resisted wrong decisions. I donot expect any kind of justice from them. As you are aware, I had no immediate chances of promotion in PUC.

Kindly look into my application sympathetically keeping in view of my dedicated service to the NEHU during last 10 years and grant me release from 31-3-92. and lien for 2/3 years separately from the same date. I shall be highly obliged for this act of kindness.

Thanking you in anticipation.

With profound personal regards

s/d

Yours faithfully sincerely

(A.C. PANDEY) 22/4/92

Associate Professor.

(ix) Request for extension of lien by Dr. G. D. Sharma, Reader in Botany Deptt., NEHU, Shillong.

D.V.O. Estt-II

Animal Veterinary

Dr. G. D. Sharma, Reader in Botany, NEHU was granted 1 year lien with effect from 28.5.97 afternoon to enable him to join as Professor in Assam University. The period of lien was further extended by 1 year w.e.f. 29.5.98(M). The Head of the Department Botany, NEHU in the earlier extension had not recommended the case as it would block 1 post of reader in the Department. The 10:93:97 3:XV Annexure I however, extended the period of 1 year till 28.5.98 but with a condition that after expiry of the extended period with effect from 29.5.97, he should either revert to this University or resign on expiry of the extended lien period. The required Foreign contribution payable by the Govt. servant or person concerned was intimated in the order extending his 2nd, 1(One) year Lien. However, there is no confirmation to this effect.

Dr. Sharma in his letter dated 2.3.98 forwarded and strongly recommended by the Vice-Chancellor under D.O. No. AU/VCF/27-3/98-6388 dated 5.3.98 had requested lien for a further period of 1 year with effect from 29.5.98 to 28.5.99. The Vice-Chancellor, Assam University has further intimated that Prof. Sharma is fully involved in the Department(s) works of the University and is likely to be finally confirmed or may rejoin back only after completing the initial works of establishing the Department. The annexure to the request of Dr. G. D. Sharma and the recommendation of the Vice-Chancellor, Assam University will be tabled by the Chair.

In the light of the 93rd E.C. Resolution and the D.O. letter from the Vice-Chancellor, Assam University, the matter is placed before the Executive Council for its decision.

N.O.-18-170/Estt-II.A/88

(x) Resignation tendered by Dr R.C.Laloo as Reader in Botany

Dr R.C.Laloo joined as Lecturer in the Deptt. of Botany, NEHU, Shillong w.e.f 16.12.1981. During his Lecturership, he was granted permission to file nomination in the Legislative Assembly Election on 1983, and was elected. On 8.3.1983, he was inducted into the Ministry as Cabinet Minister, he opted to draw pay and allowances from the Govt. of Meghalaya and submitted an undertaking that he shall continue with the teaching work assigned to him.

On January,1988, he was again permitted to file nomination in the Legislative Assembly Election of 1988 and elected. He was inducted into the Ministry as a Cabinet Minister on 6.2.1988. During this period he was appointed as Reader in the Botany Deptt., through open Selection Committee in absentia and he submitted the charge report as Reader on 6.5.1988 countersigned by the Head of the Deptt. He also continued to hold the Ministership upto March,1990 and vide his letter of 2.4.90 he relinquished the post of Minister and opted to draw pay from NEHU salary from April,1990.

On January,1993, he was granted permission for filing of nomination to contest in the Legislative Assembly election, Meghalaya,1993 and he was elected. He continued to be a Cabinet Minister in the Government of Meghalaya.

On 21.10.97, Dr Laloo requested permission for filing his nomination in the Legislative Assembly election to be held in 1998. The matter had been examined thoroughly and in view of Clause 3(iii) of Regulation No.RE-6, he was informed that the request was regretted.

On receipt of the above letter, Dr Laloo submitted a petition dated 6.1.1998 to reconsider the matter and to grant permission. The request was regretted in view of Regulation RE-6, Clause 3(iii) and that the Vice Chancellor could not exercise his authority under section 12(2) of the NEHU Act.

contd.....2/-

Dr Laloo then tendered his resignation vide his letter dated 15.1.1998.

In this connection, No Dues Certificates are being called from Finance Department and Library for which the same have been received from Finance Deptt. stating that no dues are lying against him but the Librarian has stated that books valued Rs.20,000/- are lying outstanding against him.

The Vice Chancellor in exercise of the powers conferred upon him under Section 12(3) of the NEHU Act 1973 accepted his resignation subject to the condition that Dr Laloo is to return the books or pay an amount of Rs.20,000/- without any delay. In view of the resignation accepted by the Vice Chancellor in exercise of his power under Section 12(3) of the NEHU Act, the matter is placed to the Executive Council for ratification.

No.F.18-171/Estt.II/88

Executive Council

(xi) Withdrawal of resignation letter tendered by Dr R.C.Laloo.

Dr R.C.Laloo joined as Lecturer in the Deptt. of Botany, NEHU, Shillong w.e.f 16.12.81. During his Lecturership, he was granted permission to file nomination for contesting in the Legislative Assembly Election of 1983 and was inducted into the Ministry as a Cabinet Minister. On January, 1988, he was again permitted to file nomination for the Legislative Assembly Election and again he was inducted into the Ministry as a Cabinet Minister on 6.2.88. During this period, he was also appointed as a Reader in the Deptt. of Botany through open selection in absentia and joined the post of Reader on 6.5.88. On January, 1993, he was granted permission for filing nomination to contest in the Legislative Assembly Election of 1993 and was elected. He was inducted as a Cabinet Minister in the Government of Meghalaya and during this period the Head of the Deptt. of Botany informed that Dr Laloo is not associated with regular teaching/research in the Deptt. On 21.10.97 Dr Laloo requested for permission to file his nomination in the Legislative Assembly Election to be held in 1998. The matter was examined and in view of Clause 3(iii) of the Regulation RE-6, his request was regretted. Dr Laloo submitted a petition on 6.1.98 to re-consider the matter of granting him the permission but the request was regretted in view of Regulation RE-6, Clause 3(iii) and he was also informed that the Vice Chancellor could not exercise his authority under Section 12(2) of the NEHU Act 1973. Dr Laloo then tendered his resignation vide his letter dated 15.1.98 and in view of the resignation letter, no dues certificates were called from the concerned departments and it was found that Library Deptt. books valued at Rs.20,000/- are lying outstanding against him. The Vice Chancellor, in exercise of his powers under Section 12(3) of the NEHU Act, accepted the resignation of Dr R.C.Laloo vide order dated 7.2.98 subject to the condition that Dr Laloo is to return the books or pay the cost of the same amounting to Rs.20,000/- without delay. A copy of the order was also sent to Dr R.C.Laloo. In his letter of 10.3.98, Dr R.C.Laloo informed the Vice Chancellor

that he wants to withdraw his resignation letter dated 15.1.98 and he also requested to refund the amount of Rs.41,385/- deposited by him being three months salary in lieu of three months notice.

In view of the position explained above, the following observations are hereby put up before the Executive Council for considerations:-

1. Dr R.C.Laloo had tendered his resignation on his own decision. If at this stage, the University considers the withdrawal of his resignation, such consideration will create a precedent for other cases similar to the case of Dr R.C.Laloo.
2. From the office records it has been found that out of 15 years as Member of the Legislative Assembly, Dr R.C.Laloo was associated with teaching and other academic programmes of the Deptt. for a short duration upto 25th July,1987. After this period, there is no record to show that Dr R.C.Laloo was associated with the Deptt., either in teaching/research work of the Deptt. His total service as a teacher is 16 years 29 days on the date of his resignation, out of which 15 years he was an MLA.
3. As the resignation of Dr R.C.Laloo was accepted by the Vice Chancellor, who had exercised his powers under Section 12(3) of the NEHU Act 1973, the action taken by the Vice Chancellor has been placed in another agenda note for ratification by the Executive Council.

The matter is placed to the Executive Council for consideration whether the request of Dr R.C.Laloo for withdrawal of his resignation may be accepted at this stage:

No.F.10-471/Estt.II/88

6:4: Discipline.

- (ii) In the matter of imposition of Minor Penalty to Shri W.R.Lyngdoh, Asstt. Engineer (Civil), Maintenance Cell, NEHU, Shillong.

In the last Executive Council (95th), a decision was taken to impose a Minor Penalty on Shri W.R.Lyngdoh, Asstt. Engineer (Civil), Maintenance Cell, by withholding one increment of his pay for a period of 1 (one) year only without cumulative effect in terms of Rule 11 Clause 4 of the C.C.S. (CCA) Rule which will take effect from the date of increment accruing to him after the issue of punishment order (Annexure-I).

The said decision was communicated to Shri W.R. Lyngdoh, A.E.(Civil) vide Memo No.F.15-308/Estt-I/PER/D/78/1654 dated 07-01-98 (Annexure-II) wherein he was given 10(ten) days time opportunity to make such representation as he wish against the proposed Minor Penalty. Accordingly, Shri W.R. Lyngdoh, Asstt. Engineer (Civil) submitted his representation on 13/01/98 (Annexure-III) whereby he has sought for revocation of the Penalty Order and full acquittal of the charges on grounds that the University have failed to complete the entire process of Disciplinary Proceedings as envisaged in the Court Judgement (extract placed at Annexure-IV).

Shri Lyngdoh was informed vide letter No.F.15-308/Estt-I/D/78-1744 dated 27/01/98 (placed at Annexure-V) that the matter is being placed before the Executive Council for its decision.

The case is placed before the Executive Council for decision.

No.F-15-308/Estt-I/per/D/78-2085

6:4:2(2)

- (i) Report of the Inquiry Committee relating to Assistant Engineer (Civil), Maintenance Cell, NEHU.

EC:95:97:6:4:(i) : The Council considered the charges framed against Shri W.R.Lyngdoh, Assistant Engineer, Maintenance Cell vis-a-vis the departmental Inquiry Report and was convinced that there was certainly a serious lapse on the part of the Officer concerned in view of the fact that he inflated the first measurement of the construction work of the Ring Road around the Academic Housing Complex at NEHU, Permanent, Umshing. The quantities of works (including those of Permanent nature) were found less after re-measurement, but fortunately over payment was averted due to timely detection of the discrepancy in measurement.

On account of the lapse and irregularity committed by Shri W.R.Lyngdoh the Council RESOLVED to impose a minor penalty on him by withholding one increment of his pay for a period of one year only without cumulative effect in terms of Rule 11 Clause iv of the CCS CCA Rules on Disciplinary Proceedings. The withholding of increment takes effect from the date of increment accruing to Shri W.R.Lyngdoh. AE. after the issue of the Punishment Order.

6:4:2(3)

ANNEXURE- II

NORTH EASTERN HILL UNIVERSITY
NEHU Campus, Shillong-793022 (Meghalaya)

CONFIDENTIAL

No.F.15-308/Estt-I/PER/D/78/1654 Dated, the 7th January, 1998.

M E M O R A N D U M

Whereas Disciplinary Proceedings under Rule 14 of the CCS(CCA) Rules, 1965 were instituted against Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell, NEHU vide this Office Memo No.F.15-308/Estt-I/Per/D/78/2051 dt. May 13, 1997 and No.2052 dt. May 14, 1997 on the following articles of charge :

- Article of Charge-I : Cheating the University authorities by attempting to defraud the University to a tune of Rs 1,27,825.35
- Article of Charge-II : Committing forgery with the intention of cheating and mis-appropriating Public Money
- Article of Charge-III : Falsification of papers & documents with the intention to defraud the University to a tune of Rs 1,27,825.35
- Article of Charge-IV : Gross irregularity and negligence in the discharge of official duties with a dishonest motive.

A Statement of Imputation of Misconduct on which the Article of Charges were based together with the list of Documents by which the Charges were proposed to be sustained were also forwarded to him vide Memo.No.F.15-308/Estt-I/78(Part)-2258 dated 7 July, 1987.

Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell, denied the charges and accordingly Inquiry Proceedings were instituted on the 13th May, 1997 and where-as a copy of the Inquiry Report was sent to Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell under Memo No.F.15-308/Estt-I/Per/D/78/1238 dt. 4.10.1997, giving him an opportunity of making such submission on the Report of the Inquiry and to which no specific submission on the Report of the Inquiry was made by Shri W.R. Lyngdoh, Assistant Engineer (Civil), Maintenance Cell.

.....2/

6:4:2(4)

And Whereas, on careful consideration of the Report of the Inquiry and other records of the case, the Executive Council after considering the facts and circumstances leading to the lapse and irregularity committed by Shri W.R.Lyngdoh, Assistant Engineer (Civil), has therefore, decided to impose Minor Penalty under Rule 11 of CCS (CCA) Rules, 1965 by withholding one increment for a period of one year without cumulative effect vide Resolution No. EC:95:97:6:4:(i). The said Minor Penalty will take effect from the date of next increment following issue of the Final Order.

Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell, is hereby given an opportunity to make such representation as he may wish to make against the proposed Minor Penalty.

If Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell fails to submit his representation within 10 days of receipt of this Memorandum, it will be presumed that he has no representation to make, and Final Order will be liable to be passed against him ex-parte.

The receipt of this Memorandum should be acknowledged by Shri W.R.Lyngdoh, Assistant Engineer (Civil), Maintenance Cell.

Sd/-

(P.S.RYNJAH)
REGISTRAR

To:

Shri W.R.Lyngdoh,
Assistant Engineer (Civil),
Maintenance Cell, NEHU.

6:4:2(5)

Dated Shillong
The 13th Jan.1998.

To

The Registrar (P.S.Rynjah)
North Eastern Hill University
NEHU- Campus - Shillong - 793 022
Meghalaya

Sub : Submission of the Report of the Inquiry.

Ref : Your Memo No: F.15-308/Estt-I/Per/D/78/78/1654
dated the 7th January, 1998.

Sir,

While acknowledging the receipt of your Memo under reference on the subject indicated above, I beg to submit on the Inquiry Report as follows:-

1. That, in fact I have already submitted my representation to the Honourable Vice-Chancellor on 13th November 1997 in reply to letter No.F.15-308/Estt-I/Per/D/78/1238 dated 4.10.97 issued to me by your goodself enclosing therewith a copy of the R Inquiry Report. I am now again sending alongwith this submission, a copy of the same for ready reference and early action being marked as Annexure - 'A'.
2. That however, I assert my innocence emphatically and still maintain that I have never failed to maintain absolute integrity nor have I done anything which is unbecoming of Government servant, at any material point of time during the entire period of my unblemished past service career and as such, I have not violated any provision under CCS (Conduct) Rules,1994.
3. That in this connection, it needs to be specifically mentioned that, the Inquiry Report submitted by Shri J.M.S. Khongwir, Inquiry Officer of the instant Departmental Inquiry is a sufficient documentary proof that code - "After hearing the arguments of the Presenting Officer and the Defence Assistant of Shri W.R.Lyngdoh and also the statements of the University's witnesses, I find that the charges framed against Shri W.R.Lyngdoh for allowing the contractors to submit bills for work which was not done or was not in existence at all and that he deliberately and wilfully passed the bills of the contractors with the intention to defraud by accepting fictitious bills for work which was not done or was not in existence at all CANNOT BE SUSTAINED as the University's witnesses themselves have admitted that the job of the Assistant Engineer is only to take the measurement of the work executed and that the work for which Shri W. R. Lyngdoh has been charge-sheeted is actually in existence and that he did not pass any bill."

4. That, with regard to the decision arrived at by the Executive Council vide Resolution No. EC:95:97:6:4(i) imposing upon me Minor Penalty under Rule - 11 of CC³ (CCA) Rules, 1995 by withholding one increment for a period of one year without cumulative effect is arbitrary, irregular, irrational, biased, vindictive and devoid of the principles of Natural Justice and as such is liable to be set-aside, if challenge in the Court of competent jurisdiction.
5. That this apart, the authorities concerned practically crossed the border line of almost all the available norms prescribed under procedure law and in fact by not instituting, conducting, and completing the entire process of Disciplinary Proceedings leading either to the award of penalty/penalties or to the full acquittal of the C.O.(Self) within the time frame.
6. That, last but, not the least the University authorities have totally failed to comply with the standing judgement and order (oral) delivered by the Honourable Gauhati High Court, Shillong Bench on 7th April of 1997 in writ Appeal No.2(SH) of 1994 wherein it has been clearly held inter-alia that, "(b) The respondent shall complete the departmental proceedings against the opposite party/respondent within a period of 6 (six) months from the date of receipt of this order."

In view of the above facts and circumstances it is sincerely desired and hoped, for the ends of justice, that the University Authorities may kindly consider the matter thoroughly and cause orders to be passed for my full acquittal at the earliest time convenient. I beg to submit further that, I shall be constrained to approach the appropriate authorities to seek redressal of my genuine cause in the event that the matter is not finalised by the University Authorities within a period of 15 (fifteen) days from the date of receipt of this letter which may kindly be treated as my final notice.

For this act of your kindness I shall remain ever pray.

Yours faithfully,
Sd/-
(W.R.Lyngdoh)
Assistant Engineer(C)
Maintenance Cell, NEHU.

Copy forwarded to:-

The Vice-Chancellor, NEHU, with reference to my earlier representation dt. 13th Nov. 1997 for information and necessary action please.

Sd/-W.R.Lyngdoh

6:4:2(7)

EXTRACT OF THE JUDGMENT AND ORDER OF THE HON'BLE HIGH COURT
DATED 8/4/97 WITH REFERENCE TO CIVIL RULE NO. 2 (SH) OF 1994
IN RESPECT OF NEHU Vs. SHRI W.R.LYNCDON, ASSTT.ENGINEER (CIVIL)
MAINTENANCE CELL, NEHU, SHILLONG.

The only ground on which the learned Single Judge was pleased to quash the enquiry proceeding is the ground of delay caused by the appellant in completion of the enquiry proceedings. We feel that in the light of the seriousness of the charges and the fact the enquiry officers appointed by the appellant refused for one or the other reason to complete the enquiry, we are of the view that another opportunity should be given to the appellant to complete the enquiry. We accordingly direct as follows:

- a) The judgement and order passed by the learned Single Judge in Civil Rule No. 102(SH)/93 dt. 21.2.94 is set aside.
- b) The respondent shall complete the departmental proceedings against the opposite party/respondent within a period of 6 (six) months from the date of receipt of this order.
- c) During the enquiry, so conducted against the opposite party/respondent, it is open to the University not to utilise the services of the opposite party, his salary shall however be paid in full during the period that his services were not utilised.
- d) In the event the opposite party/respondent fails to cooperate or participate or intimidates or threatens the enquiry officer, it is open to the enquiry officer entrusted with the enquiry to proceed with the enquiry ex-parte and complete the enquiry within the stipulated time. This shall be done after recording the reasons.

In view of the above direction, the writ appeal is allowed. No order as to cost.

Sd/- A.F.Singh
Judge

Sd/- H.K.Sema
Judge

6:4:2(8)

ANNEXURE-V

NORTH EASTERN HILL UNIVERSITY
NEHU Campus, Shillong-793 022 (Meghalaya)

No. F.15-308/Estt-I/PER/D/78-1744

Dated 27/01/98

To

Shillong.

Sub: Mr. Kam Shri W.R.Lyngdoh,
Assistant Engineer (Civil),
Maintenance Cell,
NEHU, Permanent Campus,
Shillong.

Sub : Withholding of One Increment for a period of
one year without cumulative effect.

Ref : Your letter No.Nil dt. 13-1-98.

In inviting a reference to this office Memo
No.F.15-308/Estt-I/Per/D/78/1654 dated 7-1-98 on the
above subject, I am to inform you that your prayer seeking
acquittal from the charges is being placed before the
Executive Council for consideration.

Sd/-

(P.S.Rynjah)
Registrar.

6:6:2(1)

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

(1a) Grant of annual allowance to Dr. V.S.V. Prasad, Senior Medical Officer, NEHU, Shillong.

The 93rd Executive Council No. 93:97:6:6 held on 15.7.97 at Annexure-I had considered for grant of annual allowance at the rate of Rs. 1200/- per annum to Dr. V.S.V. Prasad for holding a post graduate Diploma qualification in terms of Government of India order No. A.27023/3/87 CHS-V dated 25.2.89 at Annexure-II.

Dr. Prasad in his letter dated 18.11.96 has requested for grant of an annual allowance of Rs.3000/- per annum on completion of his P.G. Diploma course in Hospital and Health Management conferred by the Academy of Hospital Administration, New Delhi on 31.12.96 (Annexure-III). The 93rd Executive Council's decision was based on the agenda which had proposed that a sum of Rs. 1200/- per annum may be sanctioned as annual allowance to Dr. Prasad as he was not holding P.G. degree qualification, in accordance with the Govt. of India Ministry of Health and Family Welfare, New Delhi dated 25.2.89. But on further examination it transpired that in terms of the Govt. of India Ministry of Health and Family Welfare No. A.27023/3/87 CHS-V dated 22.12.89 that Medical Officers holding Post Graduate qualification either Diploma or Degree will be paid an annual allowance of Rs. 3000/- per annum. This may be seen at Annexure-IV.

In view of the Govt. of India order dated 22.12.89 perhaps the case of Dr. Prasad may be reviewed, as he is found to be entitled to an annual allowance of Rs. 3000/- per annum at the rate of Rs.250/- per month with effect from 1.1.97, and not Rs. 1200/- per annum.

The matter is therefore placed before the Executive Council for consideration of the case.

No.F.14-83/Estt-II/85(P)-903

ANNEXURE -I

EXTRACT OF THE MINUTES OF THE 93rd MEETING OF THE EXECUTIVE COUNCIL HELD ON 15.7.97 No. EC:93:97:6:6

Item 6:6

- i) Grant of Annual Allowance to Central Health Service Doctors for Academic and Research pursuits.
- i) The Council considered the grant of annual allowance to Dr. V.S.V. Prasad, SMO, for holding a Post-Graduate Qualification and RESOLVE that he may be granted an annual allowance of Rs. 1200/- per annum in terms of the Government of India's Guidelines.

Sir,

I am directed to say that the decision of grant of Annual Allowance to the Central Health Service Doctors with a view to encouraging their academic, research and other professional pursuits has been under consideration of the Government for some time. The President is pleased to decide that an Annual Allowance of Rs. 1200/- (Rupees Three thousand) only will be granted to all the officers of the Central Health Service belonging to teaching and Public Health Sub-centres and Annual Allowance of Rs. 1200/- (Rupees One thousand two hundred) only will be granted to officers belonging to General Duty Sub-centres of the Central Health Service subject to the following conditions:-

- 1. The allowance will be paid to officers belonging to Sub-centres and Public Health Sub-centres at the rate of Rs. 1200/- (Rupees One thousand two hundred) only per month and to General Duty Medical Officers at the rate of Rs. 1200/- (Rupees one thousand) only per month.

- 2. At the end of the financial year, each Sub-centre/General Duty Medical Officer will be required to furnish a certificate to the effect that the annual allowance has been utilised for the purpose for which it was drawn. In the case of retirement/resignation before the end of the financial year, such a certificate will be furnished at the time of such retirement/resignation.

These orders will take effect from 1st July, 1987.

This is in accordance with the concurrence of Department of Personnel and Training vide their T.O. No. 2101/3087-est (A) (wage) dated 18th February, 1988.

Yours faithfully,

S. J. Kapur

Under Secretary to the Government of India
Tel No. 301222

6:6:2(3)

ANNEXURE- II

A.27023/3/87-CHS.V

Govt. of India
Ministry of Health and Family Welfare

New Delhi, the 25th February, 1988.

To,

All the participating units of the
Central Health Service.

Sub:- Grant of Annual Allowance to Central Health Service
Doctors for academic and research pursuits.

Sir,

I am directed to say that the question of grant of Annual Allowance to the Central Health Service Doctors with a view to encouraging their academic, research and other professional pursuits has been under consideration of the Government for sometime. The President is pleased to decide that an Annual Allowance of Rs.3000/- (Rupees Three thousand) only will be granted to all the officers of the Central Health Service belonging to Teaching, non-teaching and Public Health Sub-cadres and Annual Allowance of Rs.1200/- (Rupees One thousand two hundred) only will be granted to officers belonging to General Duty Sub-cadre of the Central Health Service subject to the following conditions:-

- i) The Allowance will be paid to officers belonging to Specialists Sub-Cadre or Teaching, Non-teaching and Public Health at the rate of Rs. 250/- (Rupees Two hundred fifty) only per month and to General Duty Medical Officers at the rate of Rs. 100/- (Rupees one hundred) only per month.
- ii) At the end of the financial year, each Specialist/ General Duty Medical Officer will be required to furnish a certificate to the effect that the amount of Annual Allowance has been utilized for the purpose it was drawn. In the case of retirement/resignation before the end of the financial year, such a certificate will be furnished at the time of such retirement/resignation.

2. These orders will take effect from 1st July, 1987.

3. This issues with the concurrence of Department of Personnel and Training vide their I.D. No. 21011/36/87-Estt(Allowance). dated the 18th February, 1988.

Yours faithfully,

sd/-

P.K. Kapur

Under Secretary to the Government of India
Tel No. 3018659.

6:6:2(4)

ANNEXURE - III

ACADEMY OF HOSPITAL ADMINISTRATION

NEW DELHI

Academy of Hospital Administration has conferred upon Dr. V.S.V. Prasad, P.G. Diploma of Hospital and Health Management (Approved by D.G.H.S.) with all the rights and privileges appertaining thereto. In witness thereof, this Diploma duly signed has been issued and the seal of the Academy hereunto affixed.

Issued by the Academy of Hospital Administration on this 31st day of December A.D. Nineteen hundred and Ninety six.

Sd/-

Sd/-

Sd/-

President

Executive Director

Course Director

The other conditions laid down in this Ministry letter no. A.2703/87-CAS.V dated 25.2.88 will remain unchanged. These orders will take effect from 1.10.1987. This issues with the concurrence of Department of Personnel and Training vide their I.O. No. 2101/87/3333 (Allotment) dated 2.12.88.

Your faithfully,

Sd/-

P. K. Kapur

Under Secretary to the Government of India

6:6:2(5)

ANNEXURE- IV

No.A.27023/3/87-CHS.V
Government of India
Ministry of Health and Family Welfare
Man Bhavan, New Delhi

Dated the 22nd December, 1989.

To,

All Participating Unit of the
Central Health Service

Sub:- Enhancement of Annual Allowance (Contingency Allowance) for Medical Officers (holding P.G. Qualification) of Central Health Service.

Sir,

I am directed to refer to this Ministry's letter No. A.27023/3/87-CHS.V dated 25.2.88 (copy enclosed) on the subject noted above, and to say that the question of enhancement of Annual Allowance (Contingency Allowance) for Medical Officers (holding Post-Graduate Qualification) of Central Health Service has been under consideration of this Ministry. It has since been decided to revise the rates of Annual Allowance for these Officers.

2. The President is pleased to decide that all Medical Officers of General Duty Sub-cadre of Central Health Service holding Post graduation qualification either Diploma or Degrees will be paid an Annual Allowance (Contingency Allowance @ Rs. 3000/- per annum.

3. The other conditions laid down in this Ministry letter No.A.27023/3/87-CHS.V dated 25.2.88 will remain unchanged.

4. These orders will take effect from 1.10.1987.

5. This issues with the concurrence of Department of Personnel and Training vide their I.D. No.21011/36/87-Estt. (Allowance), dated 5.12.89.

Yours faithfully,

Sd/-

P.K. Kapur

Under Secretary to the Government of India.

6:6:3(1)

(iii) CIRCUMSTANCES LEADING TO UPGRADATION OF THE POST OF STORE-IN-CHARGE TO THE SCALE OF Rs.2000-3500/- PERSONAL TO SHRI VIJAYAN T.R.

While considering the status of the RSIC vis-a-vis the NEHU in its 93rd meeting held on 15.7.97, the E.C. desired to know about the case of one Matriculate Store-Keeper at RSIC who has been appointed in the scale of pay of Rs.2000-3500/-.

Later, on the approval of the D.S.T. to convert the post of Store-Incharge into the post of Section Officer(Store-cum-Finance) in the pay scale of Rs.2000-3500/-vide DO No.IDP/RS/SHI/90(VolIII) dt. 25.11.93 (Annexure 'A'), the Vice-Chancellor decided to upgrade the post of Store-Incharge to the scale of Rs.2000-3500/- on purely personal basis to the present incumbent only vide order No.F.2-1/CRC/93-441 dt. 17.6.94 (Annexure'B').

Since then Shri Vijayan T.R. was allowed up-gradation of pay scale of Rs.2000-3500/- with effect from the date of his appointment in the post of Store-Incharge.

Since the up-gradation is purely personal to the present incumbent viz Shri Vijayan T.R., it cannot be taken as a reference for future appointee.

The matter is therefore placed before the Council as desired.

.....

6:6:3(2)
COPY

ANNEXURE - A

DR. R.P.SING
DIRECTOR (IDP)
Tel: 662463

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
DEPARTMENT OF SCIENCE & TECHNOLOGY
TECHNOLOGY BHAVAN
NEW MEHRAULI ROAD
NEW DELHI- 110016.

DO No IDP/RS/SH1/90(Vol.II)

Date 25.11.93.

Dear Dr Khathing,

With reference to your letters Nos.RSIC/SHG/DST/93-1009 dated 15 Apr 93 and 26 June, 1993, Deptt. of Science & Technology has no objection if the post of Store-in-Charge of RSIC is converted into Section Officer (Store-cum-Finance) in the Pay Scale of Rs.2000-3500 as per rules of the University. As such, the total number of posts in the RSIC will remain the same.

With regards,

Yours sincerely,

Sd/-
(R.P. Singh)

Dr.D.T.Khathing,
Head RSIC
North Eastern Hill University,
Bijni Complex, Bhagyakuj,
SHILLONG 793 003.

6:6:3(3)

COPY

ANNEXURE - 'B'

NORTH EASTERN HILL UNIVERSITY
MAWKYNROH - UMSHING
PERMANENT CAMPUS
MAWLAI SHILLONG 793008(Meghalaya)

No.F.2-1/CRC/93-441

Dated, Shillong, the 17th
June '94.

To,

The Head,
Regional Sophisticated Instrumentation Centre,
NEHU, Bijni Complex,
Shillong.

Sub : Conversion/re-designation of the post of Store-in-charge -
R.S.I.C.

Sir,

I am to refer to your letter No.RSIC/SHG/CRC/94-1544 dated 19.3.94 in connection with up-gradation/conversion of the post of RSIC Store-in-charge which has been approved by the D.S.T. vide their letter D.O.No.IDP/RS/SHI/90(Vol.II) dated 25.11.93 and to suggest the following :-

1. The conversion of the post of Store-in-charge, RSIC into the post of Section Officer(Store-cum-Finance) in the pay scale of Rs.2000-3500/- may be treated as up-gradation of the post of Store-in-charge.
2. Since the total number of posts in RSIC will remain the same, the up-gradation will be purely personal to the existing incumbent holding the substantive post of Store-in-charge and as such the designation will remain unaltered.

Yours faithfully,

sd/-

(A.Patton)
Registrar.

.....

(iv) CONSIDERATION OF ELIGIBILITY FOR PROMOTION IN RESPECT OF
Ms.M.PYNGROPE, LABORATORY ASSISTANT, CHEMISTRY DEPARTMENT
VIS-A-VIS THE RECRUITMENT POLICY - EFFECTIVE DATE OF APPLI-
CATION OF THE REVISED RECRUITMENT POLICY.

The case of promotion of Smti.M.Pyngrope, Lab. Assistant to the post of Junior Technical Assistant in Chemistry Department was placed for consideration and decision before the Executive Council meeting dated 21st March, 1997 vide agenda note at Annexure - I. The circumstances leading to this issue is that the Pre-Revised Recruitment Policy in operation at the time of accrual of the vacancy, stipulated a longer period of experience (i.e. 8 years) whereas the Revised Policy currently in operation stipulates a shorter one (5 years). Smti.Pyngrope completed 5(five) years of service on 6th June, 1995 and would have been eligible for consideration of promotion in terms of the Revised Policy but for the fact that the vacancy in question accrued anterior to the adoption of the Revised Policy.

The Executive Council vide its resolution No.EC:92:97:6:6: (xii) had resolved to refer the matter to the Advisory Committee on Cadre Management. However, in its meeting held on 15th July, 1997 the Executive Council withdraw promotion cases from the term of reference of the Advisory Committee, thus the case of promotion in respect of Smti.Pyngrope stood withdrawn from the purview of the Advisory Committee on Cadre Management.

In view of this, the case is again placed before the Executive Council for consideration and decision as to :-

- (a) Whether Ms.Pyngrope's case can be taken up for promotion now since already completed 5(five) years service in terms of the Revised Interim Recruitment Policy (at Annexure - B) even though the vacancy to which she is to be considered had accrued anterior to the adoption of the Revised Policy.

O R

- (b) Whether she can be considered for promotion only after 6th June, 1998 i.e. after completion of 8(eight) years service in fulfilment of the pre-requisite of the Pre-Revised Policy (at Annexure - III) because of the vacancy having accrued ever since the operation of the Pre-Revised Policy.

CONSIDERATION OF ELIBIBILITY FOR PROMOTION IN RESPECT OF MS.M.PYNGROPE, LABORATORY ASSISTANT, CHEMISTRY DEPARTMENT VIS--A--VIS THE RECRUITMENT POLICY - EFFECTIVE DATE OF APPLI-CATION OF THE REVISED RECRUITMENT POLICY.

Since 10.7.95, two vacancies of Technical Assistant accrued in the Chemistry Department but had to be left unfilled till date because of the facts stated at 1 and 2 below :-

1. The vacancies accrued during the operation of the Pre-Revised Interim Recruitment Policy (adopted by the E.C. on 30.10.90) - relevant extract of which is placed at Annexure 'A' for reference of the Council. According to the distribution of quota, the two vacancies fell due for promotion quota but consideration of promotion could not be taken up as yet because Chemistry Department has no Sr.Lab.Assistant who have completed 8(eight) years of service in fulfilment of the pre-requisite laid down in the Pre-Revised Policy. Ms.M. Pyngrope, seniormost Sr.Lab.Assistant of the Department will complete 8(eight) years of service only on 6.6.98.
2. Meanwhile, in its meeting held on 18.7.96, the E.C. adopted the Revised Interim Recruitment Policy, the relevant extract of which is placed at Annexure - 'B'. Since there was no indication of retrospective effect, it literally implies that the Revised Policy applies only to vacancies accruing after 18.7.96. Unlike the Pre-Revised one, the Revised Policy, besides a B.Sc.Degree stipulates "5 years continuous service as Sr.Lab.Assistant" as a pre-requisite for entitlement to consideration of promotion. Ms.Pyngrope (a B.Sc.degree holder) having completed 5 years service on 6.6.95, would have been eligible for consideration of promotion after the adoption of the Revised Policy but for the fact that the vacancy in question accrued since 1995 anterior to the adoption of the Revised Policy.

The above facts are placed before the Council for consideration and decision as to :-

- (a) Whether Ms.Pyngrope's case can be taken up for promotion now since already completed 5 years service in terms of the Revised Interim Recruitment Policy (at Annexure 'B') even-though the vacancy to which she is to be considered had accrued anterior to the adoption of the Revised Policy.

OR

contd--2/-

6.6.4(3)

(b) Whether she can be considered for promotion only after 6.6.98 i.e. after completion of 8 years service in fulfilment of the pre-requisite of the Pre-Revised Policy (at Annexure 'A') because of the vacancy having accrued ever since the operation of the Pre-Revised Policy.

---oo0oo---

Meanwhile, the meeting held on 18.7.98, the E.C. adopted the Revised Interim Recruitment Policy, the relevant extract of which is placed at Annexure - 'B'. Since there was no indication of retrospective effect, it clearly implies that the Revised Policy applies only to vacancies accruing after 18.7.98. Unlike the Pre-Revised Policy, the Revised Policy provides for a pre-requisite for promotion of "5 years continuous service" as a pre-requisite for promotion. Ms. Pyngrope (a B.Sc. degree holder) having completed 5 years service on 6.6.98, would have been eligible for consideration of promotion after the adoption of the Revised Policy but for the fact that the vacancy in question accrued since 1995 anterior to the adoption of the Revised Policy.

The above facts are placed before the Council for consideration and decision as to :-

(a) Whether Ms. Pyngrope's case can be taken up for promotion now since already completed 5 years service in terms of the Revised Interim Recruitment Policy (at Annexure 'B') even though the vacancy to which she is to be considered had accrued anterior to the adoption of the Revised Policy.

OR

---oo0oo---

EXTRACT FROM THE PRE-REVISED INTERIM RECRUITMENT POLICY -
 APPROVED BY THE EXECUTIVE COUNCIL ON 30.3.90 (68TH MEETING)

1. POST : TECHNICAL ASSISTANT.

II. Methods of Appointment : (1) 75% by Promotion on Seniority-cum-fitness.
 (2) 25% by Open Recruitment.

III. Eligibility Conditions : By promotion on Seniority-cum-fitness in respect of Sr.Lab.Assistant who have rendered 8 years continuous service as Sr.Lab.Assistant with sufficient experience in the field.

IV. Qualification for : B.Sc. with 5 years or M.Sc. with 3 years
 Direct Recruitment : experience in the relevant field and practical test in the concerned area if needed.

6:6:45

ANNEXURE - B

EXTRACT FROM THE REVISED INTERIM RECRUITMENT POLICY -- APPROVED
BY THE EXECUTIVE COUNCIL ON 18.7.96 (90TH MEETING).

III. Post : TECHNICAL ASSISTANT.

- a) Promotion/Recruitment Criteria : i) 75% promotion on seniority cum-fitness.
ii) 25% by open recruitment.
- b) Promotion eligibility : i) In-service regular Senior Lab. Assistant who are Science Graduate and having 5 years continuous service as Sr.Lab.Asstt. will be considered for promotion.
- c) Direct Recruitment Criteria : i) Must be a B.Sc. with 3 years experience in the respective field.
OR
M.Sc. with 2 years experience in the respective field.
OR
Diploma in Electronics with 3 years experience.
ii) Interview.

.....

(v) Request for removal of the prescribed limitation
in respect of OTA.

The prescribed limitation of OTA in respect of the Emergency Driver has been waived as per the E.C. decision No. EC:92:97:6:7(iv). Non-emergency Drivers vide their representation dated 3rd February 1998 (Annexure-I) have requested for removal of the prescribed limitation in respect of OTA in their case also as the nature of works performed by them requires availability for duty through-out the 24 hours of a day.

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

ANNEXURE - I

To

The Registrar,
NEHU, Shillong.

Dated the 3rd Feb.1998.

Subject : Waiving of the prescribed Limitation of OTA in
respect of the Emergency driver.

Sir,

With reference to the subject cited above and the E.C' resolution No.EC:92:97:6:7(ii), we the undersigned would like to state that the duties performed by us are all of the emergency in nature and we cannot say "NO" to any duties allotted to us by the authorities even in odd hours for example :- If there is a power failure or if the water pump is out of order, the driver of water tanker has performed duty for 24 hours which it will automatically exceed the prescribed limit, this may happen to other drivers also who drive Busses and light vehicles in case emergency arise.

Thus by waiving of the prescribed limitation of OTA only in case of emergency driver is not only creating a discrimination amongst us but also lead to misunderstand.

Hence, we request you to kindly consider the extra duty performed by us in the excess of the limit as in the case of emergency duty for the purpose of OTA.

Yours faithfully,

Sd/- Shri D.Marbaniang Driver.	Sd/-M.Kharbuli Driver
Sd/- E.S.Kharmawlong "	Sd/-P.Kuki "
Sd/- F.F.Lyngdoh "	Sd/-S.Kuki "
Sd/- P.Kharkongor "	Sd/-B.B.Mizar "
Sd/- John Wahlang "	Sd/-H.Walarpih "
Sd/- R.Kharjana "	Sd/-K.Chettri "
Sd/- J.Khyriem "	Sd/-Suban Thapa "
Sd/- Augustine Syndor "	Sd/-R.Rizal "
Sd/- Harban Singh "	
Sd/- K.Marbaniang "	
Sd/- N.Khongwir "	
Sd/- G.Sohtun "	
Sd/- N.Khonglam "	
Sd/- K.Kharpuri "	
Sd/- Juwan Lyngdoh "	
Sd/- Jurent Lyngdoh "	
Sd/- I.Shabong "	
Sd/- Shankar Pradhan "	
Sd/- Hakim Tamang "	
Sd/- P.P.Chettri "	
Sd/- Sreeman Chettri "	
Sd/- H.B.Chettri "	
Sd/- R.Lakandry "	

Copy to :-

1. The General Secretary, NEHUNSA, NEHU, Shillong for
information and necessary action in the matter.

ooOoo

(w) Pensionary liabilities during the period of E.O.L and during the period of holding Executive post by Member of Legislative Assembly.

Dr R.C.Laloo joined as Lecturer in the Deptt. of Botany, NEHU, Shillong w.e.f 16.12.1981. During his Lecturership, he was granted permission to file nomination in the Legislative Assembly Election of 1983, and was elected. On 8.3.1983, he was inducted into the Ministry as Cabinet Minister, he opted to draw pay and allowances from the Govt of Meghalaya and submitted an undertaking that he shall continue with the teaching work assigned to him.

On January, 1988, he was again permitted to file nomination in the Legislative Assembly Election of 1988 and was elected. He was inducted into the Ministry as a Cabinet Minister on 6.2.1988. During this period he was appointed as Reader in the Botany Deptt. through open Selection Committee in absentia and he submitted the charge report as Reader on 6.5.1988 countersigned by the Head of the Deptt. He also continued to hold the Ministership upto March, 1990 and vide his letter of 2.4.90 he relinquished the post of Minister and opted to draw pay from NEHU salary from April, 1990.

As per records, no leave application was received by the office during the period of his Ministership w.e.f 8.3.88 onwards for the 1st and 2nd term as Member of Legislative Assembly.

Then vide his letter dated 14.5.1992 he informed that he was appointed as a full time Cabinet Minister in the Government of Meghalaya. On instruction of the office, Dr R.C.Laloo was requested to apply for EOL for the period he was holding Executive post. He then applied for E.O.L w.e.f 6.2.1992 which was granted to him vide order dated 15.1.1993. He has also refunded an amount of Rs.30,834/- only being the refund of salary paid for the period from 6.2.1992 to 31.5.1992 vide letter dated 11.11.1992 for drawing the salary from NEHU for the above period.

On January, 1993 he was granted permission for filing of nomination to contest in the Legislative Assembly election of 1993 and was elected. He continued to be a Cabinet Minister in the Government of Meghalaya. During this period the Head of the Deptt. of Botany informed that Dr Laloo is not associated

with regular teaching/research in the Deptt.

It may be added that no leave application beyond the period of 20.3.1993, vide order dated 13.1.1992, while holding the Executive post, has been submitted by him.

On 21.10.97, Dr Laloo requested permission for filing nomination to contest in the Legislative Assembly election to be held in 1998. The matter had been examined thoroughly and in view of Clause 3(iii) of Regulation No. RE-6 he was informed that the request was regretted.

On receipt of the above letter, Dr Laloo submitted a petition dated 6.1.1998 to reconsider the matter and to grant permission. The request was regretted in view of Regulation RE-6, Clause 3(iii) and that the Vice Chancellor could not exercise his authority under section 12(2) of the NEHU Act.

Dr Laloo then tendered his resignation vide his letter dated 15.1.1998. He has completed 15 years as Member of Legislative Assembly.

It may also be added that regarding pensionary liabilities during the period as elected member of Legislative Assembly/Parliament/District Council holding executive position, the NEHU Regulation RE-6 is completely silent on this aspect but the period is counted for the purpose of increment and seniority. However, under Clause 8(iii) (d) of the OE-6 of the Ordinance says that the period so spent shall not be counted for increment but shall count for seniority. The period shall not also count for pensionary/C.P.Fund benefits unless the pension/CPF contributions are paid by the teacher or foreign employer. Regarding his absence during the period when he was holding the ministership w.e.f 8.3.1983 to 14.1.1998 with the exception of the EOL period of 409 days sanctioned w.e.f 6.2.1992 to 20.3.93, the Executive Council may kindly decide the course of action for consideration on the lines highlighted in the agenda above to enable the office to examine his entitlement for pensionary benefits whether the period can be counted as qualifying service without payment of LS/PC or otherwise.

The matter is placed before the Executive Council for a decision.

(vii): Voluntary Retirement of Sri S.L.Marbaniang
as Lecturer in Mathematics Deptt. NEHU.

Sri S.L.Marbaniang joined as Lecturer in the Mathematics Deptt. in 16.7.74. He was confirmed in the post and served the University continuously for a period from 16.7.74 to February, 1993. During this period he was granted Study Leave, initially for a period of 1 year w.e.f 2.8.77 and the study leave period was regularised by granting him E.L for 37 days w.e.f 2.8.77 to 7.9.77, H.P.L for 60 days w.e.f 8.9.77 to 6.11.77 and E.O.L for 267 days w.e.f 7.11.77 to 31.7.78. He then resumed his duty in the Deptt. on 1.8.77. On his request, study leave for a further period of 1 year was again granted w.e.f 1.9.80 under the provision of Clause 10 of the Ordinance, regulating leave to teachers which was further extended w.e.f 1.9.81 to 14.8.82 and resumed his duty on 13.8.82. He was again granted sabbatical leave for a period of 4(four) months w.e.f 1.3.87 to complete the thesis leading to the award of Ph.D degree and was further extended for another period of 169 days from 1.7.87 to 16.12.87, the total being 9 months 16 days. He joined the University on 17.12.87 after expiry of sabbatical leave.

Sri S.L.Marbaniang then contested the Meghalaya Legislative Election of February, 1988 with due permission and on his successful return, he informed that he would continue to perform the duties as per UGC guidelines and opt for the pay of NEHU (Annexure-I). Sri Marbaniang, however, confirmed that he did not draw salary for July 1989 to October, 1991, as he was holding executive post (Annexure-II). During his first term, no leave application was submitted when he was holding the Executive post.

Again in February, 1993 he contested the election with due permission and got elected but there is no record of his leave application nor records as to whether he was associated with his teaching works in Deptt. He had however, intimated that during the period from mid June, 1994 to December, 1996, he was the Chairman of Meghalaya Industrial Development Corporation and Sri Marbaniang also confirmed that he was Chairman of the Meghalaya State Planning Board with Cabinet rank from January, 1997 to December, 1997. During the period from November, 1991 till December, 1997, he did not draw any salary from the Meghalaya Government or State Legislature except the monthly allowance (Annexure-III). Sri Marbaniang's request for filing nomination for contesting the 1998 Meghalaya Assembly election was

regretted in view of Clause 3(iii) of Regulation RE-6. He then submitted his application dated 19.1.98 for voluntary retirement vide his application placed at Annexure-IV. An amount of Rs.36,444/- being 3 month's salary in lieu of notice period has been refunded by him vide NEHU Challan dated 23.1.98 in accordance to Clause 36(K)(i) of FR/SR and Rule 48(A) of the C.C.S Pension Rule i.e without giving 3 months notice in writing in order to obtain voluntary retirement with all pensionary benefits entitled to him. In view of the letter for voluntary retirement, the Vice Chancellor has accepted his voluntary retirement with effect from 19.1.98 as there was no outstanding dues against him and has completed more than 20 years of service, which is subject to ratification by the Executive Council. This may be seen at Annexure-V. The following observations are therefore, put up for consideration.

1. Sabbatical leave availed by him w.e.f 1.3.87 to 16.12.87 i.e for a period of 9 months and 16 days attracts the provision of Clause 11(iii) of OE-6 of NEHU Ordinance, where he failed to serve the University immediately on completion of the sabbatical leave for a minimum period of 3 years and is therefore, required to refund the leave salary and other allowances spent on him together with 6 percent interest per annum. However, the Ordinance has empowered the Executive Council either to reduce or waive the amount but the reasons are to be recorded. It appears that the office had allowed Sri Marbaniang the permission to contest the election in 1988 without observing the fulfilment of Clause 11(iii) of OE-6, where he has to serve the University for 3 years on resumption of his sabbatical leave.
2. The positions during his tenure as MLA w.e.f February,1988 to February,1998 were held by him which are equivalent to Cabinet rank and there is no record of his leave application nor record as to whether he was associated with teaching work of the Department except the intimation of his letter at Annexure-I during 1988 that he would continue to perform the duties as per UGC guidelines.

In terms of Clause 3(1) of Regulation RE-6, E.O.L has to be availed for the period of holding executive posts and the period so spent be counted for increment and for seniority and that such teachers shall not hold any administrative position/responsibility

in the University. It is however, silent on the aspect of payment of leave salary and pension contribution for the period so spent.

3. As regards the periods other than the positions as Executive/Chairman held by him, the Clause 2(i) of Regulation RE-6 would be operative and he is not required to take leave. But if he desires he may be considered for grant of leave of the kind as per the provision of Ordinance governing to the teachers.
4. The E.O.L period of 267 days i.e 9 months 16 days and the E.O.L period from July 1989 to October,1991 when he was holding the Executive post has been deducted from his qualifying service i.e 23 years, 6 months, 3 days to 20 years, 7 months, 9 days as no pension contribution was paid by him or by the Government, when he was a minister as required under Clause 8 sub-clause (iii) (d) of the OE-6.

Thus, it appears during his first term, he was holding an executive post from July,1989 to October,1991 and no leave application for E.O.L has been received.

Secondly, for his second term, he was the Chairman of Meghalaya Industrial Development Corporation from mid June,1994 to December,1994 and Chairman, Meghalaya Planning Board from January,1997 to December,1997, where he was paid an honorarium of Rs.2,000/- with facilities of a Cabinet Minister for the period he was Chairman of Meghalaya Industrial Development Corporation and honorarium is yet to be drawn from the second Chairmanship. He was drawing salary from NEHU. This has been explained by him at Annexure-I.

The matter is placed to the Executive Council for ratification of the acceptance of the voluntary retirement accepted by the Vice Chancellor and decision on the observations highlighted in the agenda.

No.F.19-5/Estt.II/75

6: 6: 7(4)

ANNEXURE-I

Phone :

Grams : NEHU

NORTH-EASTERN HILL UNIVERSITY
Lower Lachumiere, Shillong - 793 001 (Meghalaya)

To

The Registrar
NEHU, Shillong.

Subject: Salary

Sir,

I would like to kindly inform you that, consequent upon my being elected as a Member, Meghalaya Legislative Assembly, I will continue to perform my duties in the Deptt. as per UGC guidelines on the subject.

In this connection, I am to inform you that I would like to opt for the NEHU normal, pay and allowances.

Thanking you,

Yours faithfully,

Sd/-

(Shri S.Loniak Marbaniang)
Lecturer, Deptt. of Mathematics
NEHU, Shillong.
7/3/88

ANNEXURE-II

Phone :
Grams : NEHU

NORTH - EASTERN HILL UNIVERSITY
Rijni Complex,
Bhagyakul, Shillong - 793003 (Meghalaya)

Shri S.L.Marbaniang
Department of Mathematics

21st May, 1993

To

The Registrar
North-Eastern Hill University,
Shillong.

Sir,

I would like to inform your kind honour that I did not draw any salary from NEHU for the period from July, 1989 to October, 1991 as I was holding Executive Posts in the Meghalaya State during this period.

Thanking you,

Yours faithfully,

Sd/-

(Shri S.Loniak Marbaniang)
Lecturer, Mathematics Department,
NEHU, Shillong.

Copy for information and necessary action to:

1. The Finance Officer, NEHU, Shillong
2. The Assistant Finance Officer, NEHU, Shillong.
3. The Head, Mathematics Department, NEHU, Shillong

(Shri S.L.Marbaniang)

ANNEXURE-III

To

The Deputy Registrar(Estt.II)
NEHU, Campus, Shillong-793022.

Ref. Your letter No.F.19-5/Estt.II/82-514 dt. 22.1.98

Madam,

Apropos the above reference, I would like to furnish the following informations:

1. During 1993-1997, I did not hold any executive post. However, from the middle of June 1994 to December,1996 I was the Chairman of Meghalaya Industrial Development Corporation. From mid June,1994 to October,1994, I was getting only the honorarium of Rs.2000/- (Rupees two thousand) only per month plus P.O.L but no T.A, D.A nor sitting fee either and from November,1994 to December,1996, I was getting only the honorarium of Rs.2,000/- (Rupees two thousand) only per month plus facilities accorded to a Cabinet Minister, my post being elevated to a cabinet rank, but no T.A, D.A or Sitting Fee. From January,1997 to December,1997, I became the Chairman of Meghalaya State Planning Board with Cabinet Rank thereby getting facilities of a Cabinet Minister plus T.A, D.A but no Sitting Fee, as for honorarium I have not got anything till date. I may add here that during the entire period mentioned above, I did not draw any salary from the State Govt./ Legislative Assembly.
2. During November,1991 till December,1997, I did not draw any salary from the State Govt. Legislative Assembly, except only the allowances as admissible.
3. This item is being complied with accordingly.

Regarding No Dues Certificate, as mentioned in the letter, I fervently request you to also please help my case expeditiously.

Thanking you,

The amount of Rs.36,444/- is being refunded by me today the 23.1.98.

Yours sincerely,

Yours sincerely,

Sd/-

(Shri S.Loniak Marbaniang)
Senior Lecturer, Department of
Mathematics, NEHU.

ANNEXURE-IV

Member
Meghalaya Legislative Assembly

Phone (Off. 226888)
(Res. 222389)

Date 19th Jan. '98

To

The Deputy Registrar
North Eastern Hill University,
NEHU Campus, Shillong-793022,
(Meghalaya)

Ref. Your letter No.F.12-5/Estt.II/82-801 dated 19.12.97

Madam,

Propos the above reference, I would like to submit my application here for voluntary retirement or otherwise, whichever is applicable, so as to enable me to contest in the coming M.L.A Election which will be held on 16/2/98. Soliciting an expeditious action from your end since the matter is quite urgent.

Yours faithfully,

Sd/-

(S.L.Marbaniang)
Senior Lecturer, Mathematics Department,
N.E.H.U

Copy for information and necessary action to:-

1. The P.S to the V.C NEHU
2. The Head of the Mathematics Department, NEHU

(S.L.Marbaniang)

ANNEXURE-V

Phone :
Grams :

NORTH-EASTERN HILL UNIVERSITY
NEHU Campus, Shillong-793022 (Meghalaya)

No.F.19-5/Estt.II/82-849

Dated Jan.24,1998

O R D E R

Subject to ratification of the Executive Council, the Vice Chancellor is pleased to accept the voluntary retirement of Sri S.L.Marbaniang, Lecturer in the Department of Mathematics as Sri S.L.Marbaniang has completed 20(twenty) years of qualifying service. The EOL for the period from July, 1989 to October,1991 shall have to be regularised.

This issues with the approval of the Vice Chancellor under Section 12(3) of the NEHU Act 1973 and is effective from 19.1.98(AN).

(Sri P.S.Rynjah)
Registrar

Copy to:

1. The PVC, NEHU, Shillong
2. The F.O, NEHU, Shillong
3. The P.S to V.C. NEHU, Shillong
4. The Head, Deptt. of Mathematics, NEHU, Shillong
5. Sri S.L.Marbaniang, Lecturer, Deptt. of Mathematics, NEHU, Shillong.
6. The S.O(Fund Section), NEHU, Shillong
7. The Dy. Reg. Planning, NEHU, Shillong
8. The Personal File

Registrar

D.V.O. East Asia

Animal Veterinary

(i) Amendment of House Allotment Rules.

Sub: Ka Kamri

As desired by the 93rd EC vide Resolution No.EC:93:97:6:7: (iii) the views of the two service Associations are placed in Annexure - I & II).

The matter is placed before the EC for consideration.

.....

No.F.4-1/EMS/95-96/Vol-III/600

PH No: 3856

6:7:1(2)

(COPY)

Annex - II

NEHUTA/AR/MAC.5

December 5, 1997

Assistant Registrar(Estate),
N E H U, Shillong.

Ref : Your letter No.FA-1/EMS/95-96-435
dt. 1.12.97.

Madam,

This is to inform you that the views of NEHUTA in respect of the proposed amendments to House Allotment Rules have been communicated to the University vide our letters dated July 14, 1997 and September 17, 1997 (copy enclosed). NEHUTA reiterates the views expressed in the above letters. In accordance with the EC Resolution No. EC:93:97:6:7:(iii), these be incorporated in the proposed amendments to House Allotment Rules.

With regard to the issue of allotment of houses other than RUAB quarters, we would like to point out that any exceptions made to the general principle of station seniority would amount to 'Out of turn allotment' and would be contrary to the recent Supreme Court ruling in this regard. Therefore, the Association does not agree to any allotment made out of turn.

Yours faithfully,

Sd/5.12.97

(Arvind K. Misra)

6:7:1(3)

(COPY)

NEHUTA/VC/MAC.2

September 17, 1997

The Vice-Chancellor,
NEHU, Shillong.

Ref: Your D.O./NEHU:VCF/42-1/97-956 dt.29/8/97.

Sir,

Thank you for your decision to place the matter of amendments of House Allotment Rules for reconsideration in the forthcoming Executive Council meeting. The Association reiterates its stand that no amendments should be affected to the House Allotment Rules without the concurrence of NEHUTA.

As desired by you, when NEHUTA EC called on you today, please find enclosed a copy of the point to point comments of NEHUTA on the proposed amendments to House Allotment Rules that was sent to you on July 14, 1997. We request you to place the comments of NEHUTA in the EC meeting scheduled for September 23, 1997, for its deliberations and acceptance, specially in view of the fact, as stated by you yourself, that the draft minutes of the 93rd EC meeting, on certain aspects of this issue, do not reflect the true spirit of the discussions that were held in the said EC meeting. It may be pointed out that NEHUTA had again raised the following issues today;

1. Use of Section 26(i) of the Statutes should not get precedence over the principle of Station Seniority.
2. Separate seniority lists for various categories of employees should be maintained in view of the fact that there are separate schemes for construction of house for separate categories of employees.
3. The issue of Out of turn allotment/Vice-Chancellor's discretionary quota needs further discussion and deliberation by NEHUTA. Any decision in this regard should be taken only after consultation with NEHUTA.
4. Retention of L type quarters by Readers and Professors when they are allotted P type quarters is not acceptable to NEHUTA.

Contd.....2/.....

(i). The proposed changes in the constitution of the Residence Allotment Committee are not acceptable to NEHUTA.

NEHUTA expresses its appreciation at your kind assurance to take care of all these points in the next meeting of EC, as also the points raised by NEHUTA earlier through our comments dated July 14, 1997. We also appreciate your agreeing to issue the orders for allotment of houses to teachers who were allotted houses in the last RAC meeting.

With regards,

Yours faithfully,

sd/-

(Arvind K. Misra)

NEHUTA is deeply anguished at the attempts of the University to alter the fundamental basis of rules governing the allotment of residences to teachers of the University.

The Association noted that the committee constituted by the Executive Council of the University for suggesting amendments to rules for reckoning seniority for allotment of residences had exceeded its brief as it had gone beyond its terms of reference by suggesting a comprehensive set of amendments.

The Association emphasises that since

(i) NEHU is structurally unique as it has several campuses and its employees are recruited campus wise

(ii) NEHU does not have any rules for transfer of its employees from one campus to another and

(iii) the University can not be compared to other Universities having only a single campus, the allotment of residences to teachers should be based on campus seniority. The Association notes that the rules for allotment of residences were approved only about two years back (EC resolution no. EC;94:6:7:(iv), EC:88:95:6:7:(i) and so introducing amendments to the fundamental basis of allotment are uncalled for :

The observations of NEHUTA on the suggested amendments are:

Clause 2(e): DA can be construed as part of the salary only if it is taken into consideration for calculation of superannuation benefits (Finance rules Sec.10(13A)rule 2A(6)). Since the University does not take DA into consideration for calculation of superannuation benefits, it can not be taken as being part of salary.

Clause 2(I): This clause of the existing rules needs to be retained for defining emoluments in case of employees not exempt from payment of licence fee.

Clause 2(h): Statute 26(1) of the University specifically relates to determining seniority for purpose of holding office or membership of an authority of the University only. The use of this statute for house allotment would introduce an anomaly because of the multiplicity of grades for teachers (Lecturer, Senior lecturer, Selection grade lecturer, Reader, Professor) and only two types of houses. Further the "grade seniority" as recommended by the committee carries an inherent meaning of having a common pool of residences of all the campuses of the University. Under such a circumstance would there be a common residence allotment committee for allotment of residences in Shillong Tura and Aizwal.

Even the rules of Govt. of India specify seniority at the place of posting as the criterion for allotment of residences to its officers at that place (S.P. 317-XXVI-AD-2(h) of part II, Sec.3, sub section (1) of the Gazette of India).

The Association reiterates its stand that Station Seniority as defined in clause 2(h) of the existing rules should be basis for determining seniority for allotment of residences to teachers.

Clause 2(J): No need to delete this clause as it defines the meaning of a residence.

Clause 2(n): The existing level of representation of NEHUTA in the RAC has to be retained in order to have a proper representation of the teaching community of the RAC. NEHUTA representatives are members of RAC by virtue of the office they hold. Therefore the term of NEHUTA representatives as members of RAC has to be for the period they hold office. The members of meetings the RAC should hold in a year must not be specified; the committee should meet as and when needed.

Contd.....3/....

There is no provision for a member secretary in RAC. Further RAC can not notify the seniority list as the same has to be done by establishment Section of the University. The list is to be a permanent feature which can only be updated. It need not be published every year .

Clause 3: The proposed amendment to this clause contradicts clause 2(h) wherein different grades are suggested. Further there can not be only one type of residence for employees drawing a salary of Rs.4000/-and above p.m. Under the present salary structure a person drawing a basic of Rs.1500/-p.m. would draw a salary (basis + D.A.only)of Rs.4050/-(as per the proposed ammenment of clause 2(e),which defines salary for determining eligibility for a type of residence).Under the circumstances would all the employees from a UDC to Professor be entitled for the same type (type4) of residence. The existing clause 3 of house allotment rules is well contained as it defines the types of residences for different categories of employees of the University.

Clause 5(i): The annexure II appended to the existing rules clearly defines the mode for reckoning seniority for allotment of residence. Statue 26(1) can not be invoked for determining seniority for purpose of allotment of residence. The Association does not accept the provision for a combined seniority list of teaching and non teaching staff of the University for allotment of residences as the University has separate scheme of houses for non teaching employees.

Clause 5(II): The proposed amendment mentions "No employee shall ordinarily be allotted a residence of a higher type..." Can an employee be allotted a residence of a higher type than the type he/she is entitled to ?

The proposed amendment to clause 5(ii)providing for retention of a residence of a lower type by an employee allotted a residence of his entitlement shall adversely effect the allotment of residences to employees entitled for the lower type residence only. Further how can an employee be again considered for allotment of a residence of his entitlement if he has already foregone his claim to his entitlement type residence.

In fact the existing rule also provides for retention of a residence of a lower type but only if it does not effect allotment of residences to employees entitled for the lower type. This could mean that if the University has sufficient residences and there is no waiting list, the University may allow retention of a residence of a lower type by an employee allotted a residence of his entitlement.

Clause 5(v): The existing rule (5(v)) clearly defines the status of a person (vis a vis seniority for residence allotment) if he refuses/surrenders an allotment. The proposed amendment to this clause would amount to making a provision for jumping the queue again after one year. Under the circumstances could there not be a situation that the same person is offered a residence again and again. The existing clause 5(v) is well contained clearly defining the queue system for allotment of residences.

Clause 6: The existing clause clearly defines the system of allotment of residences for essential services in the Campus. Making a provision for out of turn allotment would amount to violating the Supreme Court judgement on out of turn allotments. Further the Association does not accept that the Vice-Chancellor should be given the powers to make such allotments. Further the existing RWB type residences are under the sole control of Vice-Chancellor for allotment to visiting teachers etc.

Clause 8 (ii d): The provision for retention of a residence by a reemployed already exists in the rules.

Note III to Clause 8(ii): The proposed amendment is redundant.

Clause 17: The Executive Council should be the authority to interpret the residence allotment rules in case of any difference of opinion. The Vice-Chancellor can not have the sole authority for such a purpose.

Clause 18: Being the authority to allot residences, any appeal against an allotment must first be addressed to the RAC. If the appellant is not satisfied with the decision of RAC he should have the right to appeal to Vice-Chancellor. In any case the Executive Council of the University has to be the final authority to take decisions on any such appeal.

Delivered to VC office on
14.7.97.

Sd/-14/7/97
President, NEHUTA

6:7:1(9)

ANNEX- I

No.F.NEHUNSA/PDNT/97-3

Dt. 19th March, 1998

To
The Assistant Registrar(Estate),
NEHU, Shillong.

Sub: House Allotment Rules.

Ref: Your letter No.F.4-1/EMS/95-96/435 dated 1.12.97.

Sir,

In inviting a reference to your letter cited above, please find enclosed herewith the minutes of the Sub-Committee meeting held on 11.7.97 which is self explanatory regarding the view of the proposed amendments to House Allotment Rules.

The NEHUNSA reiterates its stands as decided by the said committee.

Enc; a.a.

Yours faithfully,

Sd/- 19/03/98

(W. Diengdoh)
President, NEHUNSA

--o--o--o--

25-12/97
President, NEHUNSA

Delivered to VC office on
14.3.98

MINUTES OF THE SUB-COMMITTEE MEETING APPOINTED BY THE RESIDENCE ALLOTMENT COMMITTEE HELD ON 11.7.97

@@@@@

The members present :

- | | | |
|--|-------|----------|
| 1. Prof.Y.S.Chauhan,
President, NEHUTA | | Convener |
| 2. Dr.K.Debbarma,
Jt.Secretary, NEHUTA | | Member |
| 3. Shri.W.Diengdoh,
President, NEHUNSA | | Member |
| 4. Shri.I.S.Syiemlieh,
Gen.Secretary, NEHUNSA | | Member |

At the outset the Convener welcomed all the members who attended the meeting, and informed that the Gen.Secy., NEHUTA could not attend as he is on leave and therefore the Jt.Secretary of NEHUTA will attend the meeting.

1. The EC had assigned to it Sub-Committee the job of determining the mode of reckoning the seniority for the purpose of House Allotment and later on suggested the Committee to frame the necessary amendment in the House Allotment Rules. The EC committee should have suggested necessary amendments only with reference to the above. However, the EC committee has far exceeded the above mandate by suggesting amendments to almost all the rules which should not have been done and are not acceptable to NEHUTA and NEHUNSA.

2. (e) Salary : The definition should remain as it is because Dearness Pay does not exist in normal circumstances and therefore Dearness Pay should not be a criteria.

(f) Emoluments : It should remain as it is, to determine the emoluments in case of employees not exempted from payment of licence fee.

(h) "Allotment of seniority" : The RAC committee is of the view that NEHU Statute 26(i) is irrelevant for determining the allotment seniority as it is specific to determining seniority for purpose of holding office or membership of an authority of the University alone.

In view of the above, the RAC Committee is of the opinion that Clause 'h' of the existing rules i.e. Allotment Seniority should be determined by Station Seniority this is in consonance with the Central Govt.Rules also.

(j) The EC committee has recommended deletion of 2(j) without giving any reasons. We do not agree with this and consider that 2(j) should be retained as it is in the existing rules.

(h) The changes suggested in the composition of the Residence Allotment Committee are not acceptable to NEHUTA and NEHUNSA. Therefore status-quo should be maintained as per existing rules.

As the President and the Gen.Secretary of NEHUTA and NEHUNSA are ex-officio members there is no need to define the period of their membership because the membership is not by name rather by office.

QUORUM : (a) The RAC committee feels that the quorum should be raised to 7 members.

(b) We fail to understand incorporation of the suggestion in the amendments under quorum that the committee should meet twice ⁱⁿ a year which has no relevance to quorum. Further, the RAC committee is of the firm opinion that frequency of meetings must not be fixed and instead the RAC should meet as and when required.

(c) Note : (i) Remain the same.

(ii) There is no Member Secretary in the Residence Allotment Committee. The RAC has only the Convener, therefore we are unable to understand the use of term in Note (ii) under 2(n).

3. Classification of residence : The RAC committee is of the opinion that classification of residence should be retained as in the existing rules (5 categories of residence meant for NEHU employees) categorisation in 4 categories as suggested by the EC committee will create lot of problems because the entitlement of lecturers vis-a-vis Readers/Profs is different. The EC committee has suggested merger of this in one category which is contrary to UGC norms and there are separate Housing Schemes for teaching and non-teaching staff.

5. (i)(a) The RAC committee is of the opinion that allotment seniority list cannot be determined as stated earlier on the basis of Statute 26(i). Further because the Housing Scheme for teaching and Non-Teaching are separate there is no need of combine seniority list suggested in the Amendment Annex-II No.1 & 2. In view of the above, the RAC committee feels that the existing Appendix - II should be retained.

(i) (b) In the existing rule 5(i) after Appendix-II the following may be added "subject to reservation of 22.5% for SC/ST as approved by EC Resolution No.58:95:6:7:(i)".

5. (ii) The RAC committee does not agree with the EC committee suggested amendment 5(ii) and is of the opinion that the existing rule 5(ii) takes care of the situation so it should be retained as it is.

(iii) to (v) No amendments required the existing provisions are Okay.

In the proposed amendments double benefit is given to the surrendering employees which is not justify.

(vi) Is not required.

6. Out of turn allotment : The RAC committee feels that provision of out of turn allotment should not be in the House Allotment Rules. The RAC committee felt that instead the allotment to essential services staff as in the existing rule should be retained with the rider that in case a person holding the essential post is transferred he/she will be given three months notice to vacate the accommodation. Further, this Clause should be incorporate in the Allotment letter of the essential services employee. In view of the above, No.6 in the EC committee proposed amendments should be deleted in toto.

7. No amendment required.

8. House Allotment Rule No.8 proposed amendments may be accepted without Note No.(v) that suggests that Member Secretary of the committee shall notify the list of persons on lien/deputation because it is being dealt by Estt-II Section and the record of such employees are not maintained by the Estate Section.

Sl.9 to 17 : Remain as in the existing rules.

18. May be amended as suggested by the EC Committee.

Sd/-
11/7/97
(Y.S. Chauhan)
Convener

-o-o-o-

7:6:others-

7:6:1(1)

- (i) Space requirement of various units (Depts/Centres)-
Report of the Committee.

The Executive Council in its 90th meeting held on 13th July, 1996 constituted a Committee to examine the space requirement of various Units (Depts/Centres). The Committee had submitted its report and it was placed before the Executive Council in its 91st meeting.

The Council considered the report of the space Committee and RESOLVED that the Committee may continue with its task and co-opt the Technical consultant, Campus Development and Assistant Registrar (Planning) as members of the Committee.

The said Committee met on 7th March, 1998 and prepared an interim report which is placed at Annexure 'A' for consideration of the Council.

7:6:1(3)..2...

b) Additional two modules are suggested for the Physics department on the ground floor, keeping the architectural symmetry with future provisions for the first floor, in the same fashion the additional blocks for Mathematics was taken up. This could house the library and release the lab spaces for which a few teachers could not move out of the Bijni complex. Mathematics has no immediate requirements. Chemistry has not moved. On paper it has more space than the other two departments.

The Committee called for details of space available and required from all the departments. It is in process of analysing the data to arrive at certain norms against which requirements of other departments could be assessed. I would therefore, request you to extend the term of the Committee by another three months to enable the Committee to complete the task.

Thanking you

Yours faithfully,

Sd/-

A.C. Mohapatra

Copy to

- 1: Registrar, NEHU, Convener of the Committee
- 2: DR (Conf.) for appropriate action
- 3: Members of the Committee

A.C. Mohapatra