

(vi) CASE OF SMTI.R.KHARBHIH, UDC, REQUESTING FOR REVIEW OF HER SENIORITY POSITION IN THE POST OF U.D.C.

The representation of Smti.R.Kharbhih seeking the intervention of the Executive Council for review of her seniority position in UDC grade, is placed at Annexure - 'A' for consideration of the Council.

The office sums up the two implicated cases of change over to UDC grade of the Ministerial Cadre, as under. The anomalies that accrued out of the erstwhile dealing with the cases makes it difficult now to convincingly turn down the request of Smti.R.Kharbhih.:

SEQUENCE OF THE TWO ISOLATED CASES OF CHANGE OVER TO MINISTERIAL CADRE POST OF U.D.C.

ANOMALIES ACCRUED OF THE ERSTWHILE WAY OF DEALING WITH THE CASES.

1. Right from the initial date of joining the post of Stenographer w.e.f. 15.2.80, the incumbent was utilised for duties not befitting the post of Stenographer. She was instead utilised for duties of the Ministerial services. (Certificate issued by A.F.O. justifies this).
2. UDC post of Ministerial services and Steno post of Secreterial services carry identical time scale - same time scale but different in cadre.
3. Employee requested for change to Ministerial cadre to post of UDC, on the strength of certificate issued by A.F.O.
4. Estt.I dealt the case through the DPC which culminated into change of incumbent's appointment and post to that of UDC as a special case with seniority as UDC fixed prospectively from 13.6.89, ignoring the regular service rendered prior to formal change-over to UDC.

This is evidently a case of mis-appropriation of services in the interest of the Finance and Accounts Department.

- i. If the case was viewed as on personal interest and not in Finance and Account Department's interest, it should have been dealt as per recruitment rules which implied that she should compete for the Ministerial cadre posts

SEQUENCE OF THE TWO ISOLATED CASES
OF CHANGEOVER TO MINISTERIAL CADRE
POST OF U.D.C.

ANOMALIES ACCRUED OF THE
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THE CASES.

posts through direct recruitment quota.

ii. The case ordinarily by rule, had no merit for DPC for it was not a case of promotion nor higher movement, but a case of transfer from from one regular cadre to another in posts carrying identical times scales.

Consideration of her case as special and that too through the DPC, justifies consideration on extraordinary circumstances in Finance and Accounts Department's interest.

5. Incumbent did not promptly represent against the loss of seniority benefit for the 9 years regular service rendered from date of original appointment 15.2.80 till 13.6.89 date of formal changeover to UDC.

6. In 1994 there accrued another case requesting for changeover from an isolated post of Store-Keeper-cum-Technician, to that of UDC. The request ~~xx~~ was recommended by the Nagaland Campus authority with recommendation that that the incumbent's services was utilised as Cashier.

7. The 1994 case for changeover to UDC was allowed with due protection of seniority retrospectively with effect from 15.10.85 with reference to his original Apptt. as Store-Keeper-cum-Technician.

This is another evident case of misappropriation of services in the interest of the Nagaland Campus office.

SEQUENCE OF THE TWO ISOLATED
CASES OF CHANGEOVER TO MINIS-
TERIAL CADRE POST OF U.D.C.

8. The 1994 case was committed to have been regulated in accordance with the 1986 U.G.C. Guidelines.

9. On seeing the retrospective benefit of seniority in respect of the 1994 case, the erstwhile stenographer changed to UDC, petitioned for similar treatment i.e. retrospective benefit in determination of seniority in UDC or to redress suitably to the extent of protecting her seniority against the supersession by the 1994 case.

ANOMALIES ACCRUED OF THE
ERSTWHILE WAY OF DEALING WITH
THE CASES.

i. Post of Store Keeper-cum-

Technician not amongst those posts notified for redesignation to UDC. Instead it was post of Jr. Cashier, Receptionist, Accountants, Liason ~~Offi~~ Assistant, which was notified redesignation to UDC (order of 1986 notifying redesignation of isolated/Ex-cadre post pursuant to U.G.C. Guidelines dated 31.10.86) Annexure 'B'.

ii. Case of the incumbent redesignation was dealt with as late as in 1994 seperately and on individual basis.

iii. U.G.C. Guidelines aimed at removal of disparities of pay scale and designation to promote uniformity in pay scales, designation and duties and responsibilities. The Guidelines made it specifically clear, that it is not intended for the purposes of promotion. The implied duties and responsibilities of the post of Store keeper-cum-Technician does not bear similarity with Ministerial services as to merit redesignation to post of UDC.

SEQUENCE OF THE TWO ISOLATED
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ANOMALIES ACCRUED OF THE
ERSTWHILE WAY OF DEALING WITH
THE CASES.

10. Request was regretted on grounds that her case had no similarity to the case of 1994 and that the latter case was in accordance with U.G.C. Guidelines of 1986 and case was treated as closed.

The underlying issue here pertains to the originating merit of the two cases. Both the cases appears to be for public interest in general and the respective Departments of the University in particular. Though the Establishemtn -- I could maintain dissimilarity between the two cases from the stance of U.G.C. Guidelines, yet from public interest point of view there lie no locus standi to maintain that the U.G.C. Guidelines guarantee protection of retrospective seniority in one case only.

The matter is placed before the Executive Council to kindly consider whether of the case of Smti.Kharbhih be treated as closed as already conveyed by the office OR (b) whether the case be reviewed for redressal to the possible extent.

U.O.no.F.22-1/Estt.I/93-1098.

To

The Chairman,
Executive Council,
NEHU, Shillong.

(Through the Programme Co-ordinator, NSS Cell)

Sub : REQUEST FOR REVIEW OF SENIORITY LIST OF U.D.C.

Ref : LETTER No.F.22-1/Estt.I/93-808 dated 21.5.99.

Sir,

Most respectfully, I beg to lay before your honour my grievance in respect of the decision of the office with regard to my seniority as UDC in the University.

That, as per the decision conveyed to me vide letter No.F. 22-1/Estt.I/93-808 dated 21.5.99 (Annexure - I) it is not clear to me about the stance of the University or the treatment of my 9 yrs. of service which I have rendered in the University w.e.f. 15.2.80 to 13.6.89. But as I was not assigned any work related to my post, instead I was ~~x~~ utilised in the work related to Ministerial cadre in Finance Department which was not the birth right of my profession. However, for the interest of mine in particular and of the University in general. I did carry out the duties assigned to me. A certificate issued by the then Asstt. Finance Officer will substantiate the fact (Annexure - II). This non-utilisation of my service in the relevant cadre had prompted me to approach the authority with the request for permanent absorption in the ministerial cadre which was accordingly granted to me vide order No.F.4-9/Estt.I/85-3117 dated 30.6.89 (Annexure - III). By this order my seniority has been placed just below the junior most UDC at that time. that is, 13.6.89 with total disregard ~~x~~ of the 9 long years of my valuable service rendered to me w.e.f. 15.2.80. I then presumed that the authority had taken due consideration of my case as per rules. But that satisfaction was shattered when in a later case the office took a different decision so much so that protection in the service seniority in the changed cadre with reference to the original post was taken care of, that was the case of Shri.T.Chakraborty who joined the University as Technician-cum-Store keeper in 1985 and designation was changed to UDC in 1994 with due regard of the service rendered by him as Technician -cum-Store keeper that his seniority in the UDC seniority list was considered with retrospective effect, that is from the date of his joining 1985 as Technician - cum- Store keeper where as such treatment was not extended to me.

Contd 2 ..

(Annex - A contd.)

That sir, in my opinion I feel that it is not my fault in requesting for change of cadre which I did with the sole aim to serve the interest of the University with the best of my ability. But to my utter surprise I find that I was penalised for the effort I had rendered to the University w.e.f. the date of joining as stated above.

When all the UDC belonging to 1980 batch onwards were given promotion I was singled out by having denied the 9 years service as stated above.

That sir, my intention of submitting this representation and the earlier one (Annexure - IV) is to get justice which was denied vide letter at Annexure - I. I have full confidence that the learned Executive Council could kindly review the decision of the office in this regard and consider my case as was done in the case of Shri.T. Chakraborty so that I may get the benefit of my 9 years service in the matter considering for promotion to the next higher post which my junior colleagues have already enjoyed.

I therefore, request your honour to kindly to look into the merit of the case in terms of uniform treatment for similar case by redetermining the seniority position in the post of UDC w.e.f. the the date of my joining of the University that is 15.2.80 as in the case of Shri.T.Chakraborty.

Yours faithfully,

(R.Kharbhih)
UDC, NSS Cell, NEHU.

(Annex - A contd.)

- TRUE COPY -

Annexure - I

6:6:6(7)

NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS SHILLONG

No.F.22-1/Estt,I/93-808

Dated 21.5.99

Sub : REQUEST FOR REVIEW OF SENIORITY POSITION IN THE POST OF UDC.
Ref : PETITION DATED 22.1.99 OF SMTI.R.KHARBHIH.

With reference to the above, Smti.R.Kharbhih, UDC is hereby informed that the re-designation of post of Tech-cum-Store keeper to that of UDC in respect of Shri.T.Chakraborty ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ was on the instructions of the U.G.C. to merge the ex-cadre posts to the regular cadre, hence the benefit of seniority with reference to the original post was allowed. The case of Smti.R. Kharbhih is a case of change over of post and incumbent from one regular cadre to another, hence benefit of seniority with reference to the original post cannot be allowed.

Therefore, there lie no case of parity treatment between Smti.Kharbhih and Shri.T.Chakraborty in the matter of determination of seniority position in the post of UDC. Hence review of seniority position in respect of Smti.Kharbhih as UDC does not arise and the matter if treated as closed.

SD/-

(L.Marbaniang)
Dy.Registrar, Estt.I.

Smti.R.Kharbhih,
UDC, NSS Cell,
NEHU, Shillong.

Copy to :-

1. The Programme Co-ordinator, NSS, NEHU, Shillong.
2. The Section Officer (CRC), NEHU, Shillong.

- TRUE COPY -

6:6:6(8)

(Annex - A contd.)

Annexure - II

- TO WHOM IT MAY CONCERN 3 -

I certify that Smti.R.Kharbhih, Jr.Stenographer was assigned with the work of Ministerial cadre from the date of my joining in the present post till today.

It is also understood from Smti.Kharbhih that from the day she join this University no Secreterial work was assigned to her by the officer concerned to whom she was attached.

Sd/-

Asstt.Finance Officer
NEHU, Shillong.

(Annex - A contd.)

- TRUE COPY -
6:6:6(9)

ANNEXURE - III

NORTH EASTERN HILL UNIVERSITY
LOWER LACHUMIERE SHILLONG

No.F.4-9/Estt.I/85-3117

Dated 30.6.1989.

- APPOINTMENT ORDER -

On the recommendation of the Departmental Promotion Committee the Vice-Chancellor, NEHU, Shillong is pleased to accommodate Kum.Rosilian Kharbhih, Stenographer against the post of UDC on regular basis as a very special case in this University, in the scale of pay of Rs.1200-30-1560-EB-40-2040/- plus other allowances as admissible under the rules, with effect from 13.6.1989.

The initial basic pay of Kum.Rosilian Kharbhih is fixed at Rs.1410/- per month of the scale.

Sd/- Dt.30.6.89
(C.Lungdoh)
Asstt.Registrar (Admn.)

Copy to :-

1. The Finance ^Ufficer, NEHU, Shillong.
2. The Accounts Section, NEHU, Shillong.
3. Kum.R.Kharbhih, UDC, Finance & Accounts Department, NEHU, Shillong.
4. Department/Section concerned.
5. Personal file of the official concerned.
6. SC/ST Register.
7. The Section ^Officer SC/ST Cell, NEHU, Shillong.

- N.B. : 1. The appointment is made against the post of Stenographer held by her.
2. As ordered by ^Vice-Chancellor, her seniority as UDC will be next to Shri.Stomel Rane.

ANNEXURE-IV

(Annex - A contd.)

To

6:6:6(10)

The Registrar,
North Eastern Hill University,
Shillong.

(Through the Programme Co-Ordinator, NSS Cell)

Subject: Request for review of Seniority Position
in the post of UDC

Ref'nce: My Petition Dt.22.4.98 and Dy.Registrar
(Estt-I)'s reply No. 22-1/Estt-I/98/494
dt. 8.10.98.

Sir,

With reference to my representation dated 22.4.98 wherein I had requested for application of the same yardstick as applied to the case of Snri T. Chakraborty in the matter of determination of seniority in the post of UDC, I am aggrieved to received the Dy. Registrar (Estt-I)'s reply dt. 8.10.98 to the effect that there is no scope for review of the seniority determined earlier. Having evidently noticed that the principle applied in the determination of seniority in respect of Snri T. Chakraborty, was not the same as applied to my case, I have to reiterate my stand that both cases of change to the post of UDC were of the same merit to deserve application of the same principle and to put forward the following arguments for your kind consideration.

1. It is evident that there was no provision over to re-designate the posts of Technical Store-keeper for merger with the Ministerial Cadre for had there been a provision as such, the single tier Store-keeper (Technical) Cadre would not exist to this day.
2. In compliance to the UGC instructions towards promotion of uniformity in pay scales, designations, duties and responsibilities etc, some post of non-Technical Store keeper were rationalised to the Ministerial Cadre in 1986 with benefit of seniority with reference to the original post. The very nomenclature of the post of Technician-Cum-Store-keeper implied the duties and responsibilities not similar to those of the Ministerial Cadre. Re-designation of the post to that of UDC, therefore, was beyon the purview of the UGC instructions for, there existed an akin Cadre-Store-keeper (Technical) Cadre for mootng the end specified by the UGC.

...2/---

3. In the absence of any provision which provided re-designation of the post of Technician-Cum-Store-Keeper to that of UDC specifically with provision for seniority with reference to the original post, I am inclined to believe that the case of re-designation of Shri T. Chakraborty, Technician-Cum-Store-Keeper, was nothing short of a change of cadre necessitated by some other consideration as was my case for change of cadre, hence, the principle for determination of seniority in the change cadre should have been the same.
4. The seniority positions decided earlier in each of the cases was discriminatory because Shri T. Chakraborty, though brought over to the UDC only in 1984, was granted seniority benefit in the post of UDC retrospectively with effect from 15.10.85 based on the date of his appointment to the original post of Technician-Cum-Store-Keeper whereas in my case, though I was originally appointed to the post of Stenographer with effect from 15.2.80 seniority in the post of UDC was fixed with effect from 13.6.89 based on the date of the authority's approval for the change of cadre leaving me to forfeit the seniority benefit with reference to the original post, for no fault of mine. Had it not been for the lack of application of the same principle for determination of seniority in the post of UDC applied to the case of Shri T. Chakraborty, I would have come due for promotion to the post of Assistant, a long time back.

With the above arguments, I am bound to request you kindly to look into the merit of the case in terms of uniform treatment and to re-determine my seniority position in the post of UDC. Even if my seniority with reference to the original post cannot be restored with retrospective effect, yet, I would remain grateful if you would be kind enough to suitably redress the erroneous determination of seniority so as to save me from unjustified supercession by Shri T. Chakraborty in the matter of promotion and consequential seniority in the next higher post.

Yours faithfully

Sd/- Ms. R. Khareh
UDC, NSS Cell, NEHU.

- TRUE COPY - *Annexure - 13*
6:6:6(12)
NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS SHILLONG

No.F.3-1/CRC/RED/86 - 7406

Dated 31st October, 1986.

- ORDER -

In pursuance of the U.G.C's decision vide letter No.F.22-6/85(NFE) dated Nil based on the recommendations of the Joint Cadre Review Committee of Central Universities, the Registrar, North-Eastern Hill University, hereby orders that redesignation of the posts as shown in the Annexure appended herewith be made with immediate effect in order to remove anomalies/disparities and to bring about uniformity in designation in all Central Universities.

Sd/-

(C.Lyngdoh)
Asstt.Registrar(Admin.)

Copy to :-

1. All Heads of Academic & Administrative Dept., NEHU, Shg..
2. All Branch Officer, NEHU, Shillong.
3. All Deans of Schools, NEHU, Shillong.
4. O.S.D., Nagaland Campus, Kohima.
5. The Dy.Registrar, Mizoram Campus.
6. The Principal, College of Agriculture, Medziphema, Nagaland.
7. The Section Officer, Estt.I, NEHU, Shillong.
8. The persons concerned.

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6:6:6(13)

(Annex - B contd)

CADRE :- 1 MINISTERIAL CADRE

THE EXISTING DESIGNATIONS AS INDICATED BELOW BE RE-DESIGNATED AS :-

Sl. No.	DESIGNATION	EXISTING SCALE OF PAY	REDESIGNATION	FITMENT	REMARKS
1.	Sr.Assistant	Rs.425-800/-	Assistant	-	
2.	U.D.Assistant	Rs.330-560/-	U.D.Clerk	-	(Including 1 Receptionist, 1 Jr. Cashier, 4 Accountants & 1 Liason Assistant).
3.	L.D.Assistant	Rs.260-400/-	L.D.Clerk	-	(Including 1 Care-taker, 2 Store-keepers in non Lab.Tech. 2 Stock verifier).

CADRE :- 2 SECRETERIAL SERVICES.

1.	Per.Assistant	Rs.650-2040/-	Senior Personal	-
2.	Sr.Stenographer	Rs.425-800/-	Per. Assistant	-
3.	Jr.Stenographer	Rs.330-560/-	stenographer	-

CADRE :- 3 ENGINEERING SERVICES

1.	Asstt.Engineer	Rs.650-1200/-	Engineer Grade - I	-
2.	Blue Printer	Rs.196-232/-	Blue Printing Machine Operator	Rs.260-350/-

Contd 2

Sl. No.	DESIGNATION	EXISTING SCALE OF PAY	REDESIGNATION	FITMENT	REMARKS
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CADRE :- 4 LABORATORY SERVICES

1.	Sr.Tech. Assistant	Rs.550-900/-	Sr.Tech. Assistant	-	(Including 12 posts of Lab.Tech. to be redesignated as Sr.Tech.Asstt)
2.	Jr.Tech. Assistant	Rs.425-700/-	Tech. Assistant	-	(Including 1 Map Store Asstt. xxxx in Geography Dept. to be redesignated as Jr.Tech. Assistant).
3.	Laboratory Assistant	Rs.380-500/-	Sr. Lab. Assistant	-	
4.	Laboratory Attendant	Rs.225-308/-	Lab. Attendant	-	(personal to present incumbent future appointment will be Rs.210-290/-).

CADRE :- 5 COMPUTER CENTRE

1.	System Analyst & Computer Programmer	Rs.550-900/-	System Analyst	-	
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CADRE :- 6 MUSEUM/ARCHIVES SERVICES

1.	Museum Curator	Rs.425-700/-	Asstt. Archives	-	
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CADRE :- 7 HORTICULTURE GARDEN.

1.	Asstt. Horticulturist	Rs.550-900/-	Asstt. Horticulturist	-	(1 Lab.Tech. (Horticulture) 1 Curator Herbarium to be redesignated as Horticulturist).
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Sl. No.	DESIGNATION	EXISTING SCALE OF PAY	REDESIGNATION	FITMENT	REMARKS
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CADRE :- 8 CONSERVANCY/SANITATION SERVICES

1.	Sanitary Inspector	Rs.330-560/-	Sanitary Assistant	-	
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CADRE :- 9 EXTENSION SERVICES

1.	Programme Organiser	Rs.550-900/-	Sr.Tech.Asstt.(Extn.)	-	
2.	Programme Assistant	Rs.425-700/-	Tech.Asstt.(Extension)	-	

CADRE :- 10 AGRICULTURE/VERTIRINARY SERVICES

1.	Farm Superintendant	Rs.550-900/-	Dy.Farm Superintendant	-	(Which should be designated as Dy.Farm Supdt. Present incumbent allowed to hold present designation as Farm Superintendant).
2.	Farm Supervisor	Rs.330-560/-	Sr.Farm Supervisor	Rs.380-560/-	

CADRE :- 11 REPROGRAPHY/PHOTOGRAPHY/ART/CARTOGRAPHY

1.	Sr.Tech. Asstt.	Rs.550-900/-	Sr.Tech.Asstt.	-	(Including Sr.Photo Repro. Sr. Carto Asstt. Asstt.Tech., Repro & Mathematical Typist Cum Tech. will be redesignated as Sr.Tech.Asstt.)
2.	Cartographic Asstt.	Rs.425-700/-	Cartographic Asstt.	-	(Including Jr.Carto Asstt. and Artist Sr. be redesignated as Carto Asstt.).
3.	Mechanic 'A'	Rs.380-560/-	Reprographic Asstt.	-	

Contd..... 4

(Annex B. Contd.)

6:6:6(16)

4

Sl. No.	DESIGNATION	EXISTING SCALE OF PAY	REDESIGNATION	FITMENT	REMARKS
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CADRE :- 12 RESEARCH/STATISTICS

1.	Research Asstt.	Rs.550-900/-	Sr. Research Asstt.	-	
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CADRE :- 13 INSTRUMENTATION CENTRE

1.	Jr. Tech. Asstt.	Rs.425-700/-	Technical Asstt.	-	
2.	Carpenter	Rs.225-308/-	Asstt. Carpenter	Rs.260-350/-	

(iii) Pensionary benefits of Shri SL Marbaniang, Lecturer,
Department of Mathematics.

EC:104:99:6:6: (iii): The Council considered the pensionary benefits of Shri SL Marbaniang, Lecturer in Mathematics and noted that the leave salary contribution need not be made by Shri Marbaniang.

(iv) Extension of the cut-off date beyond 31.12.1993 in respect
of the scheme "One Upward Movement" in the scale of pay.

EC:104:99:6:6: (iv): The Council considered the extension of the cut-off date in respect of the One Upward Movement scheme and RESOLVED that the cut off date may be extended up to 8.4.98 as has been done in other Central Universities. The Council, however, RESOLVED that in view of the financial crunch faced by the University no arrears will be paid, the employees would however be entitled to a notional fixation of their salary.

(v) Replacement of "Selection-cum-Seniority" in lieu
of "Seniority-cum-Merit".

EC:104:99:6:6: (v): The Council considered the replacement of "Selection-cum-Seniority" in lieu of "Seniority-cum-Merit" and RESOLVED to approve the same.

(vi) Case of Smti. R. Kharbhih, UDC requesting for
review of her seniority position in the post of UDC.

EC:104:99:6:6: (vi): The Council considered the case of Smti. R. Kharbhih, UDC, requesting for review of her seniority in the post of UDC and RESOLVED that since the same had been done in a similar case she may be granted seniority w.e.f. the initial date of her joining the post as Stenographer i.e., 15.2.1980.

(vii) Promotion scheme for staff Car Drivers.

EC:104:99:6:6: (vii): The Council considered the promotion scheme for staff car drivers as laid down by the Government of India and RESOLVED to approve the same.

(viii) Grant of temporary status to Casual Labourers as per
the Govt. of India instructions- Removal of anomalies
among Daily Wage Safaiwalla.

EC:104:99:6:6: (viii): The Council considered the grant of temporary status to casual labourers as per the Government of India instructions and RESOLVED that part-time safaiwallahs who have completed 480 working days in the two years preceding 10.9.1993 may be granted