

PART II AGENDA PAPERS OF THE EIGHTYFIFTH MEETING OF THE EXECUTIVE COUNCIL

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Item No. 2 REPORTING ITEMS

(iii) report on action taken on the Minutes of the 84th meeting of the Executive Council

Action taken on the Minutes of the 84th meeting of the Executive Council is reported as follows:-

1. No:EC:84:94:05:1:(i) - The amendment to the Regulation on M.A. in Library and Information Science has been notified.
2. No:EC:84:94:05:1:(iii) - The Ordinances on the Degree of D.Sc/D.Litt and on the Rajiv Gandhi Chair for Studies in Protective Discrimination were submitted for Visitor's approval.
3. No:EC:84:94:05:1:(iv) -
4. No:EC:84:94:05:1:(v) - The Regulation on Admission to P.G.Deptts., as revised till date has been notified.
5. No:EC:84:94:5:6:(i) - The respective BPGSS and BUGSS have been moved for taking necessary steps towards implementation of the Course on Environment.
6. No:EC:84:94:5:8:(i) - Handing over of the P.U. Education to respective State Government from the Session 1995-The Matter was referred to the respective Govts. The Government of Mizoram has expressed inability to take over from 1995 and the possibility to take over from 1996 is under consideration. The Government of Meghalaya has not yet replied.
7. No:EC:84:94:6:1:(i) - The Selection Committee recommendations for Readers in Rural Development and Planning and for Reader and Lecturer in Agri. Entomology have been sent to the Nagaland University.
8. No:EC:84:94:6:2:(iii) - The panel of names recommended by the Council for appointment of Chancellor, were submitted for the Visitor's consideration.
9. No:EC:84:94:6:2:(viii) - Action is being taken to have a statutory provision to declare the non vocation academic staff as teachers. Matter will be placed before the next Academic Council meeting.
10. No:EC:84:94:6:2:(ix) - The provisions on relaxation of qualifications for Deputy Registrar's posts have been called from the Central Universities-Reply awaited.
11. No:EC:84:94:6:7:(v) - The reconstitution of the Planning Board has been notified.
12. No:EC:84:94:6:7:(iv) - The comments of NEHUNSA are still awaited regarding the modifications made by the Council on the Residence allotment rules.

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13. No: EC:84:94:6:3:(iii)

- Dr. Rajiv Sharma has been asked to submit documentary proof of his doing research at Delhi University. His reply is awaited.

action has also been taken on routine matters like appointments, grant of leave, extension of service, termination of service etc.

- 1. The respective RBG and HGS have been moved for taking necessary steps towards implementation of the course on environment.
- 2. Handing over of the P.U. sanction to respective State Government from the session 1995-96. Matter was referred to the respective Govts. Government of Madhya Pradesh has expressed intention to take over from 1995 and the possibility to take over from 1996 is under consideration. Government of Madhya Pradesh has not yet replied.
- 3. The selection Committee recommendations for leaders in Rural Development and Planning and for head of section in Agril. Extension have been sent to the Nagaland University.
- 4. The panel of names recommended by the Council for appointment of Librarian, were submitted for the Visitor's consideration.
- 5. Motion is being taken to have a statutory provision to declare the non-vocational academic staff as temporary matter will be placed before the next Academic Council meeting.
- 6. The provisions on relaxation of qualifications for Deputy Registrar's posts have been called from the Central University Library Council.
- 7. The reconstitution of the Planning Board has been notified.
- 8. The contents of MEMBERS are still awaited regarding the modifications made by the Council on the Notice of Appointment.

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5:1-Statutes, Ordinances, Regulations & Rules-

- (i) Ordinance on "The President of India, Dr.Shankar Dayal Sharma Gold Medal" .

Dr.Shankar Dayal Sharma, the President of India has donated a sum of Rs.15,000/- for instituting an endowment known as "The President of India, Dr.Shankar Dayal Sharma Gold Medal". The ordinance at Annexure A for the endowment was approved by the Academic Council in its 47th meeting with the suggestion that the endowment be nomenclated as "Dr.Shankar Dayal Sharma Gold Medal" if agreed by the Donor.

The matter was referred to the Visitor for approval of Ordinance in terms of Section 26(2) of the Act. The proposal for change of nomenclature was also referred to the President's Secretariat. The Ordinance was approved with the original nomenclature to be retained thus disagreeing with the suggestion of the Academic Council for change in nomenclature.

The Ordinance is placed before the Council for consideration.

ORDINANCE

THE PRESIDENT OF INDIA DR. SHANKER DAYAL SHARMA GOLD MEDAL
(Section 5(23) of the NEHU, Act, 1973)

1. Short Title : The Endowment shall be known as "THE PRESIDENT OF INDIA, DR. SHANKER DAYAL GOLD MEDAL".
2. Amount of the Endowment : Rs. 15,000/- (Rupees fifteen thousand) only.
3. Manner by which the Endowment be invested : The amount of Rs. 15,000/- (Rupees fifteen thousand) shall be invested in a long term fixed deposit linked with a S.B. Account with a Nationalised Bank or any other-Government Financial Institution in any Suitable scheme, so that the interest accrued there on is utilised for the award of a Gold Medal. The Interest of the Endowment for the year 1993-94 and the subsequent Savings, if any, shall be added to the principal.
4. Purpose of the Endowment : The Accrued interest of the Endowment from its Fixed Deposit Account for each year should be drawn rounded to nearest hundred rupees (from the S.B. Account) and should be utilised for the award of a Gold Medal to the candidates appearing at the Final Post-Graduate Examinations of North-Eastern Hill University in the year of award, who had been adjudged and found the best for General Proficiency: including, character and conduct and excellence in academic performance; extra curricular activities and Social Service. The year of the Examination shall be taken into consideration for the purpose of the award of the Gold Medal.
5. Mode of Selection : (a) The Selection shall be from the candidates for Post-Graduate Final Examinations of North Eastern Hill University on the basis of the criteria spelt at Clause (4) above. In this context, the performance of the candidate during the preceding two years of studentship in the University shall be taken into consideration.
(b) The Heads of Departments of all Academic Departments in the University shall be asked to forward their respective nominations in a prescribed format (duly approved by Academic Council) to be forwarded by the Academic Section, after declaration of the Results of the respective Post-Graduate Examinations.

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(c) The Dean of Students' Welfare, NEHU, shall then constitute a Committee, which shall be approved by the Vice-Chancellor for the selection of the student, adjudged as per criteria spelt out at Clause (4) and shall submit the recommendation, for the approval of the Vice-Chancellor, before finally placing to the Executive Council of the University for approval.

6. Time of Award : The Medal shall be awarded in the Convocation Ceremony of the University along with a citation. The citation in this regard shall be prepared by the Controller of Examination, NEHU
7. Value of the Medal : The value of the Medal awarded in a particular year shall be limited to 75 p.c. of the Interest earned on the principal of the preceding year. The balance amount is to be added to the Principal.
8. Period from which the Fund will operate : The First award of the Gold Medal shall start from the year 1995, after the declaration of results of all the Final Post-Graduate Examinations of the University to enable the Selection Committee constituted for the purpose to examine the eligibility of the candidates on the basis of the criteria spelt out. The Endowment shall continue to exist as long as the Post-Graduate Examinations are conducted by NEHU.
9. Custodian of the Endowment: The Finance Officer, NEHU, shall be the custodian of the Endowment Fund and he shall be a Special Invitee to the Selection Committee as provided at Clause 5(c). He shall maintain all accounts in respect of this Endowment.

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FORMAT OF NOMINATION

(The President of India, Dr. Shanker Dayal Sharma Gold Medal Award)

1. Name of the Student :
(In Block Letters)
2. Name of the Department :
3. Year of Passing the Final :
Exam M.A./M.Sc/M. Com/M. Sc.
Agri./M.Lib.Sc. (Strike out
which is not applicable
supported by the attested
copy of marksheet)
4. Mailing Address of the :
Student
5. Percentage of Marks in the :
P.G. Final Examination. (To
be supported by a Rank
Certificate from Controller
Examination, NEHU)
6. Character and conduct
Certificate from the
concerned Head of the
Academic Department
(in original)
7. Certificate indicating Extra:
curricular Activities of the
nominated student (in original)
8. Social Service certificate of:
the Nominated Student (in
original).

The statement given above is true to the best of my knowledge
and belief.

Head of the Department

Date: _____

Item No.6 ADMINISTRATIVE MATTERS :

6:2 - Appointment/Creation-upgradation of posts/
Confirmation/Extension/Option/Transfer/Release/
Termination

(xvi) Confirmation of Service of Dr.R.N. Sharan,
Reader, Department of Biochemistry.

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Dr. R.N. Sharan was appointed as Reader, Department of Bio-Chemistry, NEHU, Shillong on 10.4.92 and placed on probation for one year. He has now complete the probation and he is due for confirmation as Reader in the University.

The Head Department of Bio-Chemistry has recommended, stating that he found Dr. Sharan suitable for confirmation. Dr. R.N. Sharan has also filled in the Appraisal form and submit the same which will be tabled by the Chair.

The matter is place before the Council for consideration of confirmation from 10.4.92.

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(xvii) Confirmation of Service of Dr. B.S. Mipun,
Reader of Geography Deptt.

Dr. B.S. Mipun was appointed as Reader, Department of
Geography on 18.8.93^(AN) and placed on probation for a period of one year.
He has completed his probation period on 18.8.94.

The Head Department of Geography has certified that
the work and conduct of Dr. B.S. Mipun is satisfactory and
recommended that he may be confirmed as Reader. Dr. Mipun had
submitted his self appraisal from which will be tabled by the chair.

The matter is placed before the council for confirmation
of the service of Dr. B.S. Mipun as Reader from 18.8.93 i.e. date of
joining.

(xviii) Confirmation of service of Dr. T.B. Subba, Reader, Department of Anthropology, NEHU, Shillong.

Dr. T.B. Bubba, Reader, Department of Anthropology, NEHU, joined the University on 3.9.91 and completed his probation period of one year on 3.9.92. He is now due for confirmation of his services as Reader.

The Head of Department of Anthropology has strongly recommended Dr. Subba's confirmation as Reader. T.Subba has also submitted the Appraisal forms which will be tabled by the chair.

The matter is placed before the Council for consideration of confirmation w.e.f. 3.9.91 i.e. date of joining.

(xix) Termination of service of Shri Lalsangzuala, Peon,
NEHU, Mizoram Campus, Aizawl.

Shri Lalsangzuala, Peon was appointed in this University with effect from 1.10.84 and posted in Mizoram Campus, Aizawl. The Mizoram Campus authorities have reported that he has absconded from duty with effect from 13.4.94 without authority till-date.

Accordingly show cause notices, explanation & memorandum were sent to him by the Mizoram Campus authorities at his last known address but these met without any response from him.

When efforts to secure the attendance of Shri Lalsangzuala have failed the Headquarters instructed the Mizoram Campus to notify his absence in the News-papers with direction that he should report for duty within 15(fifteen) days from the date of such notification, failing which the case will be decided as per rules. The said notification was published on 8.11.94 in the Local News-Paper namely VANGLAINI as records shows that Shri Lalsangzuala belongs to Mizoram State. This also met with no response till-date and his whereabouts are not known to the University.

As the said Shri Lalsangzuala is still a temporary employee, the University may terminate his services as per Rules.

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

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- (xx) release of Smt. Pramila Gurung Lecturer Pachhunga University College, on lien for a period of one year and confirmation of her service.

Smti. Pramila Gurung joined Pachhunga University College, Aizawl on 3/4/89 as Lecturer in English Department.

She was offer appointment as Lecturer in English Department of Education Sikkim Government and she has requested for release from Pachhunga U iverwity College with lien for a period of one year to enable her to join the new assignment. Her application for the post has been forwarded by the U_niversity through proper chanel.

The Principal Pachhunga U iversity College release her with effect from 26- 6- 94 In anticipation of the approval of the Vice-Chancellor.

Smt.Gurung has completed more than five years services and is due for confirmation.

Her release has not been placed in the Executive Council as her confirmation case has not been finalised.

Smt.Gurung has now submitted her self appraisal form throuth the Principal, Pachhunga U iversity College Aizawl, The Principal Pachhunga U Niversity-College has also recommended that her services be confirmed.

The matter is now placed before the Executive Council for consideration of the following.

(a) Confirmation of the service of Smt.Pramila Gurung as Lecturer, Pachhunga University College with effect from 3-4-89. (i.e. date of joining).

(b) Ratification/Approval of the Executive Council to release her on one year lien with effect from 26-6-94 to enable her to join the Sikkim Government College.

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(xxi) Agenda item to be placed for consideration of the 85th EC meeting on 28/3/95 regarding representation of Prof. Tlanglawma for permission to allow him to join as Professor on 29/6/91.

Dr. Tlanglawma was recommended for appointment as Professor by the Selection Committee which met on 2/5/91. The same Selection Committee also recommended the appointment of Dr. M. Lalwani and Dr. S.K.Mishra as Professors. Whereas the above two teachers could join in the month of July and August, 1991 Dr. Tlanglawma could not do so because the earlier EC did not approve the appointment of Dr. Tlanglawma as Professor in Economics vide resolution No.EC:72:91:6:02(i). The matter was again referred to the EC which vide resolution No.EC:74:92:06:1(vii) dated 9/3/92 resolved to approve the recommendation of the Selection Committee for appointment of Dr. Tlanglawma as Professor in Economics. Thereafter the matter was referred to the Ministry for decision of the Visitor vide Annexure 1 and reply of the Ministry dated 29/9/94 is placed at Annexure 2. Letter referred to by the Ministry in their reply dated 29/9/94 is the reminder to the University's letter at Annexure 1. On receipt of the clearance from the Ministry the University offered the appointment of Professorship in Economics at Mizoram Campus, Aizawl to Dr. Tlanglawma who joined on 4/1/95. After his joining he submitted representation dated 13/3/95 which is at Annexure 3 below. His claim is that since he was selected by the Selection Committee which met on 2/5/91 but through no fault of his was not allowed to join thereafter but could join only on 4/1/95, he should be allowed to join as Professor on 29/6/91.

His demand was referred to the Accountant General, Meghalaya, Shillong vide Annexure 4. The reference is as to whether Dr. Tlanglawma could join in the year of selection itself as Professor and if so, whether he is entitled to arrear salary as well. The reply of the AG is at Annexure 5 according to which Dr. Tlanglawma may join on a later date but retain his seniority in accordance with his position in the original panel provided that the panel was extended.

- 2 -

Dr. Tlanglawma having been allowed to join in January, 1995 after clearance of his case by the Visitor the panel under which he was empanelled as Professor has therefore been extended automatically although no official order to this effect have been made. As such and in view of the advise of the Accountant General, Dr. Tlanglawma will retain his seniority as per the panel prepared by the Selection Committee which recommended his appointment as Professor in Economics although his date of joining will remain unchange, i.e. on 4/1/95. Consequently, Dr. Tlanglawma will not be entitled to any arrear salary since his date of joining is 4/1/95 with seniority from 1991. It may be mentioned herein that the offer letter to the other candidates who were recommended for appointment alongwith Dr. Tlanglawma by the Selection Committee which met on 2/5/91 was issued to them on 12/7/91.

The matter is placed before the EC for consideration.

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6:2:21(3)

ANNEXURE - V

OFFICE OF THE ACCOUNTANT GENERAL(A&E)
MEGHALAYA ETC., SHILLONG-7930 01

No. DAG(A)/Misc/1234

Dtd., Shillong the 23rd March, 1995.

To

The Registrar,
North-Eastern Hill University
Shillong

Subject: Date of joining of officers.

Sir,

I am to refer to your letter No.F.17-150/Estt.II/95-6064, dated 23-03-1995 on the subject indicated above and to state as follows:-

- 1) It is presumed that in the instant case the panel was extended. If so, the incumbent concerned will get his seniority in accordance with his position in the original panel though he had joined on a later date as per Central Rules.
- 2) As per Central Govt. Rules, on initial appointment, the pay of a Govt. servant is fixed at the minimum of the time of scale of pay. However, the authority concerned may fix the initial pay at a higher stage in accordance with the provision contained in G.I.M.G. O.M. No.F.10(2)-Estt.III/55, dated 15.12.55 (incorporated as GID (3) below F.R.27). We are not aware if similar provision exists in North Eastern Hill University.
- 3) Regarding the question of arrear salary there is no such provisions in the existing rules.

Yours faithfully,

Sd/-
Deputy Accountant General(A&E).

6:3 - Leave/Deputation-

- (i) Extension of Study Leave in respect of Mrs. Veena Saraf, Lecturer, Department of Library & Information Sciences, NEHU, Shillong.

Mrs. Veena Saraf, Lecturer, Deptt. of Library & Information Science, NEHU, Shillong, was granted study leave for a period of 6 months w.e.f. 2.5.94 to enable her to collect data and complete her Ph. D. thesis, vide E.C. Resolution No. EC:84:94:6:3 (v) dated 8.12.94

Now, Mrs. Saraf, request this office for an extension of the above study leave for a period of another 6 (six) months w.e.f. 2.11.94. The extension sought for has duly been recommended by the School Board held on 15.12.94.

The matter is placed before the Executive Council for decision.

6:6 - Service Condition/Financial & Other Benefits-

- (iii) Retention in Service or premature retirement of Non-Teaching Staff.

The appropriate authority enjoys under FR 56(J) the absolute right to retire any Govt. employee if it is necessary to do so in public interest provided that in the case of an employee belonging to Group A or B Service or post who entered Service before attaining the age of 35 years he can be retired after he has attained the age of 50 years. In any other case, the employee can be retired after he has attained the age of 55 years and if such employee is a Group D Official, he can be so retired only if he has entered service after 23.7.66. This is in addition to members of Group C Service or post who can also be retired after 30 years service under FR 56(1) if he is not Governed by any Pension Rules. Under Rule 48 of the CCS(Pension) Rules, a Govt. employee of any group can be prematurely retired irrespective of his age if he has completed 30 years of qualifying service. There are provisions for employees to seek voluntary retirement after attaining the age of 50/55 or after completion of 30 years of qualifying service. There are provisions for employees to seek voluntary retirement after attaining the age of 50/55 or after completion of 30 years service as the case may be.

The right to retire the employee by the appropriate authority is normally resorted to in respect of those employees whose integrity is doubtful or who are ineffective. For this purpose, the Review Committee, consisting of 2 or 3 seniormost officers of the Department/Office, takes up the review of Group A or B employees who will attain the age of 50 years six months hence and of any other group, six months before the Official attains the age of 55 years or has completed 30 years qualifying Service. If the Committee recommends premature retirement of any Official, the appropriate authority shall take action accordingly.

Some Group A and B employees of the University have already crossed the age of 50/55 years and others will now be attaining the above age in due course. Since it is compulsory in Govt. of India's depts. to review all such cases six months before they attain the age limit specified, the University may also consider such review in the interest of smooth and efficient administration. If it is decided that the University also adopt the instructions of the Govt. of India in this regard then the Vice-Chancellor may be designated as the "Appropriate Authority" and the Registrar, Finance Officer and Controller of Examinations may be appointed members of the Review Committee under the chairmanship of the Registrar. The relevant rules, procedure, etc framed by the Govt. of India for this purpose are annexed.

The matter is placed before the Council for consideration.

INSTRUCTIONS REGARDING PREMATURE RETIREMENT OF CENTRAL GOVERNMENT
SERVANTS.

(4)

Consolidated Instructions

With a view to improving efficiency and strengthening administrative machinery at all levels, Government have the absolute powers under Fundamental Rules, CCS(Pension) Rules, 1972 and Civil Service Regulations, to retire a Government employee in the public interest, before his normal date of retirement, on attaining a specified age or on completing a specific length of service. However, in order to ensure that the power, conferred on the authorities empowered to retire a Government employee prematurely is exercised fairly and impartially and not arbitrarily, instructions have been issued from time to time laying down the criteria and procedure to be followed before a Government employee is retired prematurely. Further, a detailed procedure has also been laid down for consideration of representations from Government employees who are served with the order or notice of premature retirement. As the various instructions have been issued over a period of time, they have now been consolidated in the succeeding paragraphs of this Memorandum for the information and guidance of the authorities concerned.

1. Rules Position:

(1) In accordance with the provisions of Fundamental Rule 56(1) the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any Government employee as follows :-

(i) If he is in Group 'A' or 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years :

(ii) In any other case, after he has attained the age of 55 years provided that in the case of a Group 'D' Official, such action can be taken if he entered service after 23rd July, 1966.

In other words, a Government servant belonging to Groups 'A' and 'B' who has entered Government service after attaining the age of 35 years, and Officers belonging to Groups 'C' and 'D' can be prematurely retired after they have attained the age of 55 years with the exception of Group 'D' Officials, who entered service on or before 23rd July, 1966.

(2) In addition, a Government servant in Group 'C' service or person who is not governed by any pension rules, can also be retired after he completed thirty years service, under FR 56(1).

Contd....

- (3) Identical provisions exist in Article 459 of the Civil Service Regulations.
- (4) Provisions also exist in Rule 48 of the CCS (Pension) Rules, 1972 for the retirement of a Government employee by giving him three month notice, if it is necessary to do so in public interest, after he has completed 30 years of qualifying service for pension. In other words, a Government employee who may belong to Groups 'A', 'B', 'C' or 'D' can be prematurely retired, irrespective of the age at the appropriate time, after he completed 30 years of qualifying service.
- (5) Provisions exist in the relevant rules which confer reciprocal on Government employee to seek voluntary retirement after he has attained the age of 50/55 years or has completed 30 years of qualifying service as the case may be.

II. Criteria, Procedure and Guidelines

In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, it has been decided to lay down the procedures and guidelines for reviewing the case of Government employees covered under the various aforesaid rules as mentioned below:-

- (1) The case of Government servant covered FR 56(1) or Rule of the CCS(Pension) Rules, 1972 or CSR 459(h) should be reviewed months before they attain the age of 50/55 years or complete 30/^{years of}service/30 years of qualifying service, whichever occurs earlier.
- (2) Committees shall be constituted in each Ministry/Department Office, as shown in Annexure II, to which all such cases shall be refer^{red}/for recommendation as to whether the Officer concerned should be retired from Service in the Public interest or whether he should be retained in Service.
- (3) The criteria to be followed by the Committee in making recommendations would be as follows :-
 - (a) Government employees whose integrity is doubtful will be retired.

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INSTRUCTIONS REGARDING PREMATURE RETIREMENT

- (b) Government employees, who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he is holding.
- (c) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years period his service in the highest post, has been found satisfactory.
- (d) No employee should ordinarily be retired on ground of ineffectiveness, if in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case.
- (4) The appropriate authority shall take further action for the recommendations of the committee. In every case, where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule(s), the appropriate authority should record in the file that it has formed its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule(s) in the public interest. In case of Union of India versus Col. J.N. Sinha, the Supreme Court had observed that the appropriate authority should bona fide form an opinion that it is in public interest to retire the Officer in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds.
- (5) The rules relating to premature retirement should not be used:-
- (a) to retire a Government servant on grounds of specific acts of misconduct, as a short cut to initiating formal disciplinary proceeding; or

Contd....

(b) for reduction of surplus staff or as a measure of effecting general economy without following the rules and instruction relating to retrenchment.

(6) Omitted.

(7) Once a decision has been taken by the appropriate authority to retain a Government employee beyond the age of 50 years in the case of employees referred to in FR 56 (1)(i) or beyond the age of 55 years in the case of others or beyond the date of completion of 30 years service under FR 56(1) or 30 years of qualifying service for pension under Rule 48 of the CCS(Pension) Rules, he would ordinarily continue in service till he attains the age of retirement. If, however, the appropriate authority considers at any time after a review aforesaid that the retention of the Government employee will not be in the public interest, that authority may take necessary action to retire the officer by following the procedure laid down in this OM.

(8) When the appropriate authority has come to the conclusion that a Government employee may be prematurely retired, the three months notice referred to in FR 56(j) and FR 56(l) may be given before the Government servant attains the specified age or has completed 30 years of service, as the case may be. But, the retirement should take place after Government servant has attained the relevant age or has completed 3 years of service, as the case may be. In this connection, attention is invited to Note 2 under FR 56. Accordingly, a notice even longer than three months or before the Government servant attains the age of 50/55 years/completes 30 years' service could be given but the date from which he is required to retire as specified in the notice should not be before he attains the age of 50/55 years, or completes 30 years' service, as the case may be. Similarly, in cases of retirement under Rule 48 of the CCS (Pension) Rules, 1972, while the notice of such retirement could be given before the Government servant actually completes 30 years of service qualifying for pension, the date of expiry of the notice on which the Government employee's retirement would be effective should be one falling on or after the date of his completing 30 years of service qualifying for pension. In this connection, attention is also invited to the Ministry of Finance, O.M. No.F.12(8)/E.V(A)/60, dated the 6th July, 1960 (See Decision No (1) in this Appendix), in which it has been stated inter alia that order requiring a Government employee to retire after completing 30 years' qualifying service should, as a rule, not be issued until after the fact that the Government employee has indeed completed, or would be completing the date of retirement, qualifying service of 30 years, has been verified in consultation with the account/audit officer concerned.

(9) While computing the notice period of not less than three months referred to in clause (j) to (m) of FR 56, or in Rule 48 of the CCS(Pension) Rules, 1972, the date of service of the notice and the date of its expiry shall be excluded. The date of premature retirement of Government employee should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.

(10) The notice of retirement served on a Government employee pursuant to the aforesaid rules will be as in the forms set out in Annexure-III. While Forms I and II may be used to serve the notice of retirement in a case where a Government employee has already attained age of 50/55 years or completed 30 years of qualifying service/30 years service, as the case may be, Form III or IV may be used in a case when it is decided to serve the notice of retirement

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before a Government servant actually attains the age of 50/55 years or completes 30 years of qualifying service/30 years of service, as the case may be. The proforma ordering retirement in the public interest forthwith under Form 56(j) or Rule 48 of the CCS (Pension) Rules, 1972, where it is decided to dispense with the three months' notice, will be as in Forms V and VI.

(11) In a case where a Government employee refuses to accept service of notice of retirement or order of retirement along with cheque/cash equivalent to three months' pay and allowances, it should be ensured that the refusal of the Government employee is witnessed by two Gazetted Officers. In such a case, a copy of the notice/order of retirement may be sent under registered post with acknowledgement due to the individual concerned at the last officially known address, with covering letter, stating that the original notice/order of retirement was taken by such and such person for delivery to him/her on such and such date and that he/she refused to accept the same and in the said circumstances, its copy is being sent by registered post for his/her record. In such a case, the date of effect of the notice of retirement/order of retirement would be from the forenoon of the date following the date of refusal by the individual (witnessed by two Gazetted officers). Where the person concerned has refused to accept the cheque/cash equivalent to three months' pay and allowances, the same procedure that is followed in case where a Government employee has failed to accept his/her dues from Government may be followed, in so far as its disbursement is concerned.

III. Procedure for consideration of representations

(1) A Government employee who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation with ⁽¹⁾three weeks from the date of service of such notice/order.

(2) On receipt of a representation, the Administrative Ministry/Department/Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks, from

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the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for consideration. The composition of the Committee for the purpose of considering the representations against premature retirement shall be as indicated in Annexure-II.

(3) The Committee considering the representation shall make its recommendation on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the committee on the representation.

(4) If, in any case, it is decided to reinstate a prematurely retired Government employee in a service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty or as leave or dies non, as the case may be, taking into account the merits of each case.

(5) In the cases of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employees has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated Government servants notionally with effect from the date of compulsory retirement and treat the period up to the date of superannuation, as duty, leave or dies non as may be considered appropriate by the competent authority. (Also see proviso to FR 56(jj)).

(6) Representations from Government employees who have been served with a notice/order of premature retirement, but have obtained order(s) from a Court against the order/notice of premature retirement need not be considered by the Administrative Ministry/Department/Office nor sent up to the Committee until the disposal of the Court. Thereafter the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the Court's judgment.

(7) As and when representations are received from affected employees against the orders of premature retirement relating to the period of emergency, or on receipt of a fresh representation in such cases, even if an earlier representation against the premature retirement had already been considered by the appropriate committee and rejected, they should be examined by the appropriate 'Representation' committees which shall take special care to see that.

(a) Over-rigorous standards were not applied at the time of original review in the matter of judging ineffectiveness of the employee on account of a mistaken sense of overzealousness; and

(b) premature retirement was not resorted to as a means of political or personal victimisation.

(8) It should be ensured that review of cases of the employee prematurely retired during the emergency is conducted by a Committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely.

IV. Time schedule for review

In order to ensure that the review is undertaken regularly and in due time Ministries/Departments are requested to maintain a suitable register(or registers) of employees under their control or who belong to cadres/ services controlled by them, who are due to attain the age of 50/55 years or complete 30 years of service, as the case may be, and also to instruct their attached and subordinate offices to take similar action. This register should be scrutinised at the beginning of every quarter by a senior officer in the Ministry/ Department and in attached and subordinate offices, and the review undertaken according to the following schedule:-

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| Quarter in which review is to be made | Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed |
|---------------------------------------|--|
| 1 January to March | July to September of the same year. |
| 2. April to June | October to December of the same year. |
| 3. July to September | January to March of the next year. |
| 4. October to December | April to June of the next year. |

Ministry of Finance, etc., are requested to bring the contents of this Office Memorandum to the notice of all the officers concerned for their guidance and compliance.

(G.I., M.H., Dept. of per. & A.R., O.M. No. 25013/14/77. Estt. (A) dated the 5th January, 1978)

ANNEXURE-I

(Extracts of the relevant rules from Fundamental Rules, Civil Service Regulations and Central Civil Services (Pension) Rules, 1972)

Not printed

ANNEXURE-II

CONSTITUTION OF COMMITTEES

| Classification | Composition of Review Committee | Composition of Representation Committee |
|---|--|---|
| 1 | 2 | 3 |
| 1. Gazetted Officers holding posts, initial appointment to which is referable to the Appointments Committee of the Cabinet. | 1. The Senior Selection Board in respect of Officers of the rank of Joint Secretary or equivalent or the Central Establishment Board in respect of Officers above the rank of under Secretary but below the rank of Joint Secretary or equivalent, as the case may be, will make its recommendations which will be placed before the Appointments Committee of the Cabinet for orders. In respect of Officers of the rank of Additional Secretary, Special Secretary and Secretary to Govt. of India, Cabinet Secretary will make his recommendation directly to the Appointments Committee of the Cabinet for orders: | 1. The Senior Selection Board shall make its recommendations to the Appointments Committee of Cabinet for order. For purpose of representation of the Officers concerned to be sent by the Cadre Controlling Authority or the Administrative Ministry / Department to the Office of Establishment Officer/ Department of Personnel / Administrative Reform. |

Item No. 7 FINANCIAL MATTERS:

7:1-Finance Committee-

(i) Nomination of members of the Finance Committee

Clause 1(iii) of Statute 19 provides that the Executive Council is to nominate three persons as members of the Finance Committee at least one of whom should be a member of the Executive Council.

The members who were nominated as such were the Director of Higher and Technical Education of Mizoram and the Director Public Instruction of Meghalaya whose terms of membership will expire on 28.5.1995 and Prof. Junjappa who was nominated in the last meeting of the Council.

The matter is placed before the Council for nomination Vice the two members whose term will expire on 28.5.1995.