

A G E N D A

Sub: Benefits on transfer from other Bodies/Organisations:

Ref: Notification issued under No.4-10/Estt.II/89(Part)
4052 dated 21.12.95.

Govt of India Dept. of Personnel and A.R
O.M No.28-10/84-Pension-unit, dt. 29.08.84,
dt. 9.2.86
dt. 17.6.86
dt. 30.10.86
dt. 20.3.87 &
dt. 13.7.92

Attention is drawn to the circular quoted above wherein it was specified that the Govt. of India orders quoted in the margin provide interalia that in the case of Autonomous Bodies where a pension/CPF benefit scheme is in operation (like NEHU) a State Government/Autonomous Body employees with C.P.F benefits on permanent absorption in NEHU will have the option:

Either

(1) to receive C.P.F benefits which have accrued to him from Govt./Autonomous body and start afresh his service in NEHU.

or

(2) to choose to count service rendered in Govt./Autonomous body as qualifying service for pension in NEHU by foregoing Govt./Autonomous body share of C.P.F contribution with interest.

The Govt. of India order dt. 29.8.84 which grants aforesaid benefits in respect of transfer of Central Govt. servants to Central Autonomous Bodies and vice versa and of employees of Central Autonomous Bodies to another Central Autonomous Body takes effect from 29.8.84. It provides further that the employee concerned shall have to exercise the said option within one year from the date of absorption.

The aforesaid benefits of counting of service has been extended in cases of employees of Central Autonomous Bodies absorbed in State Govts. and State Autonomous Bodies and vice versa to be decided in accordance with the principles only as laid down in Govt. of India order dated 29.8.84. One of the inherent principles lies in the word "absorption" which should be taken note of carefully. In case of an employee who comes on transfer to NEHU and is absorbed in NEHU any date prior to 29.8.84 there is no scope for him to exercise an option under the aforesaid Govt. of India order dated

29.8.84. In case the concept of mobility was not there in Govt. of India order was issued and was given effect from 29.8.84. In the order, the employee joined NEHU on 29.8.84. The employee joined NEHU on 29.8.84.

dated 29.8.84, because the concept of mobility was not there and the Govt. of India order was issued and was given specific effect from 29.8.84 only. If however, the employee had joined NEHU before 29.8.84 and was absorbed in NEHU after 29.8.84 there lies a scope for him to exercise an option. Thus in essence the aspect of mobility takes effect from 29.8.84 only. In case of persons who have come on transfer and was absorbed in NEHU prior to that date the pension rules that were in force as on that date, take care of their pre-NEHU service benefits that were admissible according to the rules in force at that time. Any liberalisation brought in by Govt. of India in Central Pension Rules CPF/GPF rules after his absorption is also automatically extended to him w.e.f the date such liberalisation takes effect. Accordingly, at the behest of the MOHRD, the University in its 68th meeting resolved that Central Rules and orders on GPF/CPF and other pension benefits as may be amended from time to time, be adopted by the University and the benefits be made available from 11.9.86 only.

It may be emphasised that the question of exercising option arises only when a pre-NEHU organisation employee is going to be absorbed in NEHU. It is the pre-NEHU employer to whom the concerned employee gives option to receive the pensionary benefits for the services he rendered there or to get the service benefits accruable to him be transferred to NEHU according to rules prevailing at the moment of absorption. Pensionary benefits are deferred wages to be paid by his employer. NEHU takes care of this aspect from the date of absorption in respect of an employee. NEHU employees who opted to be absorbed in Nagaland University have to submit option to their employer viz. NEHU for the service benefits accruable to them for the services they have rendered in NEHU.

However, this process has been reversed here vide Establishment Notification dated 21.12.95 referred to above to accommodate as many cases as possible without violating the principles of Govt. of India instruction/order, though the risk factor continues. Further

contd....

liberalisation extending the concept of mobility having taken effect from any and every date prior to 29.8.84 to accommodate every case is fraught with risk. The Audit Officer NEHU, therefore, did not agree to grant audit approval to count Dibrugarh University services of Professors who were absorbed in NEHU on a date prior to 29.8.84. The Audit Officer feels that E.C is not empowered to modify either in letter or in spirit the instruction/order of Govt. of India in case of retirement benefits of employees.

It is therefore, brought to the notice of E.C that those who have come on transfer through proper channel and were absorbed in NEHU on or after 29.8.84, their cases only are being considered for the benefit of past service for the purpose of computing pension only, subject to fulfilment of the conditions as already notified in circular dated 21.12.95.

It is proposed that no further representation may be considered in future in this regard.

Extract of para 7 of the Government of India order of 29.8.84 as modified by Government of India order dated 22.2.88 is reproduced below.

" 7. These orders will take effect from the date of issue, viz. 29th August, 1984. The benefits under these orders should also be extended to all those who had retired prior to the issue of these orders and who are otherwise eligible for the benefit of counting of service thereunder. The arrears of pension, if any which become due to the concerned pensioners, would be disbursed to them w.e.f 29.8.84 only and that they would not be entitled to get any relief in respect of the period prior to 29.8.84"

Thus the effective date of Govt. of India aforesaid order in respect of Central Government employees moving from one Central organisation to another Central organisation is only 29.8.84 for those who retires on or after ~~that~~ date as well as for those who had retired prior to 29.8.84.

(xi) Absorption of RSIC Staff in the NEHU Cadre.

No: EC: 92: 97: 6: 6: (xi): The Council considered the absorption of the staff of the RSIC in the University's Non-Teaching staff cadre and RESOLVED that Smti. Rajamma K. L.D.C. and Smti. K. Thangkhiew, L.D.C. may be absorbed within the University structure as and when RSIC comes under NEHU. However, in the case of Shri Joseph P., Assistant, could not be considered as he was not appointed through a Selection Committee in accordance with the University's recruitment policy. His case may be considered as and when he qualified the test as laid down by the University.

(xii) Consideration of Eligibility for promotion of Ms. M. Pyngrope, Lab Assistant, Chemistry Department vis-a-vis the recruitment policy effective date of application of the revised recruitment policy.

No: EC: 92: 97: 6: 6: (xii): The Council considered the promotion case of Ms. M. Pyngrope, Lab. Assistant, Chemistry Department and RESOLVED that her case alongwith that of Shri B. Das, Store-Keeper may be placed before the Advisory Committee for Cadre Management.

(xiii) Special Duty Allowance (SDA) in North-Eastern Region.

No: EC: 92: 97: 6: 6: (xiii): The Council considered the grant of Special Duty Allowance to the employees of the University and RESOLVED that in view of the Supreme Court's judgement the same may be dis-continued with effect from 1.4.1997.

(xiv) Benefits on transfer from other Bodies/ Organisations.

No: EC: 92: 97: 6: 6: (xiv): The Council considered the benefits on transfer from other Bodies/Organisations and RESOLVED that para-7 of the Government of India's Orders of 29.8.84 may be read with Government of India's Order of 22.2.1988.

Contd/.../-