

(vii) Re-Employment of Prof.Y.S.T.Rao

The 111<sup>th</sup> Executive Council, resolution No.111:2002:6:2: (i) while considering the re-employment of teachers after retirement on superannuation resolved that re-employment rules as framed by the University be strictly followed, but with the exception that the Registrar shall ask the teacher if he/she is interested in re-Emp-loyment at least one year before the date of his retirement, accordingly on receipt of the consent from Prof.Y.S.T.Rao, his application alongwith Medical fitness(at Annexure-I) was referred back to the Head of Department Physics for his comments. However, Prof. M.K.Parida, Head of Department Physics, has observed without the endorsement of the Departmental meeting that the procedure under the amended Rule RF-2, for re-employment has been violated as Prof.Y.S.T.Rao did not submit his application for consideration within the stipulated period of 1(One) year prior to the date of retirement(Annexure-II) and has returned the application without any recommendation.

The minutes of the 111th Executive Council held on 11.12.01 modifying the procedure under Rule-2, where rather a teacher applying for extension, the Registrar shall ask the teacher for his consent, was made available in January 2001 and Prof. Y.S.T.Rao was called for his consent on 28.2.2002. Hence due to change in policy and time factor, the 1(one) year stipulation could not be strictly followed.

Prof.Y.S.T.Rao joined the University w.e.f 22.9.76 and has been associated in the teaching and research work in the Department of Physics since then. His date of birth as per the official record is 5.8.1940 and is due for retirement on attaining the age of 62 years on 31.8.2002.

The matter is placed before the Council for decision.

6:2:7(2)

ANNEXURE - I

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To,

The Vice-Chancellor  
NEHU,  
Shillong.

Through the Registrar, NEHU.

Dear Sir,

Sub : Application for reemployment.

In a letter dated 28.02.2002, the Registrar asked for my consent to being considered for re-employment. Following this I have given my consent and making this formal application to be considered for reemployment for a period of three years under Rule RU-2.

I joined this University on September 22, 1976 and have been teaching from the very first batch of Physics students and have completed twenty five years of service at NEHU. All the three Doctoral students after completion are comfortably employed. I had been the Head of the Department thrice. I am due to retire by the end of coming August(2002) and would like to continue in the Department under the Scheme of Reemployment of teachers on retirement as per the existing regulations.

I request you to consider my case favourably and appoint me under the scheme.

Thanking you,

With regards,

Yours sincerely,  
Sd/-  
( Y.S.T.Rao )  
Professor  
Deptt.of Physics,  
NEHU, Shillong.

NORTH-EASTERN HILL UNIVERSITY  
UNIVERSITY HEALTH SERVICES

MEDICAL OFFICER

Date 4.3.02

TO WHOM IT MAY CONCERN

This is to certify that

Mr/Mrs/Miss Prof. Y.S.T. Rao has been carefully  
examined by me and that he/she possesses good physical  
and mental health; he/she is fit to continue his/her  
academic activities.

Sd/-

Dr.V.S.V.Prasad MBBS  
Reg.No.7380  
Senior Medical Officer  
NEHU Health Centre  
Shillong.

%%/%%/%%

Yours sincerely,

(Y.S.T.Rao)  
Professor  
Deptt. of Physics,  
NEHU, Shillong.

NORTH-EASTERN HILL UNIVERSITY  
NEHU CAMPUS, SHILLONG-793022(Meghalaya)

No.69

To,

Date 05.06.2002

Professor Mrinal Miri  
Vice-Chancellor  
NEHU, Shillong - 793 022

Sub :- Re-employment application of Professor Y.S.T.Rao(not submitted through the Department)

Ref :- Letter No.F.42-15/2/Estt.II(A)/2002-4983 dated 03.05.2002 from Deputy Registrar(Estt.II) and this office letter No. 10 dated 09.04.2002 from H.O.D(Physics),NEHU,Shillong.

Sir,

With reference to my meeting and discussion with you dated 31.05.2002, I am writing this in response to the letter of Deputy Registrar(DR)(Estt.II), NEHU cited above on the re-employment application of Professor Y.S.T.Rao, Physics Dept., NEHU, Shillong dated 4.3.2002.

I am very much thankful to the DR(Estt.II) for kindly bringing the resolutions of the 66th Academic Council(AC) and the 111th Executive Council(EC) to my notice about which I was already aware.

On examination I find that the process of receiving this application has already violated existing rules and resolutions and the application cannot be considered further.

My observations and comments in relation to the existing rules and resolutions are given below for your kind perusal and consideration.

(A) "RU-2" for reemployment of teachers :

The Procedure for application under "RU-2" states:

"Application for re-employment should be made by the teacher concerned to the Vice-Chancellor through the Department approximately one year prior to the date of retirement....."

Since Prof.Rao is due to retire in August 2002, he should have applied for re-employment through the Department in August-September, 2001 and the Department would have sent its comments and resolutions as per "RU-2". But Professor chose not to submit the application in time following the procedure laid down under "RU-2" even though he was very much available in the Department.

Instead he has submitted his application directly(not through the Department) and only after a long delay of six months. Therefore the application violates the provisions of "RU-2" as specified in the procedure cited above.

Contd...../- 2

(B) AC and EC Resolutions :

The relevant parts specifying the cut-off time as one year before retirement are quoted below from each resolution.

66th Academic Council Resolution(AC:66:2001:6:2:(1) :

"...Resolved that the rules as framed by the University be followed. However, the rules are to be strictly adhered to and rather than the teacher applying for extension, the office may ask the teacher if she/he is interested in re-employment at least one year before the date of her/his retirement."

111th Executive Council Resolution(EC:111:2001:6:2:(i) ):

"The Council considered reemployment of teachers after retirement at the age of 60/62 years in the Universities/Colleges and RESOLVED that the reemployment rules as framed by the University be strictly followed. However, rather than a teacher applying for extension, the Registrar shall ask the teacher if he/she is interested in reemployment atleast one year before the date of his/her retirement."

In the case of Professor Rao violations of the AC and the EC resolutions have occurred in the following respects:

(1) Since the 66th AC resolution were taken in November 2001 specifying at least one year before retirement for asking consent, obviously, the said resolutions are applicable to teachers retiring after November 2002. Since Professor Rao is retiring in August 2002, asking for his consent for reemployment is a clear violation of the resolution.

(2) As stated by Professor Rao himself in the application, he was asked for consent on 28.2.2002 which is barely six months before retirement. Thus both the AC and EC resolutions are badly violated.

(3) The AC and EC resolutions are to be implemented vis-a-vis the rule "RU-2" without superceeding or relaxing the criteria for the time of application specified in the latter. The resolutions also emphasize: "the rules are to be strictly adhered to "or" the reemployment rules as framed by the University be strictly followed"

Professor Rao has also expressed in his application for being considered under "RU-2".

Going by the spirit and the content of RU-2, any application for reemployment is to be submitted approximately one year before retirement. Thus Professor Rao's application dated 4.3.02 is delayed too much by six months beyond the permissible time in clear violation of norms, procedures and rules of the University.

(4) The one year cut-off time specified in the resolutions regarding asking for consent also implies the submission of consent/application by the concerned teacher around the same time. In the present case both the dates regarding asking for consent and submission of application by Professor Rao are delayed by six months beyond the time limit specified by the rules and the resolutions. Thus the rules and the resolutions, ~~are~~ instead of being strictly followed, have been badly violated.

In summary, the AC and the EC resolutions apply to those retiring after November 2002 and not to Prof. Y.S.T. Rao who is due to retire in August 2002. Both the dates of asking for consent from Prof. Rao and submission of application by him, barely before six months of retirement, badly violate the resolutions as well as the rule "RU-2" for reemployment of teachers.

Any further consideration of the application would set a very bad precedence against the existing rules and the AC and EC resolutions which is likely to be misused in near future.

Thanking you,

With best regards,

Yours sincerely,

Sd/-

M.K. Parida

H.O.D, Physics.

## (vi) Appointment of Head, Department of Commerce.

EC:113:2002:6:2:(vi): This item is read alongwith Item No. 3 (iv).

## (vii) Re-employment of Prof. YST Rao.

EC:113:2002:6:2:(vii): The Council considered the re-employment of Prof. YST Rao and while observing that the office should not have written to him asking for his consent for re-employment as he was due to retire in the month of August, 2002 and that since the Department has not given its comments for his re-employment, the Council RESOLVED that he may be re-employed until the next meeting of the Council and the views of the Department may be sought during the intervening period.

## (viii) Appointment of Head, Centre for Supportive Learning Systems.

EC:113:2002:6:2:(viii): The Council considered the appointment of the Head for the Centre for Supportive Learning Systems and RESOLVED that since Prof. MM Singh does not appear to be interested in the assignment since he has not taken charge the offer of appointment as HOC may be given to Prof. B. Lyndem and if she declines the offer may be made to Prof. MC Pandey.

## (ix) Extension of the term of appointment of Prof. SK Gupta as Visiting Professor.

EC:113:2002:6:2:(ix): The Council considered the extension of the term of Prof. SK Gupta as Visiting Professor and RESOLVED to regret the same.

**6:3- Leave Deputation etc.**

## (i) Grant of extension of EOL to Shri Thomas Job, K. Scientific Officer, RSIC.

EC:113:2002:6:3:(i): The Council considered grant of extension of EOL to Shri Thomas Job.K., Sceintific Officer, RSIC, for a period of two years and RESOLVED that since he has already availed of two years EOL, he may be granted extension for a period of one year only.